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STATE OF HAWAII
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ISAAC W. CHOY
DIRECTOR OF TAXATION

To: The Honorable Karl Rhoads, Chair;
The Honorable Jarrett Keohokalole, Vice Chair;
and Members of the Senate Committee on Judiciary

From: Isaac W. Choy, Director
Department of Taxation

Date: March 2, 2021

Time: 9:35 A.M.

Place: Via Video Conference, State Capitol

Re: S.B. 620, S.D. 1, Relating to Advanced Practice Registered Nurses

The Department of Taxation (Department) offers the following comments on S.B. 620, S.D. 1, for your consideration.

As it relates to taxation, this measure allows an advanced practice registered nurse licensed under Hawaii Revised Statutes (HRS) chapter 457 to determine whether a taxpayer is a “person totally disabled” as defined under HRS section 235-1. S.D. 1 has a defective effective date of July 1, 2050.

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

Testimony of the Board of Nursing

**Before the
Senate Committee on Judiciary
Tuesday, March 2, 2021
9:35 a.m.
Via Videoconference**

**On the following measure:
S.B. 620, S.D. 1, RELATING TO ADVANCED PRACTICE REGISTERED NURSES**

WRITTEN TESTIMONY ONLY

Chair Rhoads, 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.



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
Members, Senate Committee on Judiciary

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

Date: March 2, 2021

Re: Support for SB620, SD1: 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 SB620, SD1, 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 in support of this measure.

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

**Written Testimony Presented Before the
COMMITTEE ON JUDICIARY**

DATE: Tuesday, March 02, 2021

TIME: 9:35 a.m.

PLACE: VIA VIDEOCONFERENCE

By

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

Testimony in Strong Support with Amendments for SB 620, SD1

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, thank you for the opportunity for the Hawai'i State Center for Nursing to provide testimony in **strong support of this measure with amendments**. This measure seeks to enable APRNs to determine total disability under the whether a person is totally disabled 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.

Hawai'i State Center for Nursing seeks an amendment to adopt provisions passed in section 3708 of the Federal Coronavirus, Aid, Relief and Economic Security Act (CARES ACT) which removed the federal barriers preventing select APRNS from documenting Medicare home health care face-to-face assessments and certifying and recertifying patient eligibility. **Without this provision, homebound people who are currently benefitting from this federal authorization will not be able to access home health care certified by their APRN provider after the State's emergency declaration period ends, particularly individuals living in rural areas and neighbor islands.**

"§457 - **Advanced practice registered nurses; home health care services.** Notwithstanding any other law to the contrary, an advanced practice registered nurse as authorized by Sec. 1814., 42 U.S.C. 1395f, and who practices within the appropriate nurse's practice specialty, may order and certify home health care for their Medicare patients and at the time of doing, has a valid, unrevoked, and unsuspended license obtained in accordance with this chapter."

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

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.

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 period. At this 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 with more than 25% of Hawai'i's APRNs 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 the Hawai'i State Center for Nursing convene a working group composed of various state agencies to identify barriers relating to the practice of APRNs. As a result, the Center for 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 these efforts, 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 an 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 authorized 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.

**Written Testimony Presented Before the
Senate Committee on Judiciary**

**Hearing: March 2, 2021, 9:35 AM
Via Videoconference**

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



**SB620, SD1- RELATING TO ADVANCED PRACTICE REGISTERED
NURSES**

Chair Karl Rhoades, Vice Chair Jarrett Keohokalole, and members of the Senate Committee on Judiciary, thank you for this opportunity to provide testimony **in strong support for SB620, SD1**. This measure proposes amendments to include qualified advanced practice registered nurses (APRN) to certify whether a person is totally disabled under the tax code; to determine if a person has or lacks capacity to invoke advanced mental health directives; and to provide further care in the matter of advanced mental health care directives at the initial point of patient access. SB620, SD1 would further recognize appropriately educated and certified advanced practice registered nurses as the primary care providers that they are, to provide optimal care at the initial point of access, for Hawai'i patients especially in rural and medically underserved areas.

