

HB912 HD2

Measure Title: RELATING TO NURSING.

Report Title: Advanced Practice Registered Nurses; Health Care Practitioners; Minors; Assisted Community Treatment; Health Services

Description: Allows advanced practice registered nurses to offer care and services to minors and patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers. (HB912 HD2)

Companion:

Package: None

Current Referral: CPH

Introducer(s): BELATTI, BROWER, EVANS, JOHANSON, MIZUNO, MORIKAWA, TAKUMI, Yamashita

**PRESENTATION OF THE
BOARD OF NURSING**

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

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Wednesday, March 15, 2017
9:00 a.m.

TESTIMONY ON HOUSE BILL NO. 912, H.D. 2, RELATING TO NURSING.

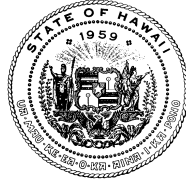
TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Lee Ann Teshima, Executive Officer for the Board of Nursing (“Board”). I appreciate the opportunity to testify on House Bill No. 912, H.D. 2, Relating to Nursing, which would allow an advanced practice registered nurse (“APRN”) who holds a national certification in a psychiatric specialization, to offer care and services to minors and patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers.

The Board supports this bill which would recognize qualified APRNs to provide primary medical care services to adolescents. For licensure, APRNs must complete a graduate-level degree in nursing practice and maintain national certification in their practice specialty. Continuing education is required for both prescriptive authority and the maintenance of national certification.

Removing “barriers” by recognizing that APRNs are qualified to provide health care services in addition to physicians and other health care providers is vital to ensuring that residents of this State are able to receive the health care they deserve.

Thank you for the opportunity to testify in support of House Bill No. 912, H.D. 2.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
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**Testimony in SUPPORT of HB912 HD2
RELATING TO NURSING.**

SENATOR ROSALYN BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Hearing Date: March 15, 2017 Room Number: 229

1 **Fiscal Implications:** None for Department of Health.

2 **Department Testimony:** The Department of Health supports this measure with important
3 amendments that refine the definition of “advanced practice registered nurse” in the context of
4 ordering assisted community treatment to a licensed individual who:

- 5 • Has prescriptive authority; and
6 • Possesses a national certification as a psychiatric clinical nurse specialist or psychiatric
7 nurse practitioner.

8 Both qualifications should be required to assure patient safety and alignment with section 334-
9 129, Hawaii Revised Statutes, that authorizes the prescription or administration “to the subject of
10 the order reasonable and appropriate medication or medications.”

11 **Offered Amendments:**

12 Bill Section 2

13 **"§334-121 Criteria for assisted community treatment.** A person
14 may be ordered to obtain assisted community treatment if the family
15 court finds that:

- 16 (1) The person is mentally ill or suffering from substance
17 abuse; [~~and~~]

1 (2) The person is unlikely to live safely in the community
2 without available supervision based on the professional
3 opinion of a psychiatrist[+] or advanced practice
4 registered nurse with prescriptive authority and who holds
5 a national certification as a psychiatric nurse specialist
6 or psychiatric nurse practitioner; [and]"

7 Bill Section 3

8 SECTION 3. Section 334-122, Hawaii Revised Statutes, is amended
9 by adding two new definitions to be appropriately inserted and to read
10 as follows:

11 "Advanced practice registered nurse" means a registered nurse
12 licensed to practice in this State who:

13 (1) Has met the qualifications set forth in chapter 457 and this
14 part;

15 (2) Because of advanced education and specialized clinical
16 training, is authorized to assess, screen, diagnose, order,
17 utilize, or perform or prescribe medical, therapeutic,
18 preventive, or corrective measures; and

19 (3) Holds a national certification [in a psychiatric
20 specialization.] as a psychiatric nurse specialist or
21 psychiatric nurse practitioner."

22

23

**Written Testimony Presented Before the
Senate Committee on Commerce, Consumer Protection, and Health
March 15, 2017 at 9:00 AM**

**by
Laura Reichhardt, NP-C, APRN, Director
Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

HB 912, HD2 RELATING TO NURSING

Chair Baker, Vice Chair Nishihara, and members of the Senate Committee on Commerce, Consumer Protection, and Health. Thank you for hearing testimony for HB 912, HD2 Relating to Nursing. The Hawai'i State Center of Nursing (HSCN) is in **strong support** of HB 912, HD2.

This bill identifies two areas in the Hawai'i Revised Statutes and proposed amendments by adding Advanced Practice Registered Nurses (APRN) with the goal that improved access to safe, quality care may be achieved.

