

SB 26

Measure Title:	RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES.
Report Title:	Advanced Practice Registered Nurses; Compliance Resolution Fund; Fees; DCCA
Description:	Eliminates compliance resolution fund fees for licensure and prescriptive authority of advanced practice registered nurses.
Companion:	
Package:	None
Current Referral:	CPN, WAM



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

STATE OF HAWAII
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PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE SENATE COMMITTEE ON
COMMERCE and CONSUMER PROTECTION

TWENTY-SIXTH STATE LEGISLATURE
REGULAR SESSION, 2011

THURSDAY, FEBRUARY 3, 2011
9:00 A.M.

TESTIMONY ON SENATE BILL NO. 26
RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND TO THE HONORABLE BRIAN T. TANIGUCHI, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No. 26, Relating to Advanced Practice Registered Nurse Fees. My name is Jo Ann Uchida of the Department's Regulated Industries Complaints Office ("RICO"). RICO offers the following comments on the bill.

All licensees whose licenses are administered by the Department's Professional and Vocational Licensing Division ("PVL") pay fees associated with

that license. The fees consist generally of two components – licensing fees and compliance fees. RICO's comments as to this bill relate only to compliance fees. Compliance fees are used by RICO to receive, investigate, and, where appropriate, prosecute professional licensing violations.

According to PVL's November 1, 2010, list of current licenses, approximately 4.8% of active Registered Nurse licensees are APRNs and 1.2% of active Registered Nurse licensees are APRN-Rx licensees. In fiscal year 2010, RICO received 35 nursing complaints, 27 of which related to registered nurses, 5 involving APRN licensees and 1 involving APRN-RX. This means that although APRNs comprise 4.8% of RN licensees, they generate 18.5% of the complaints. By the same token, APRN-RX licensees comprise 1.2% of RN licensees while generating 3.7% of the complaints.

Most people would assume that the number of complaints involving APRNs and APRN-RX licensees would actually be lower, given the additional training and education associated with those licenses. However, because APRNs and APRN-RX licensees are charged with primary care and make treatment decisions, it is inevitable that they receive more complaints than registered nurses who usually act at the direction of other primary care providers.

APRNs and APRN-RX licensees do pay additional compliance fees related to their separate licenses, but these license types generate more complaints than the general Registered Nurse licensee population. These complaints do not necessarily

result in more disciplinary actions, but they do require additional time on the part of RICO staff.

Moreover, because APRN licensees hold two licenses and APRN-RX licensees hold three licenses, RICO investigations and disciplinary actions are invariably more complex. For example, if an APRN-RX commits a licensing violation solely related to the portion of the rule relating to APRN-RX, should disciplinary action be taken only against the APRN-RX license, or against one or more of the other licenses? If a licensee is not equipped to act as a primary care provider under an APRN license, should the individual's RN license be affected, and if so, in what way?

RICO understands that the Nursing Board is contemplating the extent to which the existing licensing scheme can be simplified. Simplification or consolidation of licenses will reduce the complexity and cost of an enforcement action.

Thank you for this opportunity to testify on Senate Bill No. 26. I will be happy to answer any questions that the members of the Committee may have.



Hawai'i State Center for Nursing

Testimony Presented Before the
Senate Committee on Commerce and Consumer Protection
February 3, 2011, 9:00 a.m.

By
Gail P. Tiwanak RN, MBA
Director
Hawaii State Center for Nursing

SB 26 RELATING TO ADVANCED PRACTICE REGISTERED NURSES FEES

Chair Baker, Vice Chair Taniguchi, and members of the Senate Committee on Commerce and Consumer Protection, thank you for this opportunity to provide testimony in support of this bill, SB 26, to amend Chapter 457, Hawai'i Revised Statutes, to prevent multiple fee assessment of advanced practice registered nurses (APRNs) and to require the Hawaii State Center for Nursing ("HSCFN") survey for biennial nurse license renewal.

We support this bill to stop the unfair multiple APRN assessment of fees, specifically the compliance resolution fund fee, which have been imposed only on advanced practice registered nurses. These excessive assessments create unnecessary barriers to advanced practice registered nurses' licensure and practice.

We respectfully request that subsection (11) of SECTION 2 of this measure be amended to read as follows:

"SECTION 2. Section 457-8.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

'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;
- (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[.]; provided that the appropriate fees shall consist only of fees that are authorized under sections 457-5 and 457-7 for registered nurses and the center for nursing fee established by section 3 of Act 198, Session Laws of Hawaii 2003. This shall preclude, but not be limited to, the multiple assessment of a compliance resolution fund fee to license, to renew and restore a nurse license advanced practice registered nurse recognition or APRN prescriptive authority.

