

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Thursday, March 30, 2017
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 984, H.D. 1, RELATING TO WORKERS'
COMPENSATION PHYSICIAN.**

TO THE HONORABLE ROY M. TAKUMI, 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. 984, H.D. 1, Relating to Workers' Compensation Physician, which would amend the definition of "physician" in the workers' compensation law to include advanced practice registered nurses ("APRNs").

The Board supports this bill and respectfully requests that the approval date be amended to "upon approval". This bill would recognize qualified APRNs to provide primary medical care services to workers' compensation patients. 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.

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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 submit testimony in support of Senate Bill No. 984, H.D. 1.



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March 30, 2017

To: The Honorable Roy M. Takumi, Chair,
The Honorable Linda Ichiyama, Vice Chair, and
Members of the House Committee on Consumer Protection and
Commerce

Date: Thursday, March 30, 2017
Time: 2:00 p.m.
Place: Conference Room 329, State Capitol

From: Linda Chu Takayama, Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 984 HD1 Relating to Workers' Compensation Physician

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal amends section 386-1, Hawaii Revised Statutes (HRS), of the Workers' Compensation Law to include Advanced Practice Registered Nurses ("APRN") in the definition of physician.

The Department strongly supports this DLIR proposal that will help alleviate the shortage of physicians willing to treat injured workers. DLIR believes that allowing APRNs to treat injured workers as the physician will help alleviate the shortage of physicians willing to treat injured workers and improve access to health care services, *especially* on the Neighbor Islands.

II. CURRENT LAW

Section 386-1 defines "physician" as including a doctor of medicine, a dentist, a chiropractor, an osteopath, a naturopathic physician, a psychologist, an optometrist, and a podiatrist.

Act 183, effective July 1, 2016, added APRNs under chapter 457, HRS, to the definition of "health care provider" allowing their participation as health care providers. However, by definition in 386-1, HRS, APRN's cannot be responsible for

the treatment of injured workers unless, "...under the direction of the attending physician" per section 12-15-31(c) of the Workers' Compensation Medical Fee Schedule Administrative Rules.

III. COMMENTS ON THE SENATE BILL

The intent of the Workers' Compensation law is to provide adequate and proper medical care to injured workers to insure maximum medical improvement of conditions resulting from industrial injuries and to return injured workers to the work force as quickly as the process allows. This proposal will allow APRNs to be responsible for treatment of injured workers in workers' compensation cases to the fullest extent of their training and education.

The University of Hawaii at Mānoa, John A. Burns - School of Medicine (JABSOM) reported findings from the Hawaii Physician Workforce Assessment Project to the 2015 Legislature, in accordance with Act 18 (Special Session Laws of Hawaii 2009) as amended by Act 186 (Session Laws of Hawaii 2012). The report indicated that there was a shortage of 665 physicians or twenty per cent in Hawaii and that a best-case scenario for future workforce numbers is that by 2020 Hawaii will have a shortage of 800 physicians.

The physician specialties with the greatest shortages are primary care, particularly on the Neighbor Islands, as well as other specialties, many of which are needed by injured workers.

Exacerbating the physician shortage in workers' compensation is the refusal or reluctance of physicians to take injured workers as patients due to the paperwork and litigious nature of the workers' compensation system, which was designed to function in a more informal manner. The shortage of physicians willing to treat injured workers is particularly problematic on the Neighbor Islands, and especially so in remote areas.

DLIR believes that allowing APRNs to treat injured workers for the purposes of the workers' compensation program will help alleviate the shortage of physicians willing to treat injured workers and improve access to health care services, especially on the Neighbor Islands.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 28, 2017 10:23 PM
To: CPCtestimony
Cc: wailua@aya.yale.edu
Subject: Submitted testimony for SB984 on Mar 30, 2017 14:00PM

SB984

Submitted on: 3/28/2017

Testimony for CPC on Mar 30, 2017 14:00PM in Conference Room 329

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

Comments: Strong Support - this measure will fix the overlooked element in Act 183, from last session and will finally remove the insurance companies' excuse for not reimbursing APRNs delivering care in workman's compensation claims. In addition, Defining "physicians" to include APRNs is inaccurate, and HAPN supports provider neutral language, e.g., using the term "provider" instead of "physician." HAPN strongly supports this measure. Mahalo for your enduring care for the people of Hawai`i. 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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**Written Testimony Presented Before the
House Committee on Consumer Protection & Commerce
March 30, 2017 2:00 PM
by
Laura Reichhardt, NP-C, APRN, Director
Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

SB 984, HD1 RELATING TO WORKERS' COMPENSATION PHYSICIAN

Dear Chair Takumi, Vice Chair Ichiyama, and members of the House Committee on Consumer Protection & Commerce. Thank you for hearing testimony for SB 984, HD1 Related to Workers' Compensation. I am the Director of the Hawai'i State Center of Nursing and would like to testify in strong support of this measure.

In 2016, the Hawai'i State Legislature passed Act 183, which amended various statutes clarifying the role of Advanced Practice Registered Nurses (APRNs) with the aims to improve access to safe, quality health care for the people of this State. S.L.H. 2016 Act 183 was drafted in collaboration with the Department of Labor and Industrial Relations (DLIR) to expand access to Workers' Compensation by means of allowing APRNs to conduct Workers' Compensation care. The amendments to Chapter 386 in S.L.H. 2016 Act 183 added APRNs to the definition of "Health Care Provider" to APRNs to treat injured workers in Hawai'i.