Assisted Community Treatment, HRS 334-121, 122, 123, 126, 127, 129 and 131

The sections relating to the Assisted Community Treatment (ACT) program in this measure proposes to add APRNs into the list of expert witnesses and specialists who participate in the ACT program for severely mentally ill individuals. In both versions, amendments have been passed to require APRNs in this section to also hold national certification in a psychiatric specialization. The HSCN commends the Legislature for enriching the proposed language to ensure the highest quality care is provided to severely mentally ill individuals under this measure.

In contrast to SB 401, SD 1, which indicates than an APRN must also have prescriptive authority, HB 912, HD 2 does not include language in the sections relating to HRS 334 which proposes to require an APRN to have prescriptive authority in Chapter 334 Part VII Assisted Community Treatment.

The National Council of State Boards of Nursing notes "the practice of nursing is a right granted by a state to protect those who need nursing care. The guidelines of the Nurse Practice Act (NPA) and its rules provide safe parameters within which to work, as well as protect patients from unprofessional and unsafe nursing practice."¹

¹ <https://www.ncsbn.org/nurse-practice-act.htm>

The Hawai'i NPA, Chapter 457, and Administrative Rules, Chapter 89, defines APRN prescriptive authority as the following:

§457-8.6 (c) Advanced practice registered nurses shall be considered qualified if they have met the requirements of section 457-8.5(a), and have met the advanced pharmacology requirements for initial prescriptive authority pursuant to rules adopted by the board. **Only qualified advanced practice nurses authorized to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources and, only as appropriate, to the practice specialty in which the advanced practice nurse is qualified, may:**

(1) Prescribe and administer over the counter drugs, legend drugs, and controlled substances pursuant to this chapter and to chapter 329 and request, receive, and dispense manufacturers' prepackaged samples of over the counter drugs and non-controlled legend drugs to patients under their care; provided that an advanced practice registered nurse shall not request, receive, or sign for professional controlled substance samples;

§16-89-117 Prescriptive authority. **Only an APRN granted prescriptive authority by the board shall be able to practice as an APRN with prescriptive authority or use any sign, card, or device to indicate or in any way imply, that the person is an APRN who is authorized to prescribe.**

The HSCN respectfully submits the selections of the NPA and HAR to the Senate Committee of Commerce, Consumer Affairs, and Health in your consideration of the differences in related to Chapter 334 Part VII Assisted Community Treatment in these two bills.

Adolescent consent to Behavioral Health Services, H.R.S 577-29, and Legal Capacity of Minor Regarding Medical Care 577A-2, 3 and 4

The HSCN is in favor of the language in HB 912, HD2. Therefore, the HSCN reserves comments on this section at this time.

Thank you for your longstanding support for APRNs and ensuring access to care for Hawai'i's people. The Hawai'i State Center for Nursing appreciates your consideration and respectfully requests the favorable vote on this measure.



HB912 HD1 Health Insurance (ACA): Allows advanced practice registered nurses to offer care and services to minors and patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers. .

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH:

- Senator Rosalyn Baker, Chair; Senator Clarence Nishihara, Vice Chair
- Tuesday, Mar. 14th, 2017: 9:00 a.m.
- Conference Room 229

HAWAII SUBSTANCE ABUSE COALITION (HSAC) Supports HB912 HD2.

ALOHA CHAIR BAKER; VICE CHAIR NISHIHARA; AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization of over 30 non-profit alcohol and drug treatment and prevention agencies.

It's important to pass this bill to stay abreast of advances in medical protocols, address shortages in psychiatrists and help care become more affordable.

Advanced Practice Registered Nurses (APRN) are already engaged to have an increasing role in addressing behavioral health conditions such as mental illness and substance use disorders.

1. For instance, Section 303 of the recent Comprehensive Addiction and Recovery Act (CARA) now legislates that APRNs may prescribe suboxone, a buprenorphine medication detoxification and withdrawal medication that helps patients with opioid dependence (pain relievers, morphine and heroin) to mitigate withdrawal symptoms.¹ Of course, there are requirements such as following specified training, a Waiver Notification Form much be sent to the federal managing agency: SAMHSA for their approval.
2. The Substance Abuse Mental Health Services Administration (SAMHSA) states that suboxone has been approved by the FDA since October 2002 and represents the latest advances in medication-assisted therapies for opioid dependency. When taken as prescribed, buprenorphine is safe and effective.²

Given that APRNs are qualified to provide primary medical care services and can improve care to assisted community treatment programs as they have done for other health services. There is a shortage of psychiatrists as well as increasing costs to consider. APRNs meet the training and practice requirements in those roles where they have been so regulated to provide that would improve access to health care in a safe manner as well as provide more timely quality health care for people in Hawai'i.

We appreciate the opportunity to provide testimony and are available for questions.