Further, we support the completion of the HSCFN survey as a requirement for nurse licensure renewal in Hawai'i. This would enable the HSCFN to have 100% nurse licensee participation so the best possible data could be made available to the Legislature. Eventually, the survey may become a tool to implement the nurse CE program envisioned by the Legislature. The Legislature in its wisdom required (Section 4, Act 198, Session Laws of Hawaii of 2003),

"The University of Hawaii school of nursing and dental hygiene, **the state board of nursing**, other schools of nursing within the State, professional nursing organizations, employers in the healthcare industry, and labor unions representing nurses and healthcare workers **shall collaborate with the center for nursing and provide workforce data to the center for nursing when requested.**"

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



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Commerce and Consumer Protection
February 3, 2011, 9:00 a.m.

by

Virginia S. Hinshaw, Chancellor

and

Mary G. Boland, DrPH, RN, FAAN

Dean and Professor

School of Nursing and Dental Hygiene

University of Hawai'i at Mānoa

SB 26 RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES

Chair Baker, Vice Chair Taniguchi, and members of the Senate Committee on Commerce and Consumer Protection, thank you for this opportunity to provide testimony in support of this bill, SB 26, to amend Chapter 457, Hawai'i Revised Statutes, to prevent multiple fee assessment of advanced practice registered nurses (APRNs) and to require the Hawai'i State Center for Nursing ("HSCFN") survey for biennial nurse license renewal.

UH Mānoa Nursing supports this bill to stop the unfair multiple APRN assessment of fees, specifically the compliance resolution fund fee, which is imposed only on advanced practice registered nurses. These excessive assessments create unnecessary barriers to advanced practice registered nurses' licensure and practice.

We respectfully request that subsection (11) of Section 2 of this measure be amended to read as follows:

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 - (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;
- (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[.]; provided that the appropriate fees shall consist only of fees that are authorized under sections 457-5 and 457-7 for registered nurses and the center for nursing fee established by section 3 of Act 198, Session Laws of Hawai'i 2003. This shall preclude, but not be limited to, the multiple assessment of a compliance resolution fund fee to license, to renew and restore a nurse license advanced practice registered nurse recognition or APRN prescriptive authority."

Further, we support the completion of the HSCFN survey as a requirement for nurse licensure renewal in Hawai'i. This would enable the HSCFN to have 100% nurse licensee participation to provide data to support state workforce planning as the Legislature in its wisdom required in Section 4, Act 198, Session Laws of Hawai'i of 2003,

"The University of Hawaii school of nursing and dental hygiene, the state board of nursing, other schools of nursing within the State, professional nursing organizations, employers in the healthcare industry, and labor unions representing nurses and healthcare workers shall collaborate with the center for nursing and provide workforce data to the center for nursing when requested."

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

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Thursday, February 3, 2011
9:00 a.m.

WRITTEN TESTIMONY ONLY

**TESTIMONY ON SENATE BILL NO. 26, RELATING TO ADVANCED PRACTICE
REGISTERED NURSE FEES.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Lee Ann Teshima, Executive Officer for the Board of Nursing ("Board") and I appreciate the opportunity to submit written testimony on Senate Bill No. 26, Relating to Advanced Practice Registered Nurse Fees. This bill proposes to eliminate the compliance resolution fund fees ("CRF fees") for the licensure and certification of prescriptive authority of advanced practice registered nurses, and require all nurses who are licensed, recognized or granted prescriptive authority to complete a survey developed by the Hawaii State Center for Nursing ("Center") upon renewal. I apologize for not being in attendance at your hearing this morning but the Board is holding its February meeting at the same time.

I would like to preface my comments by informing the Committee that the Board has not yet reviewed this bill, which is scheduled for discussion at this morning's Board meeting. It is at this meeting that all proposed legislation regarding amendments to

Chapter 457, Hawaii Revised Statutes, are slated to be addressed in a public forum to which all interested parties are invited.

The Board, when it meets, will need to consider the possibility of eliminating multiple CRF fees by consolidating the issuance of individual licenses for an advanced practice registered nurse ("APRN") and/or an advanced practice registered nurse with prescriptive authority ("APRN-Rx") into one license since the issuance of an APRN license is a "recognition" and the APRN-Rx a "special privilege". However, numerous variables must be considered, including how the issuance of one license will affect: 1) the APRN as a primary care provider, 2) the APRN as a licensee who wishes to transfer or reciprocate to other jurisdictions, 3) the APRN's employment requirements, and 4) the relicensure process if the licensee fails to maintain the requirements for an APRN and/or APRN-Rx license.

The Board will also be considering the requirement for nurse licensees to complete the Hawaii State Center for Nursing Survey as part of the renewal requirement. The Board supports the efforts of the Center and its limited resources and will have to consider the necessity and importance of the information gathered by the survey, and how it benefits the safe practice of nursing in this State.

