

# SB2676

Measure Title:	RELATING TO PHYSICIAN ASSISTANTS.
Report Title:	Physician Assistants; Nurses
Description:	Clarifies powers of physician assistants regarding nurses under chapter regulating physicians. Removes sunset date of Act 255, SLH 2012.
Companion:	<a href="#">HB2255</a>
Package:	None
Current Referral:	CPH
Introducer(s):	BAKER, ENGLISH, ESPERO, GREEN, NISHIHARA, RUDERMAN, TOKUDA, Dela Cruz, Kidani

**PRESENTATION OF THE  
BOARD OF NURSING**

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION AND HEALTH

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Wednesday, February 17, 2016  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2676, RELATING TO PHYSICIAN ASSISTANTS**

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”). I appreciate the opportunity to testify on Senate Bill No. 2676, which clarifies the powers of physician assistants regarding nurses under the chapter regulating physicians. The measure also removes the sunset date of Act 255, Session Laws of Hawaii, 2012.

The Board has concerns that this bill deletes the reference to “physician assistants” in Hawaii Revised Statutes (“HRS”) Chapter 457. If reference to “physician assistants” is deleted from the definition of scope of practice for a licensed practical nurse (“LPN”) or a registered nurse (“RN”), LPNs and RNs will not be able to receive direction from and/or carryout the orders of a physician assistant as it will no longer be included in the nurse’s scope of practice. The new section in HRS § 453 does not apply to nurses, and, therefore, nurses will not be compelled to comply with orders of a physician assistant.

Thank you for the opportunity to testify on Senate Bill No. 2676.

RE: SB 2676

**Measure Title:** RELATING TO PHYSICIAN ASSISTANTS.

**Report Title:** Physician Assistants; Nurses

**Description:** Clarifies powers of physician assistants regarding nurses under chapter regulating physicians. Removes sunset date of Act 255, SLH 2012.

Senate Committee on Consumer Protection

Honorable Senators and Committee Members

The Hawaii Academy of Physician Assistants submits testimony in opposition to SB 2676 regarding physician assistants and with regard to changing language as submitted in this bill regarding HRS 453. While we support the intent of the bill, regarding nurses complying with the orders of physician assistants, and removing the sunset, but it does not make sense to change HRS 453 to accomplish this goal.

CPH passed SB 805 in 2015. SB 2015 passed the Senate Health Committee, House Health Committee and recently in 2016, the House CPC Committee. That is the correct version of the bill, with the correct language. Please note substantive supporting testimony on that bill in 2016, including supporting testimony from the Hawaii State Board of Nursing, The Queen's Health Systems and many others.

Please also note that concurrent bill HB 2255 was deferred in favor of SB 805 in 2016.

#### **§457-2 Definitions**

“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, osteopath, or podiatrist licensed in accordance with chapter 448, 453, 457, 460, 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;

There is no merit in the argument that PAs should not be included in HRS 457.

If PAs are to be excluded then why not dentists, physicians, osteopathic physicians and podiatrists?

This was not supported by the Hawaii Board of Nursing who testified on SB 805 in 2015 to Senate HTH, CPN and House HLT committees with the following language:

Physician and osteopathic orders to nurses are not stated in HRS 453.

They are stated in HRS 457. Following the reasoning of removing physician assistants from the language of HRS 457, then physicians, osteopathic physicians, dentists and podiatrists should also be removed and their authority to give orders to nurses be stated in their respective HRS.

Nurses are regulated by HRS 457 and this is the reason the language regarding orders was placed within HRS 457.

Nurses are not governed by HRS 453, and that is the reason that language regarding orders for nurses does not belong in HRS 453.

The ACA recognizes PAs as an essential part of the solution to the primary care shortage by formally acknowledging them as one of the three primary care health providers along with NPs and doctors.

It doesn't make sense to remove PAs from HRS 457.

Medical home accreditors recognize PAs. Standards from NCQA, The Joint Commission and URAC recognize PAs as primary care providers and as qualified to lead patient care teams.

SB 2103, when submitted in 2012 received support from the following:

The Hawaii State Board of Nursing , HMA, The Queens Health System, The Hawaii State Center for Nursing, Hawaii Pacific Health, The University of Hawaii – School of Nursing and Dental Health, The American Academy of Physician Assistants, The Hawaii Academy of Physician Assistants in addition to nurses, physicians assistants and physicians. Review of archive testimony confirms the information above.

There has been ample time to evaluate the law and its effect on public health. There has been no demonstrated or documentable harm, but rather benefit. The change made by Act 255, Session Laws of Hawaii 2012, has provided clarity and improved communication for all health care providers and specifically, licensed practical nurses, registered nurses and physician assistants.

In summary, the original bill SB 2103 was widely supported by the medical community in general, as referenced above. There has been no indication that it has negatively impacted health care delivery or caused any malpractice. The bill has given clarity that when nurses carry out prescribed medical orders from physician assistants that they are acting lawfully and within their scope of practice.

The best solution is to leave the PA language in HRS 457 and remove the sunset provision which is what you supported last year when you passed SB 805.

Fielding Mercer, PA-C

Legislative Liaison

Hawaii Academy of Physician Assistants

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**SB2676**

Submitted on: 2/14/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wailua Brandman	Hawaii Assoc. of Professional Nurses	Support	No

Comments: Also in support of amendment to be proposed by the PT/OT Association

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**PRESENTATION OF THE  
HAWAII MEDICAL BOARD**

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Wednesday, February 17, 2016  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2676, RELATING TO PHYSICIAN ASSISTANTS.**

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

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical Board ("**Board**"). Thank you for the opportunity to submit testimony in opposition to Section 2 of Senate Bill No. 2676, Relating to Physician Assistants.

Senate Bill No. 2676 proposes, among other things, to set out the authority of physician assistants regarding nurses under Hawaii Revised Statutes ("**HRS**") Chapter 453.

The Board believes that this bill may unintentionally affect patient safety. Members noted that a physician's orders may not be relayed appropriately to a registered nurse or a licensed practical nurse by a physician assistant. If these orders are not relayed appropriately the patient's care may be jeopardized.

Additionally, the proposed amendment to HRS Chapter 453 does not seem appropriate. HRS Chapter 453 does not apply to nurses, and thus does not compel nurses to comply with orders provided by physician assistants.

Thank you for the opportunity to testify on Senate Bill No. 2676.

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**SB2676**

Submitted on: 2/14/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Allen Novak	Individual	Support	No

Comments: Aloha Chair Rosalyn H. Baker, Vice-Chair Michelle N. Kidani and members of the Senate Committee on Commerce, Consumer Protection, and Health. Mahalo for this opportunity to testify in support of SB 2676. This bill will place the authority of Physician Assistants in the appropriate location in the Hawaii statutes. PAs are not Licensed Independent Providers in Hawaii. PAs authority to write orders does not belong in the Nurse Practice Act; RNs and LPNs statutorily follow physician orders, and PA orders are extensions of and under supervision by the physician. Thank you for helping to clarify this confusing situation. I strongly support this bill as written. Allen Novak, APRN, Hilo, Hawaii

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**SB2676**

Submitted on: 2/15/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Lenora Lorenzo	Individual	Oppose	No

Comments: Aloha Senators Baker & Kidani, and the COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH. Mahalo for the opportunity to speak on SB 2676 RELATING TO PHYSICIAN ASSISTANTS SB 2676 Clarifies powers of physician assistants regarding nurses under chapter regulating physicians. Removes sunset date of Act 255, SLH 2012. I support the clarification of physician's assistants under chapters regulating physicians. I believe this is needed to clarify PA's authority. However I do not support removal of the Act 255 SLH 2012, sunset clause. The language in the Nurse Practice Act (NPA) provides the authorization for nursing to carry out patient care if the care was ordered by a PA. Although the PA acts under the physicians supervision, the PAs authority to write orders is necessary in the Nurse Practice Act; for RNs and LPNs to statutorily follow PA orders. Checking with the American Association of Nurse Practitioners legislative team, it is common practice throughout our nation to have this piece in both the PA and NPA. We should retain PAs on the list of clinicians from who nurses may accept care orders. Without the retention of PAs to the list in the NPA, nurses wouldn't be able to carry out PA orders, and patient care would be delayed until a PA order was rewritten by one of the other listed clinicians. Nurses need this statutory support to follow PA orders in many facilities. Without this there could be delays in patient care that could compromise their life or health! I believe the PA's lobbied to have this in the NPA, because their orders were not followed by nurses. I respectfully support our PA colleagues and want to see that our ohana and patients do not have delays in their care when they are being cared for by a PA. Respectfully, Lenora Lorenzo DNP, APRN, FAANP, American Association of Nurse Practitioners Hawaii State Representative and HAPN Treasurer

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**SB2676**

Submitted on: 2/14/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacy Kracher	Individual	Support	No

Comments: Comments: Aloha Chair Rosalyn H. Baker, Vice-Chair Michelle N. Kidani and members of the Senate Committee on Commerce, Consumer Protection, and Health. Mahalo for this opportunity to testify in support of SB 2676. This bill will place the authority of Physician Assistants in the appropriate location in the Hawaii statutes. PAs are not Licensed Independent Providers in Hawaii. PAs authority to write orders does not belong in the Nurse Practice Act. Thank you. I strongly support this bill as written. Stacy Kracher APRN RX Honolulu Hawaii

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