

**LATE**

Written Testimony Presented Before the  
HOR Committee on  
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COLLABORATION AMONG VARIOUS STATE AGENCIES TO  
IDENTIFY BARRIERS RELATING TO THE PRACTICE OF ADVANCED PRACTICE  
REGISTERED NURSING TO THE FULL EXTENT OF THE NURSES' EDUCATION  
AND TRAINING IN THE STATE

Members of the HOR Committee on Commerce &  
Consumer Protection, Judiciary & Labor, Ways & Means committees,  
thank you for this opportunity to provide testimony in very strong  
support of this bill

As noted in this resolution, the Legislature in its wisdom aligned Hawaii laws with  
national goals which require the utilization of primary care providers, particularly  
Advanced Practice Registered Nurses (APRNs), to the full extent of their education and  
training. APRNs provide cost-effective, accessible, patient-centered care including care  
coordination, chronic care management, and wellness and preventive care which is at  
the heart of the health reform movement.

In 2011, the Hawaii State Center for Nursing (Center for Nursing) identified 33+ barriers  
in State Statutes and Administrative Rules which contain obsolete language which are  
silent, preclude or impede APRNs from practicing to the full extent of their education  
and training. These include limitation of prescriptive authority, require supervision by or  
collaboration with another health care provider, lacks provider neutral language

(recognizes physician as the only provider), and prohibits or limits institutional privileges.

1 ACA, IOM recommendation and the National Council of State Boards of Nursing APRN Consensus Model

2 The term collaboration has been misused and interpreted to mean supervision despite the legislative changes of Act 169, SLH 2009 and Act 110, SLH 2011, thus the need to modernize such language.

Act 169, SLH 2009 required insurers/HMOs/benefit societies to recognize APRNs as PCPs; authorized APRNs to sign, certify, or endorse all documents relating to health care within their scope of practice provided for their patients including workers' compensation, verification documents, verification and evaluation forms of the DHS and DOE, verification and authorization forms of the DOH and physical examination forms.

Act 110, SLH 2011 required each hospital in the State licensed under Hawai'i Revised Statutes (HRS), § 321-14.5 to allow APRNs and qualified APRNs granted prescriptive authority to practice within the full scope of practice including practicing as primary care providers.

APRNs granted prescriptive authority to prescribe controlled drugs (Schedule II-V) within formulary appropriate to the individual APRN's specialty. Able to prescribe drugs without supervision or a working relationship agreement with a licensed physician.

However, many laws are rooted in federal laws<sup>3</sup> and require Congressional action.

I support The Center for Nursing's belief that the solution to the complete removal of APRN practice barriers must be addressed at both the federal and state levels as well as throughout health care systems, including federal systems, private insurers, fee-for-service structures, and managed care.

SCR 66 begins the process of removing the APRN barriers in Hawai'i statutes and administrative rules which

are not rooted in federal law. In the future, it would act as a catalyst for the State to continue this effort as federal laws are amended to transform healthcare across all sectors.

The reason provided by the state agencies for the existence of these obsolete laws has been that access to APRN care is not a high priority combined with lack of manpower

and expertise among existing personnel. SCR 66 underscores the fact that APRNs have a central role to play in health reform. It clarifies the national goal for a transformed health system that provides wide access to essential health services, while improving quality and controlling costs, cannot be achieved without maximizing the contributions of APRNs.

Further, I support the Center for Nursing's request that the Attorney General's draft report of the agencies' findings and recommendations, including any proposed legislation should also be transmitted to the Governor as the Governor's initiatives include the ACA and Healthcare Transformation; is the chief executive of the State of Hawai'i who ensures that all laws of the State are executed; and is responsible for state agencies.

Therefore, I support the Center for Nursing's recommendation that SCR 66 be amended in part to read as follows:

"BE IT FURTHER RESOLVED that the Department of the Attorney General is requested to transmit a draft report of the agencies' findings and recommendations, including any proposed legislation, to the Legislative Reference Bureau and the Governor no later than November 1, 2013; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to submit a final report of the agencies' findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2014; and

3 Federal regulations that directly impact APRN practice locally/ nationally are those that regulate nursing

facilities, home health agencies, ambulatory surgical centers, hospitals, intermediate care facilities for the mentally retarded, and hospice settings

Some facilities are required to meet both state and federal requirements. For example, nursing facilities which are State-licensed and federally-certified face the dilemma of complying with two sets of regulations which contain conflicting provisions. Where federal law preempts state laws, APRNs are not

able to practice or are limited in their practice. This results in consumers having no or limited access to quality health care, especially in rural areas of the State.

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Attorney General, Director of the Legislative Reference Bureau, the Directors of the Departments of Health, [Director of] Human Services, [Director of] Public Safety, [Division Administrator of the Professional and Vocational Licensing Division of the Department of ]Commerce and Consumer Affairs, and Labor, as well as, the Executive Director of the Disability and Communication Access Board, Executive Director of the Hawaii State Center for Nursing, and the State Board of Nursing.”

I appreciate your continuing support of nursing and health in Hawai'i.

Thank you for the opportunity to testify on SCR 66.

Aloha Legislators,

Mahalo for all your support of nursing and APRN measures that will lead to increased access to care for our Hawai'i Ohana. Your support has not gone unnoticed and is much appreciated!

As you all know, despite landmark legislation in last few years giving Hawai'i APRNs full practice authority and global signature rights, there are still many obsolete and ancient rules and regulations in several of our state agencies that are a barrier to APRNs provision of health care for our Hawai'i Ohana. These laws are in the Nurse Practice Act (Chapter 457 and Title 16, Chapter 89, HAR; and to the extent that it refers to drugs in Chapter 329 of the Dept. of Public Safety) allowed APRNs to become PCPs, independent to practice to the full extent of their education and training, and prescribe drugs (except Schedule I and those listed on the Exclusionary Formulary).

Senate Concurrent Resolution 66 is the Legislature measure to have the state agencies with obsolete statutes and administrative rules (which are not rooted in federal laws) to modernize and align them with the legislation passed between 2009-2011 so APRNs can practice to the full extent of our nurse practice act. SCR 66 would request the other departments to work with the

Office of the Attorney General to simultaneously review and recommend amendments so their obsolete laws (not rooted in federal law) can be timely amended.

I speak as an American Association of Nurse Practitioners certified Nurse Practitioner on the Big Island of Hawaii.

I serve the district of Kau, which is primarily underserved in health care, has few providers. The population

is mostly uninsured or underinsured. I strongly support SCR 66 and wish it to be heard and progress to full

approval in the Commerce & Consumer Protection and Judiciary & Labor committies, then on to Ways & Means.

We are all devoted to making a better life for the citizens of Hawaii, promoting health care for all.

Mahalo,

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