

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE HOUSE COMMITTEE ON
HEALTH

TWENTY-SIXTH LEGISLATURE
Regular Session of 2012

Friday, March 16, 2012
9:30 a.m.

TESTIMONY ON SENATE BILL NO. 2103, S.D. 2, RELATING TO HEALTH.

TO THE HONORABLE RYAN I. YAMANE, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Lee Ann Teshima, Executive Officer for the Board of Nursing ("Board"). I appreciate the opportunity to testify on Senate Bill No. 2103, S.D. 2, Relating to Health. The Board has no objections to the proposed amendment to the definitions of "the practice of nursing as a licensed practical nurse" and "the practice of nursing as a registered nurse" that would allow both a licensed practical nurse and a registered nurse, to carry out the prescribed medical orders of a physician, delivered through a physician assistant who is acting as an agent of the supervising physician.

In current practice, licensed practical nurses may "function" as part of a health care team, under the direction of a dentist, physician, osteopathic physician, registered nurse, osteopath, or podiatrist licensed in accordance with chapter 448, 453, 457, 460, or 463E. Registered nurses, using reasonable judgment, are able to carry out the prescribed medical orders of a physician, delivered through a physician assistant who is acting as an agent of the supervising physician.

Consequently, although current practice allows the licensed practical nurse and registered nurse to carry out the prescribed medical orders of a physician through a

Testimony on Senate Bill No. 2103, S.D. 2
Friday, March 16, 2012
Page 2

physician assistant who is acting as an agent of the supervising physician, the Board does recognize that the proposed amendment would clarify this practice and therefore has no objections.

Thank you for the opportunity to testify in support of Senate Bill No. 2103, S.D. 2.



HAWAII MEDICAL ASSOCIATION

1360 S. Beretania Street, Suite 200, Honolulu, Hawaii 96814
Phone (808) 536-7702 Fax (808) 528-2376 www.hmaonline.net

TO: COMMITTEE ON HEALTH
Rep. Ryan I. Yamane, Chair
Rep. Dee Morikawa, Vice Chair

DATE: Friday, March 16, 2012
TIME: 9:30 a.m.
PLACE: Conference Room 329

From: Hawaii Medical Association
Dr. Roger Kimura, MD, President
Linda Rasmussen, MD, Legislative Co-Chair
Dr. Joseph Zobian, MD, Legislative Co-Chair
Dr. Christopher Flanders, DO, Executive Director
Lauren Zirbel, Community and Government Relations

Re: SB 2103 RELATING TO HEALTH.

In Support

Chairs & Committee Members:

Hawaii Medical Association supports this measure and amendments by the Hawaii Academy of Physician Assistants.

This bill serves only to clarify that nurses can execute orders written by physician assistants acting within their scope of practice, as agents of their supervising physicians as per section 168544.5, Hawaii Administrative Rules, "[a] physician assistant may perform those duties and responsibilities delegated by the physician assistant's supervising physician.

It does not increase or expand current existing physician assistant scope of practice.

Furthermore, under section §16-85-49.1 Scope of practice.

(a) A physician assistant shall be considered the agents of the physician assistant's supervising physician in the performance of all practice-related activities as established in writing by the employer.

(b) Medical services rendered by the physician assistants may include, but are not limited to:

- (1) Obtaining patient histories and performing physical examinations;
- (2) Ordering, interpreting, or performing diagnostic and therapeutic procedures...

OFFICERS

PRESIDENT - ROGER KIMURA, MD, PRESIDENT ELECT - STEVE KEMBLE, MD

Immediate Past President – Morris mitsunaga, MD, Secretary - Thomas Kosasa, MD,
Treasurer – Walton Shim, MD, Executive Director – Christopher Flanders, DO

Because the historical process of licensing and regulating the scopes of practice of physician assistants and of registered nurses has developed independently for the two health care disciplines, the relevant regulatory language pertaining to their respective responsibilities with regard to each is unclear, specifically with regard to nurses administering orders given by physician assistants and has led to a lack of clarity between hospital administrators and nurses when physician assistants write or give verbal orders in the hospital setting. □

The Board of Nursing, in its Minutes of Meeting, dated November 7, 2003, at pages 5-6, addressed the issue of "Nurses Taking Orders from Physician Assistants (§457-2, HRS) (§16-85-49.1(b)(2), HAR)." The meeting minutes reflect the Board of Nursing's conclusion: "The Board agrees that the law allows a PA, as an agent of the supervising physician, to order procedures which presumably a registered nurse should be able to take and fulfill."

