

SB 705, SD 1

Measure Title: RELATING TO HEALTH.

Report Title: Health; Registered Nurse; Physician Assistant

Description: Amends the definition of "the practice of nursing as a registered nurse" to require registered nurses to carry out the orders of licensed physician assistants practicing with physician supervision. (SD1) (\$)

Companion:

Package: None

Current Referral: HTH, CPN

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE SENATE COMMITTEE ON COMMERCE
AND CONSUMER PROTECTION

TWENTY-SIXTH LEGISLATURE
Regular Session of 2011

Tuesday, March 1, 2011
9:00 a.m.

TESTIMONY ON SENATE BILL NO. 705, S.D. 1, RELATING TO HEALTH.

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 testimony on Senate Bill No. 705, S.D. 1, Relating to Health. In its current form, this bill amends the definition of "The practice of nursing as a registered nurse" to require nurses to carry out the orders of licensed physician assistants practicing with physician supervision.

I apologize for not being able to provide you with a definitive position. Unfortunately, since this bill was amended, the Board has not had the opportunity to review the current language but will be discussing this measure at its Board meeting on Thursday, March 3, 2011.

The Board, when it meets, will need to consider if this amendment is necessary and or promotes the safe practice of nursing. Currently, a physician assistant may practice medicine under the supervision of a physician or osteopathic physician and a registered nurse may use reasonable judgment in carrying out prescribed medical orders of a licensed dentist, physician, osteopathic physician, podiatrist, or an advanced

practice registered nurse, none of which are "supervised" by another health care professional. The amendment implies that the registered nurse is carrying out the medical orders of a physician assistant and not the physician. If the intent of the bill is to allow a registered nurse to accept the medical orders of a physician through a physician assistant, then the following amendment should be made:

"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 chapters 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 through a physician assistant licensed in accordance with chapter 453 and practicing with physician supervision as required by chapter 453." This amendment would still allow a registered nurse to accept medical orders from a physician, but through the physician assistant, not changing the intent of the practice of nursing as a registered nurse.

However, if this is not the case, then the Board would have to consider the following:

- The effect of a "double delegation" from physician to physician assistant, and physician assistant to registered nurse, and the blurring lines of accountability and possibly placing the registered nurse at some risk.
- Whether this authority to delegate is an expansion of the physician assistant's scope of practice, and if so, then the Board defers to the Hawaii Medical Board.

I would like to add that within the last year, as the Executive Officer for the Board, I have not received any inquiry regarding this matter and would encourage the supporters of this amendment to come and speak with the Board so that we can discuss the intent of the amendment and attempt to resolve any issues and concerns.

Thank you for the opportunity to provide testimony on Senate Bill No. 705, S.D. 1. I am available to answer any questions you may have.

Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

The Hawaii academy of Physician Assistants supports passage of SB705 SD1.

Senate Bill 705 SD1 clarifies that it is legal for nurses to act on orders from PAs. Nurses implement nursing care as part of their own unique profession. However, certain tests and therapies require an order. Nurses evaluate orders to assure that they are appropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453.

We ask for your support in passing this important legislation.

Sincerely,

Fielding Mercer, PA-C
Past President/President Elect
Hawaii Academy of Physician Assistants

<http://www.capitol.hawaii.gov/emailtestimony/?measure=SB705>

February 28, 2011

Consumer Protection Committee
Senator Rosalyn Baker, Chair
Senator Brian Taniguchi, Vice Chair

Honorable Chairpersons and Committee Members:

As a Physician Assistant practicing at Hawaii Medical Center – Liver Center, and, Island Health Weight & Wellness, I work closely with excellent nurses. We care for patients as members of a team and as colleagues.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs. Nurses implement nursing care as part of their own unique profession. However, certain tests and therapies require an order. Nurses evaluate orders to assure that they are appropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453.

I ask for your support of this important legislation.

Sincerely,

Leslie Huddleston, RN, PA-C

Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

As a PA practicing at Straub Clinic and Hospital I work closely with excellent nurses. We care for patients as members of a team and as colleagues.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs. Nurses implement nursing care as part of their own unique profession. However, certain tests and therapies require an order. Nurses evaluate orders to assure that they are appropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453.

I ask for your support of this important legislation.

Sincerely,

Lindsay Chang PA-C

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229
Testifier position: comments only
Testifier will be present: No
Submitted by: christopher apostolides
Organization: Individual
Address:
Phone:
E-mail: cgapostolides@netzero.net
Submitted on: 2/28/2011

Comments:
Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

As a PA practicing at Straub Clinic and Hospital I work closely with excellent nurses. We care for patients as members of a team and as colleagues.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs. Nurses implement nursing care as part of their own unique profession. However, certain tests and therapies require an order. Nurses evaluate orders to assure that they are appropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453.

I ask for your support of this important legislation.