This change is in keeping with previous Bills passed by the Legislature that have included APRNs in the lists of qualified, licensed healthcare practitioners who are authorized to provide such services throughout our community. Improving access to these services where previously there have been shortages resulting in delays and detrimental effects experienced by the vulnerable in our communities, has been the goal of these changes.

Hawai'i-ANA is the state constituent of the American Nurses Association, advocating for the improvement of health in our communities through public support for measures to address the needs of vulnerable populations. We join with our nurse colleagues throughout the State of Hawai'i in supporting this measure.

Hawai'i-ANA respectfully requests that SB620, SD1 be passed through this committee.

Thank you for your continued support for measures that address the need for improving access to professional healthcare services throughout our community.

Contact information for Hawai'i – American Nurses Association

President: Katie Kemp, BAN, RN-BC
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Hawai'i Psychological Association

For a Healthy Hawai'i

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Honolulu, HI 96808

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COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Tuesday, March 2, 2021 - 9:35 am - videoconference

**Support of SB620 SD1
RELATING TO ADVANCED PRACTICE REGISTERED NURSES**

The Hawai'i Psychological Association (HPA) supports SB620 SD1, which allows 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 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.

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

SB-620-SD-1

Submitted on: 2/27/2021 12:00:26 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Lee	Individual	Support	No

Comments:

I support this bill

SB-620-SD-1

Submitted on: 2/27/2021 5:32:47 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Rhoads, Vice Chair Keohokalole, and Committee on Judiciary,

Please support SB620 SD1.

Our state has a shortage of primary care physicians. Advanced practice registered nurses can help meet the demand for a medical professional to make capacity determinations for advanced mental health care directives.

The neighbor islands in particular have a greater need because physicians are not attracted to rural areas with smaller populations. This results in a demand for physicians. Locals often need to wait many months or over a year to find a doctor who will take them on as a patient.

Advanced practice registered nurses can be authorized to determine whether a person is totally disabled under the income tax code. These determinations then allow predesignated family and friends to assume responsibility to make decisions set in the healthcare directives. Advanced healthcare directives are useless unless there is someone to make a determination regarding mental capacity. A delay in the determination due to the lack of physicians may result in a person's wishes not being honored as stated in the advanced healthcare directives.

Thank you for taking the time to review this issues. I appreciate the opportunity to provide testimony in support of SB620 SD1.

Mahalo,

Caroline Kunitake

SB-620-SD-1

Submitted on: 2/28/2021 12:03:49 AM

Testimony for JDC on 3/2/2021 9:35:00 AM

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

Comments:

Please do not increase APRNs scope of practice. Limit this to physicians only.

SB-620-SD-1

Submitted on: 2/28/2021 9:34:54 AM

Testimony for JDC on 3/2/2021 9:35:00 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

SB-620-SD-1

Submitted on: 2/28/2021 7:28:53 PM

Testimony for JDC on 3/2/2021 9:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandra Williams	Individual	Comments	No

Comments:

Aloha Honored Legislators,

I support the overall purpose of SB 620 to expand the capacity of nurse practitioners to make capacity determinations for mental health care directives, but I cannot support SB620 SD1, as the amendment for it to "take effect 7/1/2050" effectively cripples the bill. Please pass SB 620 and restore the language ""This Act shall take effect upon its approval."

I do not believe we need further discussion about this bill. The time to act is now, and our health care system desperately needs all primary care providers to be able to practice to the full extent of their scope of practice. Expanding the law to include advance practice registered nurses is a matter of extending health equity and closing the health disparities gap. Nurse practitioners often see the most vulnerable patients-- those at the margins who are served by Federally Qualified Health Centers, for example. Barring these nurse practitioners from authority to make capacity determinations for mental health care directives simply places barriers to care where they should not exist.

I urge you to pass this bill without amendments, and restore the original language that states "This Act shall take effect upon its approval."

Respectfully,

Alexandra Williams