The amendment to Chapter 457-2, Hawaii Revised Statutes simply amends the statute to indicate what the nursing board has already opined, that nurses can execute orders given by physician assistants acting as agents of their supervising physician... *or utilization of reasonable judgment in carrying out prescribed medical orders of a licensed dentist, medical doctor, osteopath, or podiatrist licensed in accordance with chapter 448, 453, 460, or 463E or the orders of an advanced practice registered nurse recognized in accordance with this chapter or a physician assistant licensed in accordance with chapter 453 and practicing with physician supervision as required by chapter 453.*

Alleviating any confusion on this issue will allow for improved and expedited health care delivery in the hospital setting and will further serve to indemnify nurses who execute orders written by physician assistants acting as agents of their supervising physicians.

Thank you for this opportunity to testify.



THE QUEEN'S HEALTH SYSTEMS

1301 Punchbowl Street • Honolulu, Hawaii 96813 • Phone (808) 691-5900

Representative Ryan I. Yamane, Chair
Representative Dee Morikawa, Vice Chair

HOUSE COMMITTEE ON HEALTH

March 16, 2012 – 9:30 a.m.
State Capitol, Conference Room 329

In Support of S.B. 2103, SD2 Relating to Health

Chair Yamane, Vice-Chair Morikawa, and Members of the Committee,

My name is Cindy Kamikawa, Vice President, Nursing, Trauma, ED and Chief Nursing Officer of The Queen's Medical Center (QMC), testifying in **support** for S.B. 2103, SD2 Relating to Health which clarifies that it is legal for nurses to act on orders from Physician Assistants (PAs).

The Queen's Medical Center is the largest private tertiary care hospital in the State of Hawaii. We offer specialized care in the areas of cardiology, neuroscience, orthopedics, behavioral health, oncology, women's health, emergency services and trauma care. We are designated by the American College of Surgeons as a Level II Trauma Center – the only one in the state. A significant and essential asset of our patient care team is our specialty trained Registered Nurses who enable us to provide high quality patient care to the citizens of Hawaii.

Our nurses work effectively in partnership with an increasing number of PAs in our hospital. This proposal will clearly allow both nurses and PAs to safely and quickly carry forward orders of supervising physicians, resulting in improved patient care.

Therefore, I recommend passage of S.B. 2103, SD2 and appreciate your continued support of nursing and healthcare in Hawai'i.

Thank you for the opportunity to provide testimony in support of this measure.

Written Testimony Presented Before the
House Committee on Health
March 16, 2012, 9:30 a.m.
by
Gail P. Tiwanak, RN, MBA
Executive Director
Hawaii State Center for Nursing

SB 2103, SD2 RELATING TO HEALTH

Chair Yamane, Vice Chair Morikawa, and members of the House Committee on Health, thank you for this opportunity to provide testimony in support of this bill, SB 2103, SD2. This measure amends the definition of "the practice of nursing as a registered nurse" in Section 457-2, Hawai'i Revised Statutes by adding the requirement that practical and registered nurses carry out the orders of a physician that are delivered through a physician assistant acting as an agent of the supervising physician.

The Hawaii State Center for Nursing supports this provision as it clarifies that the physician assistant acts as the physician's conduit who conveys the physician's orders to the registered nurse and that at no time is the physician assistant acting independently.

Further, we respectfully request that a new section be added to amend Section 457-8.5(a)(4), Hawaii Revised Statutes, by:

- Deleting: "leading to a master's degree as a certified registered nurse anesthetist, a nurse midwife, a clinical nurse specialist, or a nurse practitioner"
- Adding: "preparing the nurse for one of the four recognized APRN roles"

We have attached our proposed changes for your consideration as a House Draft 1.

Currently APRNs are required to have a Master's degree in nursing and this precludes nurses who earn their Doctor of Nursing Practice (DNP), but have their Masters in a non-nursing, but related field. This directly impacts DNP graduates of the UHM SONDH Manoa and Hilo which admit licensed RNs possessing Master's degrees in nursing or related field. The Master's degree requirement impedes other states' APRNs with DNPs with non-nursing Masters from being recognized as APRNs in Hawaii, as well.

The National Council of State Boards of Nursing recently reported that all states except Hawaii and West Virginia accept a graduate degree instead of a masters degree language in their laws for APRN licensure /certification. West Virginia is in the process of introducing legislation to change its state practice act to reflect "graduate" degree in nursing instead of "masters" degree as a requirement for APRN licensure. Amending Section 457-8.5(a)(4) will put Hawai'i in sync with the rest of the Nation and the National Council of State Boards of Nursing APRN Consensus Model.

