

## **Testimony of the Board of Nursing**

**Before the  
House Committee on Consumer Protection & Commerce  
Friday, March 19, 2021  
2:00 p.m.  
Via Videoconference**

**On the following measure:  
H.C.R. 124, REQUESTING THE LEGISLATIVE REFERENCE BUREAU  
TO CONDUCT AN ANALYSIS OF ADVANCED PRACTICE REGISTERED NURSES  
AND PHYSICIAN ASSISTANTS**

Chair Johanson 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 resolution.

The purposes of this resolution are to request that the Legislative Reference Bureau (LRB) conduct an analysis of: (1) the full scope of practice for advanced practice registered nurses (APRNs) and physician assistants based on national professional guidelines; (2) the distinctions between the educational training and scope of practice between physicians, APRNs, and physician assistants; and (3) how Hawaii differs from other states regarding the scope of practice for APRNs and physician assistants.

The Board appreciates the intent of this measure because it proposes to have the LRB analyze issues that could assist the Board in addressing prospective changes to its statutes, administrative rules, and policies.

Lastly, the Board requests amending this resolution to request that the LRB also perform an analysis of state and local laws and regulations and identify “gaps and limitations” that exist in providing access to health care due to the physician shortfall, especially on the neighbor islands and in rural communities.

Thank you for the opportunity to testify on this resolution.

**Testimony of the Hawaii Medical Board**

**Before the  
House Committee on Consumer Protection & Commerce  
Friday, March 19, 2021  
2:00 p.m.  
Via Videoconference**

**On the following measure:  
H.C.R. 124, REQUESTING THE LEGISLATIVE REFERENCE BUREAU  
TO CONDUCT AN ANALYSIS OF ADVANCED PRACTICE REGISTERED NURSES  
AND PHYSICIAN ASSISTANTS.**

Chair Johanson and Members of the Committee:

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical Board (Board). The Board appreciates the intent of and offers comments on this resolution.

The purposes of this resolution are to request that the Legislative Reference Bureau (LRB) conduct an analysis of: (1) the full scope of practice for advanced practice registered nurses (APRNs) and physician assistants based on national professional guidelines; (2) the distinctions between the educational training and scope of practice between physicians, APRNs, and physician assistants; and (3) how Hawaii differs from other states regarding the scope of practice for APRNs and physician assistants.

The Board appreciates the intent of this measure because it proposes to have the LRB analyze very important matters that could ultimately result in the Board updating its statutes, rules, and policies to bring it to parity with the current practice of physician assistants.

Thank you for the opportunity to testify on this resolution.

Charlotte A. Carter-Yamauchi  
Director

Shawn K. Nakama  
First Assistant

Research (808) 587-0666  
Revisor (808) 587-0670  
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol, Room 446  
415 S. Beretania Street  
Honolulu, Hawaii 96813

## Written Comments

### HCR124

## REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT AN ANALYSIS OF ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS

Charlotte A. Carter-Yamauchi, Director  
Legislative Reference Bureau

Presented to the House Committee on Consumer Protection & Commerce

Friday, March 19, 2021, 2:00 p.m.  
Conference Room 329

Chair Johanson and Members of the Committee:

Good afternoon Chair Johanson and members of the Committee. My name is Charlotte Carter-Yamauchi, and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written **comments** on H.C.R. No. 124, Requesting the Legislative Reference Bureau to Conduct an Analysis of Advanced Practice Registered Nurses and Physician Assistants.

The purpose of this measure is to request the Legislative Reference Bureau to conduct an analysis of advanced practice registered nurses and physician assistants. The measure also requests that in its analysis, the Bureau include the following:

- (1) The full scope of practice for advanced practice registered nurses and physician assistants based on national professional guidelines;
- (2) The distinctions between the educational training and scope of practice between physicians, advanced practice registered nurses, and physician assistants; and

- (3) A comparative study of how Hawaii differs from other states regarding the scope of practice for advanced practice registered nurses and physician assistants.

The measure further requests the Bureau to submit a report of its findings and recommendations from the analysis, including any proposed legislation, to the Legislature no later than twenty days prior to the Regular Session of 2022.

The Bureau takes no position on the merits of this measure but submits the following comments for your consideration.

With regard to the study requested of the Bureau, we note that the Bureau has no specific expertise regarding healthcare, advanced practice registered nurses, physician assistants, physicians, and the professional and vocational regulation of those specialties. Accordingly, it is unlikely the Bureau would be able to provide the Legislature any authoritative recommendations on what changes should be made to the scope of practice of advanced practice registered nurses and physician assistants.