Again, my apologies for not being there and thank you for the opportunity to provide written testimony on Senate Bill No. 26.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

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The Twenty-Sixth Legislature, State of Hawaii
The Senate
Committee on Commerce and Consumer Protection

Testimony by
Hawaii Government Employees Association
February 3, 2011

**S.B. 26 – RELATING TO ADVANCE
PRACTICE REGISTERED NURSE FEES**

The Hawaii Government Employees Association supports the purpose and intent of S.B. 26. The bill would prevent multiple fee assessments of advanced practice registered nurses (APRNs) and require an applicant survey by the Hawaii State Center for Nursing for biennial nurse license renewal. Currently, the Department of Commerce and Consumer Affairs (DCCA) requires APRNs to pay multiple fees for deposit to the compliance resolution fund. DCCA does not require members of other professions to pay similar multiple fees into the compliance resolution fund.

The multiple fee assessment levied on APRNs is an unnecessary burden to their licensure and practice. We support the elimination of these excessive and repetitive fees. Thank you for the opportunity to testify in support of S.B. 26.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director



Written Testimony Presented Before the
Senate Committee on Consumer Protection & Commerce
Thursday, February 3, 2011 @ 9:00am

SB 26 RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES

To: Chair Baker, Vice Chair Taniguchi, and member of the Senate Committee on Commerce and Consumer Protection

Thank you for this opportunity to provide testimony in support of this bill, SB 26, to amend Chapter 457, Hawai'i Revised Statutes, to prevent multiple fee assessment of advanced practice registered nurses (APRNs) and to require the Hawaii State Center for Nursing ("HSCFN") survey for biennial nurse license renewal.

I support this bill to stop the unfair multiple fees for APRNs, specifically the compliance resolution fund fee, which is imposed only on advanced practice registered nurses. These excessive assessments create unnecessary barriers to advanced practice registered nurses' licensure and practice.

I respectfully request that subsection (11) of SECTION 2 of this measure be amended to read as follows:

"SECTION 2. Section 457-8.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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- 10) Acquired clinical experience of sufficient depth and breadth to reflect the intended license; and
- 11) Paid the appropriate fees: [.] provided that the appropriate fees shall consist only of fees that are authorized under sections 457-5 and 457-7 for registered nurses and the center for nursing fee established by section 3 of Act 198, Session Laws of Hawaii 2003. This shall preclude, but not be limited to, the multiple assessment of a compliance resolution fund fee to license, to renew, and restore a nurse license, advanced practice registered nurse recognition, or APRN prescriptive authority.

Further, I support the completion of the HSCFN survey as a requirement for nurse licensure renewal in Hawai'i. This would enable the HSCFN to have 100% nurse licensee participation to provide data to support state workforce planning as the Legislature in its wisdom required (in Section 4, Act 198, Session Laws of Hawaii of 2003).

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I appreciate your continuing support of nursing and health care in Hawaii. Thank you, again, for the opportunity to testify.

Glenda Tali, RN, APRN, MSN
University of Phoenix, Hawaii campus
745 Fort Street, Suite 2000
Honolulu, HI 96813
(808) 524-9873

Testimony for CPN 2/3/2011 9:30:00 AM SB26

Conference room: 229

Testifier position: support

Testifier will be present: No

Submitted by: Wailua Brandman APRN-Rx BC

Organization: Individual

Submitted on: 1/27/2011

Comments:

Aloha Senators, This bill is a long time in coming. APRNs have been unfairly burdened by the redundant CRF fees for years now, and we need this relief.

Please support this bill. Mahalo.

Wailua Brandman APRN-Rx BC, Immediate Past President of Hawaii Association of Professional Nurses

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 02, 2011 9:42 AM
To: CPN Testimony
Cc: geesey@hawaii.edu
Subject: Testimony for SB26 on 2/3/2011 9:00:00 AM

Testimony for CPN 2/3/2011 9:00:00 AM SB26

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Yvonne Geesey
Organization: Individual
Address: 1224 Nehoa Street
Phone: 808-227-9361
E-mail: geesey@hawaii.edu
Submitted on: 2/2/2011

Comments:

As an APRN required by Hawai'i State law to hold both an RN and APRN license I support eliminating the double payment I and my colleagues are making as a compliance resolution fee. And I believe that APRNs with an Rx license may be paying triple the fee!

Mahalo for your consideration.

Testimony for CPN 2/3/2011 9:00:00 AM SB26

Conference room: 229

Testifier position: support

Testifier will be present: No

Submitted by: Lenora Lorenzo

Organization: Individual

Address: PO Box 474 Haleiwa, Hawaii

Phone: 808 222 4330

E-mail: lenora@hawaii.edu

Submitted on: 2/2/2011

Comments:

I support this bill to stop the unfair multiple APRN assessment of fees, specifically the compliance resolution fund fee, which is imposed only on advanced practice registered nurses. These excessive assessments create unnecessary barriers to advanced practice registered nurses' licensure and practice.