We appreciate your continuing support of nursing and healthcare in Hawai'i. Thank you for the opportunity to testify.

THE SENATE
TWENTY-SIXTH
LEGISLATURE, 2012

S.B. NO.

2103

S.D. 2
Proposed
H.D.1

STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that physician assistants, licensed practical nurses, and registered nurses provide valuable medical care to patients under the orders of licensed physicians. Licensed practical nurses and registered nurses currently must use reasonable judgment in carrying out the prescribed medical orders of a licensed dentist, medical doctor, osteopathic physician, or podiatrist, or the orders of an advanced practice registered nurse. The legislature also finds that the relevant statutory language fails to explain whether licensed practical nurses and registered nurses are required to administer orders given by physician assistants. That lack of clarity has led to confusion between hospital administrators and nurses when physician assistants write or give verbal orders in a hospital setting.

The purpose of this Act is to clarify that licensed practical nurses and registered nurses are required to use reasonable judgment in carrying out the orders of a licensed physician assistant practicing with physician supervision, and acting as an agent of the supervising physician.

SECTION 2. Section 457-2, Hawaii Revised Statutes, is amended by amending the definitions of "the practice of nursing as a licensed practical nurse" and "the practice of nursing as a registered nurse" to read as follows:

""The practice of nursing as a licensed practical nurse" means the performance of those acts commensurate with the required educational preparation and demonstrated competency of the individual, whereby the individual shall be accountable and responsible to the consumer for the quality of nursing care rendered. The foregoing may include, but shall not be limited to: implementation of basic nursing procedures in the plan of care; observing and caring for individuals at all levels of the health spectrum; giving counsel and acting to safeguard life and health and functioning as a part of the health care team, under the direction of a dentist, physician, osteopathic physician, registered nurse, or podiatrist licensed in accordance with chapter 448, 453, 457, or

463E[.]; or under the orders of a physician assistant licensed pursuant to chapter 453, practicing with physician supervision as required by chapter 453, and acting as the agent of the supervising physician; administration of treatment and medication as prescribed; promotion of health maintenance of individuals, families, or groups; or teaching and supervision of auxiliary personnel.

"The practice of nursing as a registered nurse" means the performance of professional services commensurate with the educational preparation and demonstrated competency of the individual having specialized knowledge, judgment, and skill based on the principles of the biological, physical, behavioral, and sociological sciences and nursing theory, whereby the individual shall be accountable and responsible to the consumer for the quality of nursing care rendered. The foregoing may include but shall not be limited to observation, assessment, development, implementation, and evaluation of a plan of care, health counseling, supervision and teaching of other personnel, and teaching of individuals, families, and groups in any stage of health or illness; administration, supervision, coordination, delegation, and evaluation of nursing practice; provision of health care to the patient in collaboration with other members of the health care team as autonomous health care professionals providing the nursing component of health care; or use of reasonable judgment in carrying out prescribed medical orders of a licensed dentist, physician, osteopathic physician, or podiatrist licensed in accordance with chapter 448, 453, or 463E [or the]; orders of an advanced practice registered nurse recognized in accordance with this chapter[.]; or the orders of a physician assistant licensed pursuant to chapter 453, practicing with physician supervision as required by chapter 453, and acting as the agent of the supervising physician."

SECTION 3. Section 457-8.5 (a)(4), Hawaii Revised Statutes, is amended to read as follows:

§457-8.5 Advanced practice registered nurse; qualifications; recognition; endorsement; fees; eligibility. (a) Effective October 1, 2009, the board shall grant recognition as an advanced practice registered nurse to a nurse who has :

- (1) A current, unencumbered license as a registered nurse in this state;
- (2) An unencumbered license as a registered nurse in all other states in which the nurse has a current and active license;
- (3) An unencumbered recognition as an advanced practice registered nurse or similar designation in all other states in which the nurse has a current and active recognition as an advanced practice registered nurse;

(4) Completed an accredited graduate-level education program [~~leading to a master's degree as a certified registered nurse anesthetist, a nurse midwife, a clinical nurse specialist, or a nurse practitioner~~] preparing the nurse for one of the four recognized APRN roles;

(5) A current, unencumbered certification of having passed a national certification examination that measures role and population-focused competencies and is recognized by the board;

(6) Maintained continued competencies through recertification in role and population-focused competencies through a national certification program recognized by the board;

(7) Acquired advanced clinical knowledge and skills preparing the nurse to provide direct care to patients through a significant educational and practical concentration on the direct care of patients;

(8) Demonstrated a greater breadth of knowledge, a greater synthesis of data, greater complexity of skills and interventions, and greater role autonomy than demonstrated by a registered nurse;

(9) Been educationally prepared to assume responsibility and accountability for health promotion and maintenance and to assess, diagnose, and manage patient problems through the use and prescription of pharmacologic and non-pharmacologic interventions;

(10) Acquired clinical experience of sufficient depth and breadth to reflect the intended license; and

(11) Paid the appropriate fees.