Sincerely,
Chris Apostolides PA-C

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229

Testifier position: support

Testifier will be present: No

Submitted by: Marc Morifuji

Organization: The Maui Medical Group

Address:

Phone:

E-mail: mmorifuji@hawaii.rr.com

Submitted on: 2/25/2011

Comments:

Hi Senator Baker, I am writing from Maui to advise you that this bill would make orders come thru Physician Assistants, not From Physician Assistants. it does not subordinate nurses to PA's at all.

Mahalo and Aloha from Maui.

Marc Morifuji,PA-C

Maui Medical Group Orthopedics,14 years service to the people of Maui

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Joseph W. Morris, PA-C
Organization: Individual
Address:
Phone:
E-mail: jwmorris58@yahoo.com
Submitted on: 2/26/2011

Comments:
Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

As a practicing Physician Assistant, I work closely with many excellent nurses. We care for patients as members of a team and as colleagues.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs. Nurses implement nursing care as part of their own unique profession. However, certain tests and therapies require an order from a healthcae provider. Nurses evaluate orders to assure that they are appropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify and correct this omission. It also requires that PAs practice with physician supervision as required in Chapter 453.

I ask for your support of this important legislation for the people of Hawaii.

Respectfully,

Joseph W.Morris, PA-C

Consumer Protection Committee
Senator Rosalyn Baker Chair
Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

I am a supervising physician for Hawaii PAs.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs. As a supervising physician, I authorize those orders and PAs act as my agent. I have closely reviewed the credentials and work experience of each of the PAs I work with. All of the PAs I supervise have over 20 years of experience here in Hawaii. Based on that experience, I have authorized and accept responsibility for the orders that they write. Consider it standing orders, if you will. They do not have to consult me prior to writing those orders as I have delegated that responsibility based on their experience. We do immediately consult on anything which is out of the ordinary. We also consult verbally on a regular basis and I review records according to the legal requirements.

It is clear 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...

Under my supervision and as my agent, PAs are able to write orders that nurses can execute.

Unfortunately, the nursing statute 457-2 is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. This legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453. I support this legislation and any legislation that clarifies the PA/nursing relationship and expedites and improves the delivery of medical care for patients in Hawaii.

I ask for your support in passing this important legislation.

Yours professionally,

Frank Izuta, M.D.

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: DOROTHY T MAURICE, PA-C
Organization: Individual
Address:
Phone:
E-mail: DOROTHY.W.TONI@KP.ORG
Submitted on: 2/24/2011

Comments:
Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

As a PA practicing at Kaiser PERMANENTE, I work closely with excellent nurses. We care for patients as members of a team and as colleagues.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453.

I ask for your support of this important legislation.

Sincerely,

Dorothy T Maurice, PA-C

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: John Lee
Organization: Individual
Address:
Phone:
E-mail: john.y.lee@kp.org
Submitted on: 2/27/2011

Comments:
Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

As a PA practicing at Kaiser- Moanalua Medical Center, I work closely with excellent nurses. We care for patients as members of a team and as colleagues.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs. Nurses implement nursing care as part of their own unique profession. However, certain tests and therapies require an order. Nurses evaluate orders to assure that they are appropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453.

I ask for your support of this important legislation.

Sincerely,

John Lee, PA-C
Department of Cardiothoracic Surgery, Module 3D
Kaiser- Moanalua Medical Center
3288 Moanalua Road
Honolulu, HI 96819

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Karen Keala R.N.
Organization: Individual
Address:
Phone:
E-mail: karenkeala@gmail.com
Submitted on: 2/27/2011

Comments:
Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

As a nurse practicing at Kaiser Permanente, I work closely with excellent PAs. We care for patients as members of a team and as colleagues.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs working with physician supervision as required in Chapter 453. Nurses implement nursing care as part of our own unique profession. However, certain tests and therapies require an order. We evaluate orders to assure that they are appropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453. I support this change as it will update the statute to reflect current medical practice allow nurses to be assured that they are practicing within scope of practice.

I ask for your support of this important legislation.

Sincerely,

Karen Keala Registered Nurse

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: theresa burden
Organization: Individual
Address:
Phone:
E-mail: tburden6@aol.com
Submitted on: 2/28/2011

Comments:

Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

As a nurse practicing at Kaiser Permanente, I work closely with excellent PAs. We care for patients as members of a team and as colleagues.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs working with physician supervision as required in Chapter 453. Nurses implement nursing care as part of our own unique profession. However, certain tests and therapies require an order. We evaluate orders to assure that they are appropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453. I support this change as it will update the statute to reflect current medical practice allow nurses to be assured that they are practicing within scope of practice.

I ask for your support of this important legislation.

Sincerely,

Theresa Burden

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Anthony Leiggi
Organization: Individual
Address:
Phone:
E-mail: anthony.leiggi@us.army.mil
Submitted on: 2/24/2011

Comments:
Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

As a PA practicing at Tripler Army Medical Center I work closely with excellent nurses. We care for patients as members of a team and as colleagues. In addition to working for the DOD, I am a licensed PA in the state of Hawaii.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs. Nurses implement nursing care as part of their own unique profession. However, certain tests and therapies require an order. Nurses evaluate orders to assure that they are appropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453. PAs often act as the representative of their supervising physicians and it is important that PAs are added to the language of the statute.

