

Testimony of the Board of Nursing

**Before the
House Committee on Health, Human Services, & Homelessness
Tuesday, February 9, 2021
9:30 a.m.
Via Videoconference**

**On the following measure:
H.B. 302, RELATING TO ADVANCED PRACTICE REGISTERED NURSES**

WRITTEN TESTIMONY ONLY

Chair Yamane and Members of the Committee:

My name is Lee Ann Teshima, and I am the Executive Officer of the Board of Nursing (Board). The Board appreciates the intent of and offers comments on this bill.

The purposes of this bill are to: (1) authorize advanced practice registered nurses (APRNs) to certify whether a person is totally disabled under the income tax code; (2) authorize APRNs to make capacity determinations; and (3) add APRNs as primary providers in advance mental health care directives.

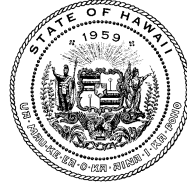
The Board appreciates the bill's intent to remove barriers for the practice of APRNs and provide greater access to health care for Hawaii residents, especially those who reside in rural areas or on the neighbor islands.

For the Committee's information, APRNs are recognized as primary care providers who may practice independently based on their practice specialty, which includes psychiatric mental health. Under Hawaii Revised Statutes section 457-8.8, APRNs are "authorized to sign, certify, or endorse all documents relating to health care within their scope of practice provided for their patients[.]" In addition, an APRN's education and training include, but are not limited to: (1) a graduate-level degree in nursing; (2) national certification that requires continuing education and training; and (3) passage of a national board examination.

Thank you for the opportunity to submit testimony on this bill.

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LT. GOVERNOR



ISAAC W. CHOY
DIRECTOR OF TAXATION

STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
FAX NO: (808) 587-1560

To: The Honorable Ryan I. Yamane, Chair;
The Honorable Adrian K. Tam, Vice Chair;
and Members of the House Committee on Health, Human Services &
Homelessness

From: Isaac W. Choy, Director
Department of Taxation

Date: February 9, 2021
Time: 9:30 A.M.
Place: Via Video Conference, State Capitol

Re: H.B. 302, Relating to Advanced Practice Registered Nurses

The Department of Taxation (Department) offers the following comments on H.B. 302 for your consideration.

As it relates to taxation, H.B. 302 allows an advanced practice registered nurse (APRN) licensed under Hawaii Revised Statutes (HRS) chapter 457 to determine whether a taxpayer is “disability” as defined under HRS section 235-1. This measure is effective upon approval.

The Department is able to administer this measure as currently written. Thank you for the opportunity to provide comments on this measure.

**Written Testimony Presented Before the
House Committee on Health, Human Services, and Homelessness**

**Hearing: February 9, 2021, 9:30 AM
Via Videoconference**

By Hawai'i – American Nurses Association (Hawaii-ANA)



HB302 – ADVANCED PRACTICE REGISTERED NURSES

Chair Ryan I. Yamane, Vice Chair Adrian K. Tam, and members of the House Committee on Health, Human Services, and Homelessness, thank you for this opportunity to provide testimony **in strong support of HB302.**

This measure authorizes Advanced Practice Registered Nurses (APRNs) to certify a person as totally disabled under the income tax code. This measure improves on equitable access to care for consumers in Hawai'i who seek such designation.

In addition, APRNs are added as primary care providers to determine capacity for advance mental health care directives, in keeping with current recognition of APRNs who practice independently based on their practice specialty including psychiatric mental health.

Hawai'i-ANA recognizes and supports this opportunity to remove barriers from the practice of APRNs within their authorized scope of practice. APRNs have global signature authority pursuant to HRS Chapter 457-8.8. We agree with the Hawai'i Board of Nursing's on-going support for recognizing the broad scope of practice underpinned by education, clinical training, and experience, afforded to APRNs within each specialty recognized in HRS Chapter 457.

Hawai'i-ANA respectfully requests that HB302 be passed through this committee. Thank you for your continued support for measures that address the need for improving access to safe and effective healthcare provided by all primary healthcare providers in communities throughout Hawai'i.

Contact information for Hawai'i – American Nurses Association

President: Katie Kemp, BAN, RN-BC

president@hawaii-ana.org

Executive Director: Dr. Linda Beechinor, APRN-Rx, FNP-BC executivedirector@hawaii-ana.org

phone (808) 779-3001
500 Lunalilo Home Road, #27-E
Honolulu Hawai'i USA 96825

Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Representative Ryan Yamane, Chair of the
House Committee on Health, Human Services, &
Homelessness

From: Hawaii Association of Professional Nurses (HAPN)
Subject: HB302 – Relating to Advanced Practice Registered Nurses

Hearing: February 9, 2021, 9:30a.m.