SECTION ~~[3]~~4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION ~~[4]~~5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION ~~[5]~~6. This Act shall take effect upon its approval.

Report Title:

Health; Licensed Practical Nurse; Registered Nurse; Physician Assistant

Description:

Amends the definitions of "the practice of nursing as a licensed practical nurse" and "the practice of nursing as a registered nurse" to include carrying out the orders of a licensed physician assistant practicing with physician supervision as required by chapter 453, HRS, and acting as an agent of the supervising physician. (SD2). Amends APRN education (457-8.5 (a)(4) to be consistent with that of the National Council of State Boards of Nursing's APRN Consensus Model.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Hawaii Academy of Physician Assistants

RE: SB 2103 SD 2

Friday, March 16, 2012

9:00 AM Room 329

SUPPORT

House Health Committee

Representative Ryan Yamane, Chair

Representative Dee Morikawa, Vice Chair

Honorable Chairpersons and Committee members:

The Hawaii Academy of Physician Assistants is testifying in support of SB 2103 SD2. The amended language accurately reflects the rules regarding physician assistant practice. Physician assistants are the only licensed providers authorized to write orders that are not currently listed in the nursing statute, Section 457-2. This amendment will clarify what the nursing board has stated in opinion, "that the law allows a PA, as an agent of the supervising physician, to order procedures which presumably a registered nurse should be able to take and fulfill."

HAPA thanks the Committee on Health for hearing this bill and asks that you pass SB 2103 SD2.

Fielding Mercer, PA-C

President

Hawaii Academy of Physician Assistants

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 7:53 PM
To: HLTtestimony
Cc: wailua@aya.yale.edu
Subject: Testimony for SB2103 on 3/16/2012 9:30:00 AM

Testimony for HLT 3/16/2012 9:30:00 AM SB2103

Conference room: 329
Testifier position: Oppose
Testifier will be present: No
Submitted by: Wailua Brandman APRN-Rx BC FAANP
Organization: Hawai'i Association of Professional Nurses
E-mail: wailua@aya.yale.edu
Submitted on: 3/14/2012

Comments:

Chair Yamane, Vice Chair Morikawa and members of the House Committee on Health, thank you for this opportunity to provide testimony in opposition to SB2103SD2 which would alter the Nurse Practice Act by inclusion of language to clarify a nurses responsibility to carry out the orders of a physician assistant.

Nurses have historically carried out such orders statewide without any difficulty. If there needs to be clarity of a PA's authority, it should be legislated through the PA Practice Act, not the nurses'. We find this bill inappropriately written and misfocussed. HAPN would welcome the opportunity to work with HAPA to construct a bill addressing their own Practice Act, as we have full respect for our PA colleagues and highly value our interdisciplinary collaboration.

For these reasons, we ask that you hold this bill in committee. Mahalo for all you do in your continuing support of nursing and access to health care in Hawai'i.

Wailua Brandman APRN-Rx BC FAANP
Immediate Past President / Legislative Committee Chair Hawai'i Association of Professional Nurses

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 15, 2012 8:22 AM
To: HLTtestimony
Cc: nkduff@hotmail.com
Subject: Testimony for SB2103 on 3/16/2012 9:30:00 AM

Testimony for HLT 3/16/2012 9:30:00 AM SB2103

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Nathaniel Duff
Organization: Individual
E-mail: nkduff@hotmail.com
Submitted on: 3/15/2012

Comments:

I've been a licensed physician assistant in the State of Hawaii for 7 years and would appreciate your support of this bill. As a surgical physician assistant working in a hospital setting I am required to work with LPN's and RN's every day. They are part of our surgical team and need to be able to legally accept orders from me at the request and consent of my supervising physician/surgeon. I support this bill. Thank you.

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 15, 2012 10:22 AM
To: HLTtestimony
Cc: geesey@hawaii.edu
Subject: Testimony for SB2103 on 3/16/2012 9:30:00 AM

Testimony for HLT 3/16/2012 9:30:00 AM SB2103

Conference room: 329
Testifier position: Oppose
Testifier will be present: No
Submitted by: Yvonne Geesey
Organization: Individual
E-mail: geesey@hawaii.edu
Submitted on: 3/15/2012

Comments:
Aloha House Health Committee;

It is unnecessary to modify our Hawai'i Nurse Practice Act in order for Physician's Assistants to act as the agent of their supervising physician. This bill was introduced as the result of nurses at a single institution questioning the authority of PAs to act as an agent and was sufficiently addressed by the Board of Nursing and should be addressed administratively where there are issues--not by amending the Nurse Practice Act.