¹ ASAM: Nurse Practitioners and Physician Assistants Prescribing Buprenorphine (Suboxone). <http://www.asam.org/quality-practice/practice-resources/nurse-practitioners-and-physician-assistants-prescribing-buprenorphine>

² SAMHSA: Buprenorphine for Medication-Assisted Treatment. <http://www.asam.org/quality-practice/practice-resources/nurse-practitioners-and-physician-assistants-prescribing-buprenorphine>

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 12, 2017 7:24 PM
To: CPH Testimony
Cc: wailua@aya.yale.edu
Subject: Submitted testimony for HB912 on Mar 15, 2017 09:00AM

HB912

Submitted on: 3/12/2017

Testimony for CPH on Mar 15, 2017 09:00AM in Conference Room 229

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

Comments: HAPN STRONGLY SUPPORTS HB912HD1, Relating to Nursing. Our state statutes need to be simple and clear. HAPN prefers this bill to it's companion SB401SD1, which includes superfluous language that discriminates against a sub-set of APRNs who are qualified to prescribe through their education, however choose to practice in non-prescribing roles, such as expert psychotherapists or administrators of behavioral health agencies. Should their patients meet the indications for ACT, they need to be able to recommend and testify their opinions to the courts. Appropriate prescribers can then be delegated by the patient's agency or program to perform that function. Mahalo for your enduring support of Hawaii's APRNs and the people of our state. Wailua Brandman APRN FAANP, Chair HAPN Legislative Committee

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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TO: Senator Rosalyn Baker, Chair, and Sen. Clarence Nishihara, Vice Chair, and members,
Committee on Commerce, Consumer Protection, and Health

FR: Marya Grambs, Co-Chair, Mental Health Task Force convened by Rep. Belatti; and Chair,
Assisted Community Treatment (ACT) Working Group

RE: HB912HD2 Relating to Nursing; IN STRONG SUPPORT WITH COMMENTS

HEARING: 9:00 March 15, 2017, conference room 229

Thank you for the opportunity to testify in STRONG SUPPORT WITH COMMENTS on HB912HD2. The purpose of Sections 1-8 of this bill is to expand the type of health professional that can prepare, submit and oversee an order for Assisted Community Treatment (ACT) for those members of our community who have severe mental illness and/or substance use disorder, so much so that they are unable to live safely in the community.

ACT currently requires a psychiatrist to assess the individual and develop and oversee a treatment plan if the Order is granted. There is a severe lack of psychiatrists available for this purpose. This bill seeks to enable Advanced Practice Nurse Practitioners to file such an Order and oversee its implementation, thus significantly increasing the pool of health professionals available to be involved in ACT orders.

My comments are as follows:

To fulfill the role of psychiatrist, these APRNs must have **prescriptive authority**. Without prescriptive authority, the APRN will not be able to determine the appropriate psychotropic medication as part of the treatment plan and oversee the prescribing of the medication in the implementation of that plan. (Most subjects of ACT Orders will require psychiatric medication as part of their treatment.) ***My request is that the sections of this bill pertaining to HRS 334 specify that the APRN must have prescriptive authority.***

Thank you for the opportunity to submit this testimony. Please contact me if you have any questions.
mgrambs@gmail.com 808 778 9178

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 13, 2017 6:26 PM
To: CPH Testimony
Cc: eckrothkr@gmail.com
Subject: Submitted testimony for HB912 on Mar 15, 2017 09:00AM

HB912

Submitted on: 3/13/2017

Testimony for CPH on Mar 15, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Katherine Eckroth	Individual	Support	No

Comments: I SUPPORT HB912HD1, Relating to Nursing. Our state statutes need to be simple and clear. This bill is preferable to the companion SB401SD1, which includes superfluous language that discriminates against a sub-set of APRNs who are qualified to prescribe through their education, however choose to practice in non-prescribing roles, such as expert psychotherapists or administrators of behavioral health agencies. Should their patients meet the indications for ACT, they need to be able to recommend and testify their opinions to the courts. Appropriate prescribers can then be delegated by the patient's agency or program to perform that function. Thank you for helping us support the health of our community.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 10, 2017 2:00 PM
To: CPH Testimony
Cc: geesey@hawaii.edu
Subject: Submitted testimony for HB912 on Mar 15, 2017 09:00AM

HB912

Submitted on: 3/10/2017

Testimony for CPH on Mar 15, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Yvonne Geesey	Individual	Support	No

Comments: Please support, mahalo!

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 9:10 AM
To: CPH Testimony
Cc: dabitbol@chowproject.org
Subject: Submitted testimony for HB912 on Mar 15, 2017 09:00AM

HB912

Submitted on: 3/14/2017

Testimony for CPH on Mar 15, 2017 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Lusk	Individual	Support	No

Comments: It's important to pass this bill to stay abreast of advances in medical protocols, address shortages in psychiatrists and help care become more affordable.

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