Aloha Representative Yamane, Chair; Representative Tam, Vice Chair, and Committee Members,

Thank you for the opportunity to submit testimony regarding HB302. HAPN is in **Strong Support** to include Advanced Practice Registered Nurses (APRN) with the ability to determine total disability, make capacity assessments for purposes of advanced mental health care directives, and adds us as primary care providers in advance mental health care directives.

Our members have shared stories about their experience and inability to complete wholistic care to our patients as these laws currently stand. We have members who work in our hospitals who are unable to assist in determination of mental capacity for potentially lifesaving measures. We also have members who practice and/or own their own clinic in our urban and rural communities who are unable to assist with determining total disability and completing advanced mental healthcare directives. We provide a wide variety of healthcare services to our communities. When we are able to work to the full extent of our education, training, and licensure we are able to practice as the primary care providers that we are.

HAPN's mission, to be the voice of APRNs in Hawaii, has been the guiding force that propelled us to spearhead the advancement of patients access to healthcare as well as supporting the recognition of the scope of practice for APRNs in Hawaii which led us to full practice authority. We have worked to improve the physical and mental health of our communities. As our ability to provide close care with our patients progressed, we also opened up our own clinics to provide the care our patients deserve. As a result, the current law requires that a patient remove themselves from the excellent care their APRN has provided them over the years to discuss these issues with physicians who may not have the same patient-provider relationship. APRNs have played an important role in the healthcare of our communities and we will continue to be by our patients' side as they make many different healthcare decisions throughout their lives.

Thank you for the opportunity to share the perspective of HAPN with your committee. Thank you for your enduring support of the nursing profession in the Aloha State.

Respectfully,
Dr. Jeremy Creekmore, APRN
HAPN President

Dr. Bradley Kuo, APRN
HAPN Legislative Committee, Chair
HAPN Past President



Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box 833
Honolulu, HI 96808

www.hawaiipsychology.org

Phone: (808) 521-8995

COMMITTEE ON HEALTH, HUMAN SERVICES & HOMELESSNESS

Rep. Ryan Yamane, Chair
Rep. Adrian K. Tam, Vice Chair

Tuesday, February 9, 2021 - 9:30am - Conference Room 329 - videoconference

**Testimony in Support with Comments on HB302
RELATING TO ADVANCED PRACTICE REGISTERED NURSES**

The Hawai'i Psychological Association (HPA) supports HB302, which allows all Advanced Practice Registered Nurses (APRNs) to make capacity determinations, such as whether or not someone is disabled under the tax code or has the wherewithal to fill out advance care directives.

While HPA supports this bill, we would like to offer these comments to ensure the APRNs doing this work have the appropriate training. HPA believes that capacity determinations of mental health or psychiatric disability should only be done by *psychiatric* APRNs – and this should be made explicitly clear in legislation.

It is also not clear in this bill what other capacity determinations APRNs can make. Not all APRNs may be qualified to make all the capacity determinations that should or need to be assessed. For example, unless an APRN does further training, they are not qualified to do fitness to proceed to trial exams.

Nonetheless, HPA supports the ability of APRNs to make capacity determinations that are within the scope of their practice. We are happy to support efforts that ensure critical services like these are readily available and easily accessible. Having more providers, like qualified APRNs, will help achieve access to essential mental health care and treatment.

Thank you for the opportunity to provide input into this important bill.

Sincerely,

Alex Lichton, Ph.D.

Chair, HPA Legislative Action Committee

**Written Testimony Presented Before the
COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS**

DATE: Wednesday, February 09, 2021

TIME: 9:30 am.

PLACE: VIA VIDEOCONFERENCE

By

Laura Reichhardt, APRN, AGPCNP-BC

Hawai'i State Center for Nursing

University of Hawai'i at Mānoa

Testimony in Strong Support for HB302

Chair Yamane, Vice Chair Tam, and members of the House Committee on Health, Human Services, & Homelessness: Thank you for the opportunity for the Hawai'i State Center for Nursing to provide testimony in strong support of this measure. This measure seeks to enable APRNs to determine total disability under the income tax code, authorizes advanced practice registered nurses to make capacity determinations, and adds advanced practice registered nurses as primary providers in advance mental health care directives.