Mahalo,
Yvonne Geesey

RE: SB 2103 SD 2

Friday, March 16, 2012

9:00 A.M. Room 329

SUPPORT

House Health Committee

Representative Ryan Yamane, Chair

Representative Dee Morikawa, Vice Chair

Honorable Chairpersons and Committee members:

I am testifying in support of SB 2103 SD2.

The amended language accurately reflects the rules regarding physician assistant practice.

This amendment will clarify and put into statute what the nursing board has stated in opinion:

"that the law allows a PA, as an agent of the supervising physician, to order procedures which presumably a registered nurse should be able to take and fulfill."

I thank the Committee on Committee on Health for hearing this bill and ask that you pass SB 2103 SD2.

Rebecca A Maestas MPA, PA-C

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 6:57 PM
To: HLTtestimony
Cc: siyokanoi@yahoo.com
Subject: Testimony for SB2103 on 3/16/2012 9:30:00 AM

Testimony for HLT 3/16/2012 9:30:00 AM SB2103

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Kanoi Roberson
Organization: Individual
E-mail: siyokanoi@yahoo.com
Submitted on: 3/14/2012

Comments:

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 5:04 PM
To: HLTtestimony
Cc: mmorifuji@mauimedical.com
Subject: Testimony for SB2103 on 3/16/2012 9:30:00 AM

Testimony for HLT 3/16/2012 9:30:00 AM SB2103

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: marc morifuji
Organization: Individual
E-mail: mmorifuji@mauimedical.com
Submitted on: 3/14/2012

Comments:

Dear honorable chairpersons and comittemembers:

I am testifying in support os SB 2103 SD2.

The ammended language accurately reflects the rules regarding physician assistant practice. Much mahalos to the commitee for hearing this bill, and I respectfully ask that you please pass this bill.

Marc Morifuji, PA-C

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 4:58 PM
To: HLTtestimony
Cc: bodhiandersonpac@gmail.com
Subject: Testimony for SB2103 on 3/16/2012 9:30:00 AM

Testimony for HLT 3/16/2012 9:30:00 AM SB2103

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Bodhi Anderson
Organization: Individual
E-mail: bodhiandersonpac@gmail.com
Submitted on: 3/14/2012

Comments:

Honorable Chairpersons and Committee members: I am testifying in support of SB 2103 SD2. The amended language accurately reflects the rules regarding physician assistant practice. This amendment will clarify and put into statute what the nursing board has stated in opinion: "that the law allows a PA, as an agent of the supervising physician, to order procedures which presumably a registered nurse should be able to take and fulfill." I thank the Committee on Committee on Health for hearing this bill and ask that you pass SB 2103 SD2.

RE: SB 2103 SD 2

Friday, March 16, 2012

9:00 A.M. Room 329

SUPPORT

House Health Committee
Representative Ryan Yamane, Chair
Representative Dee Morikawa, Vice Chair

Honorable Chairpersons and Committee members:

I am testifying in support of SB 2103 SD2.

The amended language accurately reflects the rules regarding physician assistant practice.

This amendment will clarify and put into statute what the nursing board has stated in opinion:

"that the law allows a PA, as an agent of the supervising physician, to order procedures which presumably a registered nurse should be able to take and fulfill."

I feel as a member of a medical team, it is important for nurses, both RNs and LPNs to be able to legally accept orders from a PA in order to optimize and maximize the care that can be provided to a patient.

I thank the Committee on Committee on Health for hearing this bill and ask that you pass SB 2103 SD2.

Jeffrey M. Robin Physician Assistant-Certified.

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 14, 2012 2:54 PM
To: HLTtestimony
Cc: pkatahara@hotmail.com
Subject: Testimony for SB2103 on 3/16/2012 9:30:00 AM

Testimony for HLT 3/16/2012 9:30:00 AM SB2103

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Patrick Katahara
Organization: Individual
E-mail: pkatahara@hotmail.com
Submitted on: 3/14/2012

Comments:
RE: SB 2103 SD 2
Friday, March 16, 2012
9:00 A.M. Room 329
SUPPORT

House Health Committee
Representative Ryan Yamane, Chair
Representative Dee Morikawa, Vice Chair

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