SB 984, HD1 further clarifies Chapter 386 by adding APRNs to the definition of "Attending Physician" which will enable APRNs to both treat injured workers and be compensated for their services.

These efforts to improve access to health care with the DLIR is a long partnership among state and local entities to improve the health and well-being established by the Hawai'i State Legislature in 2013 through H.C.R 53 H.D. 1 and S.C.R. 66 S.D. 2 which found that APRNs should practice to the full extent of their education and training, that scope of practice barriers should be removed, and that the Legislature is dedicated to addressing the needs and interests of the people of Hawai'i, including ensuring that quality health care is easily accessible to consumers throughout the State, and that APRNs may help serve these needs for the people of Hawai'i. The State Legislature also found that by state agencies aligning and modernizing applicable state statutes, APRNs would be more able to seamlessly provide quality health care to people in need, including medically underserved and rural areas.

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

The Twenty-Ninth Legislature
Regular Session of 2017

HOUSE OF REPRESENTATIVES'
Committee on Consumer Protection
Representative Roy M. Takumi, Chair
Representative Linda Ichiyama, Vice Chair
State Capitol, Conference Room 329
Thursday, March 30, 2017; 2:00 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 984 HD 1
RELATING TO WORKERS' COMPENSATION PHYSICIAN**

The ILWU Local 142 supports S.B. 984 HD 1 which amends the definition of "physician" in workers' compensation law to include advanced practice registered nurses. The ILWU is primarily concerned about injured workers being able to access medical care and receiving prompt treatment which they are entitled to by law. Section 386-21(a) of the workers' compensation law states, "so long as reasonably needed the employer shall furnish to the employee all medical care, services, and supplies as the nature of the injury requires."

The justification sheet for this administration bill states, that the JABSOM assessment of Hawaii's physician workforce projected a current shortage of 665 physicians, which will grow to a shortage of 800 physicians by the year 2020. The specialties with the greatest shortage is primary care, "particularly on the neighbor islands". They contend that the "shortage of physicians willing to treat injured workers is particularly problematic on the neighbor islands, and especially in remote areas".

This is reflected by the fact that today, you cannot find a psychologist or a psychiatrist to provide medical treatment to an employee with an industrial injury on the island of Kauai. The workers' compensation law, allows travel to another island for a doctor with the proper specialty. However, if a Kauai worker needs the services of a psychologist or psychiatrist, the situation could get complicated by a fear of flying, which has already occurred in a Kauai case.

By providing that an "advance practice registered nurse" falls under the definition of "physician" in Section 386 – 1 HRS, this will allow APRNs to be responsible for treatment of the injured worker in workers' compensation cases to the fullest extent of their training and education. This result should clearly help address the shortage of physicians willing to treat injured workers and improve access to health care services, especially on the neighbor islands.

The ILWU strongly urges passage of S.B. 984 HD 1. Thank you for the opportunity to share our views on this important matter.

March 30, 2017/2:00 p.m.
Conference Room 329

House Committee on Consumer Protection and Commerce

To: Representative Roy Takumi, Chair
Representative Linda Ichiyama, Vice Chair

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

Re: SB 984, HD1 – Testimony in Support

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. Founded in 1921, Straub Medical Center includes a 159-bed hospital in Honolulu, a network of neighborhood clinics and a visiting specialist program that reaches throughout the state of Hawai'i. With over 200 physicians who are leaders in their fields, Straub provides its patients with diagnoses and treatments for more than 32 different medical specialties, including bone and joint, heart, cancer, endocrinology/diabetes, family medicine, gastroenterology, geriatric medicine, internal medicine, vascular and urology. Straub is home to the Pacific Region's only multidisciplinary burn treatment center. The hospital consistently brings new technologies and innovative medical practices to Hawai'i, such as minimally invasive cardiac surgery and total joint replacement. Straub is an affiliate of Hawai'i Pacific Health, one of the state's largest health care providers and a not-for-profit health care system with over 70 locations statewide including medical centers, clinics, physicians and other caregivers serving Hawai'i and the Pacific Region with high quality, compassionate care.

I am writing in support of SB 984 which amends the definition of "physician" in the worker's compensation law to include advanced practice registered nurses (APRNs). Act 183 (2016) amended various statutes clarifying the role of APRNs. The goal of those amendments was to improve access to safe, quality health care in the state. SB 984 further clarifies the worker's compensation law such that APRNs will be able to treat injured workers and be compensated for their services. With the shortage of physicians and other health care professionals in Hawaii, especially in rural and underserved areas, SB 984 will provide injured workers greater access to care and treatment. Thank you for the opportunity to testify.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Ninth Legislature, State of Hawaii
House of Representatives
Committee on Consumer Protection and Commerce

Testimony by
Hawaii Government Employees Association
March 30, 2017

**S.B. 984, HD1 – RELATING TO WORKERS’
COMPENSATION PHYSICIAN**

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose of S.B. 984, HD1, which adds an Advanced Practice Registered Nurse (APRN) to the definition of physician, as a primary care provider for injured workers in workers’ compensation cases.

Adding APRN’s to the definition of physician will allow them to be responsible for treatment for injured workers to the fullest extent of their education and training. Currently there is a shortage of physicians, especially on the neighbor islands and those in specialty areas where many workers’ compensation cases are needed. It is anticipated that the shortage will continue to increase; therefore allowing APRN’s to treat injured workers will improve access to health services, especially on the neighbor islands.

Thank you for the opportunity to submit testimony in support for S.B. 984, HD1.

Respectfully Submitted,

Randy Perreira
Executive Director