Further, the Bureau observes that the Hawaii Regulatory Licensing Reform Act (Chapter 26H, Hawaii Revised Statutes), appears to place evaluations of professional and vocational regulatory programs, including any "analysis" of those programs, under the purview of the Auditor. In particular, we note that section 26H-6, HRS, requires that any new regulatory measure being considered for enactment that would subject unregulated professions and vocations to licensing or other regulatory controls be referred to the Auditor for analysis. Also, section 26H-5, HRS, requires the Auditor to perform sunset evaluations of specified professional and vocational regulatory programs. More specifically, on several occasions, the Auditor has conducted analyses of the specific professions described in this measure. For example, in October 1993, the Auditor submitted a sunset evaluation for nursing regulations (<https://files.hawaii.gov/auditor/Reports/1990-1995/93-8.pdf>). Also, in November 1998, in response to a House Concurrent Resolution, the Auditor submitted a report analyzing a proposed bill to modify the regulation of physician assistants (<https://files.hawaii.gov/auditor/Reports/1998/98-19.pdf>). Accordingly, given the Auditor's apparent statutory authority and past experience performing this type of regulatory analysis, we submit that the Auditor may be better positioned to conduct an analysis that more meaningfully addresses the Legislature's intent regarding this measure.

That said, the Bureau would likely be able to conduct research and compile relevant factual information regarding scope of practice, educational training, and the laws of other states. In that regard, the Committee may be interested to know that a state-by-state overview of some aspects of nurse practitioner and physician assistant relative scopes of practice is available at the National Conference of State Legislatures' Scope of Practice Policy website (<https://scopeofpracticepolicy.org>).

Accordingly, if the measure advances through the Legislative process, the Committee wishes for the Bureau to be responsible for the requested analysis, and the analysis is limited to research and compiling relevant *factual* information regarding scope of practice, educational training, and the laws of other states, then the Bureau believes that such an analysis would be manageable, provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting, writing, or finalizing other reports, drafting legislation, or both, for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for the opportunity to submit written comments.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

---

Testimony Presented Before the  
House Committee on Consumer Protection & Commerce  
Friday, March 19, 2021 at 2:00 pm

By  
Mary G. Boland, DrPH, RN, FAAN  
Dean and Professor  
School of Nursing and Dental Hygiene  
University of Hawai'i at Mānoa

### HCR 124/HR 100 – REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT AN ANALYSIS OF ADVANCED PRACTICE REGISTERED NURSES

Chair Johanson, Vice Chair Kitagawa, and members of the House Committee on Consumer Protection & Commerce:

Thank you for the opportunity to provide comments on HCR 124/HR 100. This resolution requests the Legislative Reference Bureau (LRB) conduct an analysis of advanced practice registered nurses and physician assistants; and to include the following:

- (1) The full scope of practice for advanced practice registered nurses and physician assistants based on national professional guidelines;
- (2) The distinctions between the educational training and scope of practice between physicians, advanced practice registered nurses, and physician assistants; and
- (3) A comparative study of how Hawaii differs from other states regarding the scope of practice for advanced practice registered nurses and physician assistants; and submit a report of its findings and recommendations from the analysis, including any proposed legislation.

The University of Hawai'i (UH) notes that the National Conference of State Legislatures and the Association of State and Territorial Health Officials provides a clearinghouse of unbiased, objective information on state scope of practice policy, including Hawai'i, related to addiction counselors, dental hygienists, dental therapists, licensed professional counselors, nurse practitioners, peer support specialists and physician assistants.<sup>1</sup> A comprehensive review of the remaining barriers to full scope of practice in the Hawai'i Revised Statutes and Hawai'i Administrative Rules, followed by state agency and legislative action to remove barriers is welcomed by regulatory, nursing education, and employer constituents.

---

<sup>1</sup> <https://scopeofpracticepolicy.org/states/hi/>. Accessed March 18, 2021.

The primary purpose of scope of practice regulation is to protect public safety. Professional scope of practice or competence is found in model practice acts developed by a profession and describes the services that its members are trained and competent to perform. State licensing boards-governed by state regulations and statutes-are the final arbiters of who is recognized to practice within a given state. The UH notes that Hawai'i statute places the regulation of both entry level (RN) and advanced nursing practice (APRN) exclusively with the Hawai'i Board of Nursing.

The Legislature has authorized full scope of practice by APRNs in newer legislation and state agencies have written their corresponding administrative rules to reflect the change. However, we have encountered many statutes and administrative rules that limit practice to the provider/s specifically named. Where the APRN is not named specifically in the HRS, the ability to deliver the service in accordance with present nurse practice statute is unrecognized. These older laws and rules do not align with the scope of nursing practice established in Chapter 457.

A thorough review, that includes state agencies, is needed to identify all these older Hawai'i Revised Statutes (HRS) and administrative rules to ensure the statutes and their corresponding rules are updated to align with the state (Chapter 457) Nurse Practice Act.

Since 2006, the UH Mānoa School of Nursing and Dental Hygiene has worked alongside state legislators and the State Board of Nursing (BON) to ensure that graduates of our APRN degree programs receive the education to become quality and competent APRN nurse practitioners. In 2008, 48 professional nursing and healthcare organizations endorsed the *Consensus Model for APRN Regulation*. In 2009, the legislature recognized to need to increase access to healthcare statewide and understood the key role APRNS play in local communities.

Hawai'i passed Act 169, SLH 2009, which (1) recognized APRNs as primary care providers for insurance purposes and (2) provided APRNs with global signature authority. In 2011, the UH campuses at Mānoa and Hilo launched the first two doctor of nursing practice degree (DNP) programs in the state educating primary care nurse practitioners. Today, both programs are nationally accredited by the Commission on Collegiate Nursing Education (CCNE). Follow-up of our alumni, as required by our accreditors, indicates these graduates have remained in Hawai'i to practice in both urban and rural settings on all islands providing care to underserved populations.

UH commends the Legislature for identifying this opportunity for a review by the LRB. Thank you for your longstanding support for the state nursing workforce and access to care for the people in our state.



**Written Testimony Presented Before the  
COMMITTEE ON CONSUMER PROTECTION & COMMERCE**

**DATE: Friday March 19, 2021**

**TIME: 2:00 PM**

**PLACE: VIA VIDEOCONFERENCE**

**By**

**Laura Reichhardt, APRN, AGPCNP-BC  
Director, Hawai'i State Center for Nursing  
University of Hawai'i at Mānoa**

**Comments on HR100/HCR124**

Chair Johanson, Vice Chair Kitagawa, and members of the House Committee on Consumer Protection & Commerce, thank you for the opportunity to provide comments on HR100/HCR 124. These resolutions request the Legislative Reference Bureau conduct an analysis of advanced practice registered nurses and physician assistants and to include the following: (1) the full scope of practice for advanced practice registered nurses and physician assistants based on national professional guidelines; (2) the distinctions between the educational training and scope of practice between physicians, advanced practice registered nurses, and physician assistants; (3) a comparative study of how Hawai'i differs from other states regarding the scope of practice for advanced practice registered nurses and physician assistants; and (4) submit a report of its findings and recommendations from the analysis, including any proposed legislation.

The Hawai'i State Center for Nursing (Center) commends the holistic approach of the Legislature to ensure access to care through identifying and amending scope of practice limitations that exist in state statute. Further, the Center applauds the Legislature for seeking opportunities to update the Hawai'i Revised Statutes using a provider-neutral approach (i.e. using "provider" or "prescriber") when appropriate. This would expand access to care for people in Hawai'i by enabling a qualified and licensed provider who has the education, training, and regulatory authorization to provide such service. Further, the Center asks the Committee to expand the practice limitation review to include Hawai'i Administrative Rules, so that all state regulatory barriers are identified and solutions to the barriers are proposed.

The Hawai'i State Center for Nursing supports the opportunity for the Legislative Reference Bureau, an independent third-party, to review the laws and rules and engage with state departments to determine the feasibility and legislative approach to address outdated regulations that restrict providers from practicing to the full scope of their education and license. The Center asks for your consideration to move the APRN scope of practice review from HR99/HCR123 into HR100/HCR124 to ensure the intent of these resolutions is achieved

*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.*



through the independent, third party review by the LRB. Thank you for the dedication and care for healthcare workers and for the people of 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](mailto:hscfn@hawaii.edu) [hawaiiicenterfornursing.org](http://hawaiiicenterfornursing.org)

**HCR-124**

Submitted on: 3/18/2021 2:20:16 AM

Testimony for CPC on 3/19/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Pcola_Davis	Individual	Support	No

Comments:

I am in support of this resolution that can bring clarity to the numerous legislation increasing scopes of practice for APRNs as well as Physician Assistants. Additional bills requesting the expanding scopes of practice should be deferred until there is a very clear and distinct understanding of APRNs and PAs.

Before expanding the scope of practice for advanced practice registered nurses and physician assistants there is a need to acquire a holistic view of what their scope of practice could and should be in Hawaii; and

\*\* there is a need to make clear distinctions to understand the differences between physicians, advanced practice registered nurses, and physician assistants and what each profession's scope of practice in Hawaii should be.

The Legislative Reference Bureau is requested to conduct an analysis of advanced practice registered nurses and physician assistants to include the following:

- (1) The full scope of practice for advanced practice registered nurses and physician assistants based on national professional guidelines;
- (2) The distinctions between the educational training and scope of practice between physicians, advanced practice registered nurses, and physician assistants; and
- (3) A comparative study of how Hawaii differs from other states regarding the scope of practice for advanced practice registered nurses and physician assistants.