I ask for your support of this important legislation.

Sincerely,

Anthony Leiggi, MHS, PA-C

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Elisa Chong
Organization: Individual
Address:
Phone:
E-mail: echong@straub.net
Submitted on: 2/24/2011

Comments:
Consumer Protection Committee
Senator Rosalyn Baker Chair
Senator Brian Taniguchi Vice Chair

Honorable Chairpersons and Committee Members:

As a PA practicing at Straub Clinic an Tripler Army Medical Center Emergency Department, I work closely with many nurses. I have been a PA for over 30 years and have personally not had problems with any of the Nurses I work with taking my orders. We care for patients as members of a team and as colleagues. Unfortunately I understand that some of my PA colleagues do have problems with some Nurses taking their orders. Midlevel Practitioners, whether they are PA's or NP's need to have their orders carried out by the Nurses.

Senate Bill 705 clarifies that it is legal for nurses to act on orders from PAs. Nurses implement nursing care as part of their own unique profession. However, certain tests and therapies require an order. Nurses follow the orders and can question the Provider if they feel an order is inappropriate for the patient prior to taking action.

The law is currently unclear. Physicians, podiatrists, dentists and advanced practice nurses are clearly listed as those from whom a nurse may legally implement an order. Advanced practice nurses were added to the language of the statute in 2009. PAs are not listed. The legislation merely seeks to clarify this omission. It also requires that PAs practice with physician supervision as required in Chapter 453.

I ask for your support of this important legislation.

Sincerely,

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: James Winkler
Organization: Kauai Community Health Alliance
Address:
Phone:
E-mail: winkler@kauai-medical.org
Submitted on: 2/24/2011

Comments:

I am writing both as a PA practicing in the State of Hawaii for 22 years, and as President of Kauai Community Health Alliance which operates the longest standing medical facility on Kauai's North Shore.

The nurses at our facility act on orders given by their PA colleagues all the time, each working within their respective scope of practice providing primary care to over 10,000 patients per year.

Without this integrated relationship between mid-levels and the nursing staff, mid-levels such as PAs would not be able to provide the medical care they are trained, licensed and expected to provide. That this should be an issue of contention among some is hard for us to understand.

There are few areas where PA and RN job descriptions overlap—there is therefore no “off-loading” of PA responsibilities to the nursing staff as job responsibilities are clearly different. PAs are licensed in the practice of medicine, i.e., patient evaluation, diagnosis, devising treatment plan, ordering labs or imaging studies as needed, prescribing medications, doing procedures such as suturing of wounds, biopsies, joint injections, etc. I won't belabor the long list of services provided by PAs except to point out that many of these require the support of nursing staff. Without such support it seems hard to fathom how mid-levels such as PAs will be able to practice meaningfully in the State of Hawaii, thereby harming patient care.

Again, for over 20 years PAs and nurses have worked together in our facility with a joyful, respectful and mutually beneficial relationship.

Thank you for your careful attention to this important matter.

Respectfully,

James Winkler
Hale Lea Medicine
dba of Kauai Community Health Alliance
<http://www.kauai-medical.org>
2460 Oka Street
Kilauea, Kauai, Hawaii, USA
808-828-2885
fax 808-828-0119

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229

Testifier position: support

Testifier will be present: No

Submitted by: Richard A. Smith, M.D.

Organization: Individual

Address:

Phone:

E-mail: medex@hawaii.rr.com

Submitted on: 2/24/2011

Comments:

The availability of future health care (especially primary health care) for our citizens is jeopardized by the coming shortage of healthcare providers. The inability of the providers that we do have to work together in the most expeditious of relationships will exacerbate the coming shortage. Facilitating the working together of health care providers we do have available is one of the easiest and most logical steps we can take to maintain/improve our ability to meet the growing needs of our citizens.

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229

Testifier position: support

Testifier will be present: No

Submitted by: Robert Null

Organization: Individual

Address:

Phone:

E-mail: opa79@aol.com

Submitted on: 2/24/2011

Comments:

I am in support of this bill as being a physician Assistant and being supervised by a Physician, I have to carry out orders in conjunction with my supervisor. Being able to write orders and have a nurse carry out those orders is vital in effective health care. We are not asking for the nurses to do anything other than that they would do if a physician wrote the same order. Nothing more, nothing less.

Testimony for CPN 3/1/2011 9:00:00 AM SB705

Conference room: 229

Testifier position: support

Testifier will be present: No

Submitted by: Brenda Nichols, PA-C

Organization: Individual

Address:

Phone:

E-mail: bjnichols75@gmail.com

Submitted on: 2/24/2011

Comments: