

March 14, 2016 at 2:15 pm
Conference Room 329

House Committee on Health

To: Representative Della au Belatti, Chair
Representative Richard Creagan, Vice Chair

From: Art Gladstone
Chief Nurse Executive, Hawaii Pacific Health
Chief Executive Officer, Pali Momi Medical Center and Straub Clinic & Hospital

Re: Testimony in Support – SB 2677, SD2

My name is Art Gladstone and I am the Chief Nurse Executive at Hawai'i Pacific Health (HPH), and the Chief Executive Officer of Pali Momi Medical Center and Straub Clinic and Hospital. Hawai'i Pacific Health is a not-for-profit health care system, and the state's largest health care provider and non-governmental employer. Hawai'i Pacific Health is committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four hospitals, more than 50 outpatient clinics and service sites, and over 1,600 affiliated physicians. Hawai'i Pacific Health's hospitals are Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital.

HPH is writing in **support** of SB 2677, SD2 which establishes criminal history records checks for all nurse licensure, including license renewals. In 2010, the Legislature enacted Act 057 which defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice in all state boards across the United States and its territories. The bill would continue to hold nurses in Hawaii to the national standards established by the NCSBN.

Furthermore, it is in the interest of the nursing workforce to ensure safe and quality nursing services to patients. Establishing criminal background checks is one means of enhancing public safety in Hawaii. While the American Nurses Association and the Council of State Governments support the use of criminal background checks as part of the licensing process for nurses, Hawaii is one of the few remaining states in the nation that has yet to adopt this requirement. We, therefore, urge this committee to pass this measure.

Thank you for the opportunity to testify.



From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 12, 2016 8:00 PM
To: HLTtestimony
Cc: wailua@aya.yale.edu
Subject: *Submitted testimony for SB2677 on Mar 14, 2016 14:15PM*

SB2677

Submitted on: 3/12/2016

Testimony for HLT on Mar 14, 2016 14:15PM in Conference Room 329

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

Comments:

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**Written Testimony Presented Before the
House Committee on Health
March 14, 2016 at 2:15 p.m.
by
Laura Reichhardt, NP-C, APRN, Director
Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

SB 2677 SD2 RELATING TO NURSING

Chair Belatti, Vice Chair Creagan, and members of the House Committee on Health, thank you for this opportunity to provide testimony in strong support for SB 2677, SD2 Relating to Nursing with amendments.

In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457-2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act (MNPA). The MNPA provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories. The Hawai'i State Center for Nursing (HSCN) supports SB 2677, SD2 as it would align Hawai'i with the national nurse practice standards established by the NCSBN and its delegates¹.

The HSCN supports SB 2677, SD2 because:

- The Legislature has adopted progressive nurse education and practice laws based on nationally recognized nursing education and certification standards
- Hawaii is among a handful of states in the Nation which have met the high standards of the NCSBN's APRN Consensus Model following the recommendations of the Institute of Medicine.
- However, Hawai'i has the highest regulatory standards for nursing yet it is one of the last 12 states to adopt state and federal criminal background check verification for all nurse licenses.
- It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State.
- Establishing criminal background checks is critical for increased safety of Hawai'i consumers.
- The Hawai'i Board of Nursing should not have the burden of receiving fingerprints or verifying an applicant's or licensee's criminal background as it lacks expertise and resources to do so.

¹ All state boards of nursing are members of the NCSBN. They form the delegate assembly which makes decisions on national nursing initiatives,

- It is critical that the Hawai'i Board of Nursing defer to the Hawai'i Criminal Justice Center, FBI, police department and professional fingerprinting analysts such as Fieldprint, Inc. or other nationally recognized agencies to electronically verify an applicant's or licensee's criminal background status;
- NCSBN² proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.
- The American Nurses Association³ and the Council of State Governments⁴ supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

The HSCN is in support of the SD2 amendment, which requires the Hawai'i Criminal Justice Data Center to provide to the Director of Commerce and Consumer Affairs requested information.

Additionally, the HSCN requests that the House Committee on Health consider an implementation date of "no later than 2021 for criminal history records required " for licensees who were issued licenses by the Board prior to July 1, 2017. The SD2 language amends the bill to include a delayed implementation date for all licenses issued by the board prior to July 1, 2017 to begin no later than 2023. There are currently 22,216 Registered Nurses, which includes 1,267 Advanced Practice Registered Nurses, and 2,382 Practical Nurses licensed in Hawai'i as of January 26, 2016 DCCA Professional and Vocational Licensing Division data⁵. The HSCN estimates a flat growth from LPNS, a growth rate of 4.4% for RNs and 6.6% for APRNS using licensing data from 2005 to 2015. An implementation date of 2023 will delay criminal background checks for a current growing population of over 24,000 of health care providers.

Therefore, the HSCN respectfully requests that the House Committee on Health amend SB 2677, SD2 by changing the implementation date for criminal background checks for nurses issues Hawai'i licenses prior to 2017 to no later than 2021 and pass this measure out as SB 2677, HD1. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.

² https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf

³ <http://www.nursingworld.org/DocumentVault/Position-Statements/Practice/Criminal-Background-Checks-for-Nurse-Licensure.pdf>

⁴ https://www.ncsbn.org/CSG_Resolution.pdf

⁵ http://cca.hawaii.gov/pvl/files/2013/06/WebGeo_012616.pdf page 38

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Monday, March 14, 2016
2:15 p.m.

TESTIMONY ON SENATE BILL NO. 2677, S.D. 2, RELATING TO NURSING.

TO THE HONORABLE DELLA AU BELATTI, 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 submit testimony on Senate Bill No. 2677, S.D. 2, Relating to Nursing, which requires all nurse licensure applicants and nurse license renewal applicants to comply with state and federal criminal history checks. This measure also authorizes the Board to develop and adopt rules to implement the required criminal history checks.

The Board supports the intent of the bill to require criminal background checks ("CBC") for all nurses, however, we do have some concerns with implementing this requirement. The Board would like to ensure that the processes proposed in this measure can be adopted in a manner that will not compromise timely processing of license applications and renewals.

The Board offers the following recommendations:

Submission of criminal history record check fee(s) – The bill, in various places, requires that an applicant for licensed practice nurse and registered nurse by examination, and advanced practice registered nurse, renewal applicants, and reactivation applicants, submit a full set of electronic fingerprints for the purpose of obtaining federal and state criminal history record checks. Currently, the Board of Private Detectives and Guards requires an applicant to be fingerprinted electronically at Fieldprint, Inc., which has locations nationwide or any other fingerprinting agency approved, to send electronic fingerprints to the Hawaii Criminal Justice Data Center (“HCJDC”). For consistency purposes, the Board would prefer that it be allowed to develop administrative rules, similar to the fingerprint checks for a criminal history background check for a private detective or guard, to require nurse applicants and licensees to go directly to Fieldprint, Inc. or any other fingerprinting agency approved to send electronic fingerprints to the HCJDC, pay Fieldprint, Inc. to get fingerprinted, and have the results of the fingerprint check sent to a secured server under the HCJDC where only trained and authorized Professional and Vocational Licensing Division (“PVLD”) staff will be able to retrieve the criminal background report. If the committee is amenable to this approach, there would be no need for the applicant or licensee to submit criminal history record check fee(s) as indicated in the following areas of the bill:

- Page 7, lines 14-15; and
- Page 8, lines 17-18.

Workload concerns – In addition to deleting the requirement to submit a criminal history record check fee(s), should the Board be allowed to develop administrative rules

to implement the criminal background check requirement, there is still a concern with the timely processing of all nurse applicants with this additional requirement. Although the bill clarifies the date on which the Board shall start requiring all new applicants to obtain a criminal history record check and also allows the PVLD to require renewal applicants to obtain a criminal history record check spread out over three (3) renewal periods, processing this many renewals over a three (3) year period with the addition of a criminal background check will be a workload issue for PVLD. The latest geographic report dated January 26, 2016, listed 25,865 "active" licensed nurses (LPNs, RNs and APRNs). Allowing the PVLD to conduct criminal background checks over a period of three (3) renewal periods will address some of the workload issues for staff, however, PVLD will need the authority to establish four (4) Office Assistant ("OA") positions (two OA IV positions and two OA V positions) and an increase to its budget ceiling by \$188,128 in order to implement this requirement and timely process all applications.