The Hawai'i State Center for Nursing APRN Policy and Practice Taskforce, a group of APRNs leaders practicing across the islands, identified the statutes included in this measure as true barriers to providing care to their patients. Further, this measure aims to reduce barriers that exist because of well document physician shortages by permitting our readily-available APRN workforce to engage in these activities in accordance with their education, training, and licensure.

Advanced Practice Registered Nurses have more than doubled in Hawai'i between 2005 and 2017, with continued growth since that time. Nearly 1,300 licensed APRNs reside in Hawai'i. APRNs are noted in national research to be more likely to provide care to underserved people and communities including rural areas, urban areas, to women and to Medicaid recipients or uninsured people (Buerhaus et al., 2014). Currently there are practicing APRNs in all regions of Hawai'i. More than 25% of Hawai'i's APRNs are working in rural areas (Hawai'i State Center for Nursing, 2017). Further, the majority of APRNs working in the Counties of Hawai'i, Maui, and Kaua'i work in federally designated medically underserved areas.

As it related to scope of practice, in 2009, with the Legislature's great wisdom and care for the people of in this state, Hawai'i enacted laws which enabled APRNs to work to the full extent of their education, recognized APRNs as primary care providers, and granted Global Signature Authority. In 2013, the Legislature requested, through SR 34, SD2 SCR 66 SD2 & HCR53 HD1, that Hawai'i State Center for Nursing to convene a working group composed of various state agencies to identify barriers relating to the practice of APRNs. As a result, the Center for

The mission of the Hawai'i State Center for Nursing is that through collaborative partnerships, the Center provides accurate nursing workforce data for planning, disseminates nursing knowledge to support excellence in practice and leadership development; promotes a diverse workforce and advocates for sound health policy to serve the changing health care needs of the people of Hawai'i.

Nursing has worked with the Department of Commerce and Consumer Affairs, Department of Taxation, Department of Labor and Industrial Relations, and Department of Health, among others, to identify statutes that limit APRNs' ability to practice to the full extent of their education and training. In addition to this, through Act 46, SLH 2014, Hawai'i became the 8th state in the nation to adopt the national best practices for APRN regulation, the APRN Consensus Model, which states that licensure, accreditation, and certification combined provide guidance on the APRN's scope of practice.

A product of these efforts to improve access to care by APRNs includes: Act 046, SLH 2014 which added APRNs to the list of providers who could provide a "certificate of disability" among other changes; Act 27, SLH 2015 which clarifies the role of advanced practice registered nurses in HRS sections relating to emergency hospital admission and involuntary hospitalization; and Act 088, SLH 2017, which, in part, allows advanced practice registered nurses to offer care and mental health services to patients in assisted community treatment programs similar to care and services offered by physicians and other health care service providers.

Hawai'i's laws for APRNs ensure public safety during patient care through, authorize assessment, diagnosis, and prescriptive authority. APRNs have grown significantly in Hawai'i, with APRNs providing care in all regions in the state where people live. The intent of this measure is to continue to address and remove APRN barriers to providing care, particularly as it relates to access to care for rural, neighbor island, and vulnerable people across the Hawaiian Islands.

The Hawai'i State Center for Nursing urges you to pass this measure through your committee. Thank you for the dedication and care for healthcare workers and the people in Hawai'i.

The mission of the Hawai'i State Center for Nursing is that through collaborative partnerships, the Center provides accurate nursing workforce data for planning, disseminates nursing knowledge to support excellence in practice and leadership development; promotes a diverse workforce and advocates for sound health policy to serve the changing health care needs of the people of Hawai'i.

2528 McCarthy Mall, Webster 402 Honolulu, HI 96822
T 808.956.5211 F 808.956.0547 hscfn@hawaii.edu hawaiiicenterfornursing.org



To: The Honorable Ryan I. Yamane, Chair
The Honorable Adrian K. Tam, Vice Chair
Members, House Committee on Health, Human Services, & Homelessness

From: Colette Masunaga, Director, External Affairs, The Queen's Health Systems

Date: February 9, 2021

Re: Support for HB302, Relating to Advanced Practice Registered Nurses

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, and more than 1,500 affiliated physicians and providers statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to testify in support of HB302, which would allow APRNs to certify a total disability for income tax, be considered a primary provider, and determine competency for Advanced Mental Health Care Directives. Queen's supports this measure because we believe it is important that all qualified providers, like APRNs, are able to exercise their scope of practice and assist in these situations. There are currently about 120 APRNs working at Queen's and we expect this number to increase in order to meet the community need for services.

Mahalo for the opportunity to testify on this measure.

LATE

HB-302

Submitted on: 2/8/2021 11:18:43 AM

Testimony for HHH on 2/9/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brendon Friedman	Individual	Support	No

Comments:

I strongly support this measure -thank you!

Brendon Friedman, DNP, APRN-Rx, FNP-BC, PMHNP-BC, CME

**Family & Psychiatric-Mental Health Nurse Practitioner, Assistant Professor,
Private Practice Owner**

2838 E. Manoa Rd

Honolulu, HI 96838-1964

LATE

HB-302

Submitted on: 2/8/2021 6:16:51 PM

Testimony for HHH on 2/9/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Pcola_Davis	Individual	Oppose	No

Comments:

I strongly **OPPOSE** this bill that will increase Advanced Practice Registered Nurses (APRN)s performing scope of practice usually reserved for physicians.

In the past, I have testimony that doesn't support any increased priveleges for APRNs. If they are considered Primary Care providers then their designation **SHOULD BE MD**, and its not because or education system prohibits that.

Even though, certain sections of existing law have not been amended to include advanced practice registered nurses there are questions to the expansion of their scope of practice.

These statutes **SHOULD NOT BE EXPANDED** to authorize increased participation by advanced practice registered nurses **NOR** to recognize appropriately trained advanced practice registered nurses as the primary care providers that they are.

There is **NO SUPPORTING EAVIDENCE OR DATA** that by authorizing increased participation by APRNs in certain circumstances will further enable improved access to health care services, expedite the processing of paperwork, and provide optimal care at the initial point of access for Hawaii patients, or evidence of "especially in rural and medically underserved areas."

Leave the diagnosis of mental illness for Psychiatrists and Psychologists trained in the use of DSM R5. They alone have the education and expertise to diagnosis, not APRNs,

I **OPPOSE** all the following

(1) Authorizing advanced practice registered nurses to certify whether a person is totally disabled under the income tax code;

(2) Authorizing advanced practice registered nurses to make capacity determinations for purposes of advance mental health care directives; and

(3) Adds advanced practice registered nurses as primary providers in advance mental health care directives.

LATE

HB-302

Submitted on: 2/8/2021 9:23:39 PM
Testimony for HHH on 2/9/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Wailua Brandman APRN FAANP	Individual	Support	No

Comments:

Mahalo for the opportunity to testify on HB302, as an individual in STRONG SUPPORT. I am a Fellow of the American Association of Nurse Practitioners, Treasurer of the Hawaii Association of Professional Nurses (HAPN) and member of the Legislative Committee of HAPN, a member of the APRN Practice and Policy Committee of the Hawaii State Center for Nursing. I have a private practice as a Psychiatric Mental Health Nurse Practitioner and Clinical Nurse Specialist. I have frequently been asked to determine capacity but have had to decline as there is no current support in the HRS for me to do so. The courts have also asked for my professional comments but due to the HRS, have had to finally depend on the testimony of physicians and psychologists. I am considered by my peers and colleagues, of all mental health disciplines, to be a thought leader in our community. Making determinations of capacity is indeed within the Psychiatric Mental Health APRN's scope of practice. We are well prepared to determine disability and to be designated Primary Care Providers to people of the mental health population. I request that you pass this bill out of committee. Mahalo for all you do for the people of this great state.

Wailua Brandman APRN FAANP

Ke`ena Mauiola Nele Paia LLC, 615 Piikoi Street, STE 1406, Honolulu, HI 96814,
(808)255-4442

LATE

HB-302

Submitted on: 2/9/2021 2:18:54 AM

Testimony for HHH on 2/9/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jackie Mishler RN BSN PCCN	Individual	Oppose	No

Comments:

I apologize as I just saw this bill. This is **the most dangerous bill to patients** before this legislature this year. The decision of capacity is already difficult for MDs and outside of health care left to the courts for very good reasons. APRNs should definitely not have this expanded duty at this time and I believe no other State allows them to do so. I would be happy to assist with any research involved with this claim. Please, please do not pass this out of committee today! If you even consider this at the very least wait a few years until we see how the our care our choice act pans out over the next few years. Hawaii is not ready for this--**as a practising acute care nurse I know this to be true.**

LATE

HB-302

Submitted on: 2/9/2021 8:09:08 AM

Testimony for HHH on 2/9/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Romala Radcliffe	Individual	Support	No

Comments:

Please support this enhancement.