Section 7. Amendment to section 846-2.7, Hawaii Revised Statutes -

Regarding the inclusion of the Department of Commerce and Consumer Affairs under HRS §846-2.7 on page 23, lines 16-19 of the bill, the Board recommends broader language that includes checks for restoration, reactivation and reinstatement as follows: "The department of commerce and consumer affairs, on applicants for nurse licensure, renewal, restoration, reactivation, or reinstatement under HRS chapter 457 and HAR chapter 89;".

Testimony on Senate Bill No. 2677, S.D. 2

Monday, March 14, 2016

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Effective date - Should this Committee adopt the proposed language provided above, the Board notes that the effective date provision in Section 9 of this measure would also need to be amended to have a single effective date of July 1, 2017.

Thank you for the opportunity to submit testimony on Senate Bill No. 2677,
S.D. 2.

**Written Testimony Presented Before the
House Committee on Health
March 14, 2016 2:15 PM.
by
Susan Lee BSN, RN, WCC**

SB2672 SD1 RELATING TO ADVANCED PRACTICE REGISTERED NURSES

Chair Belatti, Vice Chair Creagan and members of the House Committee on Health, thank you for this opportunity to provide testimony in strong support for SB2672 SD1 Relating to Advanced Practice Registered Nurses.

In 2009, the Legislature in its great wisdom, introduced Act 169, which clarified the Advanced Practice Registered Nurses (APRN) by requiring insurers, mutual and fraternal benefit societies, and health maintenance organizations to recognize APRNs as primary care providers and granting global signature authority and prescriptive rights. By passing Act 169, SLH 2009, Hawai'i became one of the leading states in the nation to recognize the impact APRNs with full scope of practice authority may have on improving access to safe, quality health care for its people.

In 2014, the Legislature introduced Act 45, which recognized that there existed some outdated or obsolete statutes. It was found that these statutes needed to be amended to enable improved access to health care services, expedite the processing of paperwork, and provide optimal care at the initial point of access for Hawai'i patients, especially in rural and underserved areas.

Research indicates that that improved laws relating to APRN practice result in lower health care costs, fewer hospital readmissions, and higher satisfaction among family members and may offset the projected physician shortages and provide economic benefits to the state. With the Hawai'i Revised Statutes changes proposed in SB2672 SD1, APRNs in Hawai'i will be better able to provide quality health care and meet the needs of their patients to the full extent of their education and training¹.

I respectfully requests that SB2672 SD1 pass unamended. Thank you for your continued support of nursing in Hawai'i and for the time and consideration of this bill.

¹ The 2010 report proposed that Advanced Practice Registered Nurses (APRNs), if permitted to practice to the full extent of their education and training, could help build the workforce necessary to satisfy the health care needs of an increasing number of people with access to health insurance and contribute their unique skills to the delivery of patient-centered health care. (Institute of Medicine Five-Year Assessment of Progress on the of the Future of Nursing Report)

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 12, 2016 4:42 PM
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Cc: lenora@hawaii.edu
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SB2677

Submitted on: 3/12/2016

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Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Lenora Lorenzo	Individual	Support	No

Comments: Aloha Rep. Belatti & Creagan and the Committee on Health.. Mahalo for this opportunity to in stron support REGARDING HB1756 (Criminal Background Checks) that establishes criminal history record check requirements for all nurse licensure, including licensure renewal, applicants. Authorizes the state board of nursing to develop rules necessary to implement the required criminal history record checks. I support the philosophy and importance for criminal background checks to assure safety of nurse providers, but was initially unsure if this bill represents the best process to assure safety and maintain discretion of my nursing colleagues. The American Association of Nurse Practitioners legislative team and nursing colleagues have voiced support for this measure. We are one of 12 sates that has not adopted the NSBN consensus model for criminal checks. This measure is important for protection of public safety. Respectfully, Lenora Lorenzo DNP, APRN, FAANP, American Association of Nurse Practitioners Hawaii State Representative and HAPN Treasurer

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