



# HAWAII STATE CENTER FOR NURSING

Connecting Nurses. Transforming Healthcare.

**Written Testimony Presented Before the  
House Committee on Health and Homelessness  
Friday, February 3, 2023 at 8:30 AM  
Via Videoconference and Conference Room 329  
By  
Laura Reichhardt, APRN, AGPCNP-BC  
Hawai'i State Center for Nursing  
University of Hawai'i at Mānoa**

**Testimony in Strong Support for H.B. 1451**

Chair Belatti, Vice Chair Takenouchi, and members of the House Committee on Health & 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 Advanced Practice Registered Nurses (APRNs) to determine 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.

This measure will significantly improve APRNs' ability to work within their scope of practice. When laws outside of the Nurse Practice Act are not updated to align with the scope of practice that is established within the Nurse Practice Act, the effect restricts the scope of practice of APRNs as compared to the Nurse Practice Act. Because of this, challenges and barriers in accessing health care services occur. Though the APRN is enabled to provide the service per their practice act, they remain unable to provide certain healthcare functions because of disagreement across the constellation of laws in the Hawai'i Revised Statutes.

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. Advanced Practice Registered Nurses, in 2021, have achieved a 164% increase over Hawai'i between 2005 and 2022, with continued growth since that time. Over 1,400 licensed APRNs reside in Hawai'i as of September 2022. 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. Nearly 30% of Hawai'i's APRNs are working in rural areas (Hawai'i State Center for Nursing, 2022). Further, the majority of APRNs working in the Counties of Hawai'i, Maui and Kaua'i work in federally designated medically underserved areas.

The Hawai'i State Center for Nursing APRN Policy and Practice Taskforce, a group of APRN leaders practicing across the islands, identified the statutes included in this measure as true

*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.*

barriers to providing care to their patients. The statutes addressed in H.B. 1451 include some of the statutes that the APRN Policy and Practice Task Force identified as restricting scope of practice as compared to the Nurse Practice Act (Chapter 457). This measure aims to reduce barriers that exist by permitting our readily-available APRN workforce to engage in these activities, in accordance with their education, training, and licensure. The Hawai'i State Center for Nursing is also convening the *Healthcare Provider Barriers to Practice Law Review Task Group*. This task group, which is a group of interprofessional healthcare providers, is reviewing healthcare-related Hawai'i Revised Statutes (HRS) as compared to each profession's own scope of practice as established in state law (i.e. practice acts) to assess and recommend if HRS amendments are needed in order to improve access to care. The intended outcome is to lead to statute revision to align healthcare-related HRS with established scope of practice for recognized healthcare providers in Hawai'i. The intended effect of these statute changes is to improve access to healthcare provided by highly trained, qualified, and safe licensed healthcare professionals for Hawai'i residents. This group was established as a direct result of HR 99, SLH 2021 and HR 139, SLH 2022 and participants include members from the Hawai'i Board of Nursing, as well as professionals representing APRNs, Physician Assistants, Pharmacy, and Medicine.

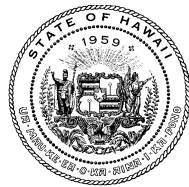
Hawai'i's laws for APRNs ensure public safety during patient care through authorized assessment, diagnosis, and prescriptive authority. APRNs have grown significantly in Hawai'i, with APRNs providing care in all regions in the state where people live. The intent of this measure is to continue to address 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.

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JOSH GREEN M.D.  
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STATE OF HAWAII  
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**TESTIMONY OF  
GARY S. SUGANUMA, DIRECTOR OF TAXATION**

**TESTIMONY ON THE FOLLOWING MEASURE:**

H.B. No. 1451, Relating to Advanced Practice Registered Nurses

**BEFORE THE:**

House Committee on Health and Homelessness

**DATE:** Friday, February 3, 2023

**TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 329

Chair Au Belatti, Vice-Chair Takenouchi, and Members of the Committee:

The Department of Taxation ("Department") offers the following comments regarding H.B. 1451 for your consideration.

H.B. 1451 seeks to (1) authorize "advanced practice registered nurses" to certify whether a person is totally disabled under the income tax code; (2) add "advanced practice registered nurses" as primary providers in advance mental health care directives; (3) authorize "advanced practice registered nurses" to make capacity determinations for purpose of advance mental health care directives, as well as in relation to determination of total disability for section 235-1 purposes. The measure accomplishes this by amending the definition of "primary physician," found in section 327G-2, Hawaii Revised Statutes (HRS), to read "primary provider" so that "advanced practice registered nurses" may be included as well. "Advanced practice registered nurse" is defined within the bill.

This measure is effective upon approval.

The Department is able to administer the bill with its current effective date.

Thank you for the opportunity to provide comments on this measure.

**Testimony of the Board of Nursing**  
**Before the**  
**Home Committee on Health and Homelessness**  
**Friday, February 3, 2023**  
**8:30 a.m.**  
**Conference Room 329 and Videoconference**

**On the following measure:**  
**H.B. 1451, RELATING TO ADVANCED PRACTICE REGISTERED NURSES**

Chair Belatti and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer for the Board of Nursing (Board). The Board supports 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) add APRNs as primary providers in advance mental health care directives; (3) authorize APRNs to make capacity determinations for purposes of advance mental health care directives.

The Board supports 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.

## Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Representative Della Au Belatti, Chair of  
the House Committee on Health and Homelessness

From: Hawaii Association of Professional Nurses (HAPN)  
Subject: HB1451 – Relating to Advanced Practice Registered  
Nurses – in Support

Hearing: February 3, 2023, 8:30a.m.

Aloha Representative Belatti, Chair; Representative Takenouchi, Vice Chair; and Committee Members

Thank you for the opportunity to submit testimony regarding HB1451. HAPN is in **Support** for Advanced Practice Registered Nurses (APRN) to practice to their full scope of practice as noted in HRS 457. HAPN supports authorizing APRNs to certify whether a person is totally disabled under the income tax code; adding APRNs as primary providers in advance mental health care directives; and authorizing APRNs to make capacity determinations for purposes of 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. According to an article from the National Library of Medicine, “any licensed physician, physician assistant, or nurse practitioner can and should be able to assess and determine capacity”<sup>1</sup>. There is a clear distinction between capacity and competency. Capacity is defined as “a functional determination that an individual is or is not capable of making a medical decision within a given situation”. Competency is defined as “the ability of an individual to participate in legal proceedings” and this is determined by a judge. This bill addresses capacity.

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. The Social Security Administration notes that APRNs are “acceptable medical sources” when determining total disability.<sup>2</sup> 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

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<sup>1</sup> Libby C, Wojahn A, Nicolini JR, et al. Competency and Capacity. [Updated 2022 Jun 5]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2022 Jan-. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK532862/>

<sup>2</sup> <https://www.ssa.gov/disability/professionals/greenbook/ce-evidence.htm>

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



## THE QUEEN'S HEALTH SYSTEM

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To: The Honorable Della Au Belatti, Chair  
The Honorable Jenna Takenouchi, Vice Chair  
Members, House Committee on Health & Homelessness

From: Jace Mikulanec, Director, Government Relations, The Queen's Health System

Date: February 3, 2023

Re: Support for HB1451: Relating to APRN

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The Queen's Health System (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 10,000 affiliated physicians, caregivers, and dedicated medical staff 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 provide testimony in **support** of HB1451, that would allow advanced practice registered nurses to certify a total disability for income tax, authorizes advanced practice registered nurses with psychiatric specializations to make capacity determinations, and adds advanced practice registered nurses with psychiatric specializations as primary providers in advance mental health care directives.

Queen's supports this measure because we believe it is important that all qualified providers, including APRNs, are able to exercise their full scope of practice and assist in these critical situations. There are currently about 120 APRNs working at Queen's and we expect this number to increase in order to meet the increasing community need for services.

*The mission of The Queen's Health System 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.*

HB 1451  
APRN  
Disabilities

# CARES

## COMMUNITY ADVOCACY RESEARCH EDUCATION SERVICES

to. Aloha Chair, Vice Chair & the HLT

the House  
Committee  
HLT

CARES testifies to provide comments for HB 1451.

The Hawaii State  
Legislature

from  
Zhizi Xiong  
(Angela  
Melody  
Young)  
Creator

In theory, the intent of the bill is good. But in the medical industry, APRN, psychologists and physicians practice separately. In order to get a “joint determination”, there will be barriers to address. With the law as it implores the question, how likely is it that a physician and a psychologist are going to have an opportunity to “a joint determination” when they are segregated in medical practices and they each treat different conditions? Generally, a physician & APRN can make general remarks and summaries about common mental health conditions i.e. depression, anxiety, substance abuse. But for a diagnosis about someone’s mental health will require a psychologist’s knowledge. The supervising health care provider should be the psychologist, not the physician or APRN. Physicians defer to the specialty doctor, especially for mental health conditions. With the amendments, if the 2 parties involved in the decision are an APRN & a psychologist, the concern to address is that APRNs are not psychiatric mental health APRNs and APRNs do not practice mental

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health. Should an APRNs be tasked to make a determination about someone's mental health incapacity when it requires advanced knowledge about debilitating conditions? The amendment adds APRN to the list of who can certify a disability. Tasking an APRN with this duty is expecting the nurse to know about severe health conditions that are not included in an average APRN's education or experience in practice.

Thank you for the opportunity to testify.

Blessings,



**ANGELA MELODY YOUNG**

Zhizi Xiong



# CARES

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## **Works cited**

1. "2009 Hawaii Code :: Volume 10 :: TITLE 25 - PROFESSIONS and OCCUPATIONS :: CHAPTER 457 - NURSES :: §457-2 - Definitions." Justia Law, [law.justia.com/codes/hawaii/2009/volume-10/title-25/chapter-457/hrs-0457-0002-htm/](http://law.justia.com/codes/hawaii/2009/volume-10/title-25/chapter-457/hrs-0457-0002-htm/). Accessed 3 Feb. 2023.
2. Balestra, Melanie L. "Family Nurse Practitioner Scope of Practice Issues When Treating Patients with Mental Health Issues." *The Journal for Nurse Practitioners*, vol. 15, no. 7, July 2019, pp. 479-482, [www.npjournals.org/article/S1555-4155\(18\)31013-4/fulltext](http://www.npjournals.org/article/S1555-4155(18)31013-4/fulltext), 10.1016/j.nurpra.2018.11.007. Accessed 25 Aug. 2019.
3. "Psychiatrists vs Psychologists: What's the Difference?" [Www.tryminded.com](http://www.tryminded.com), [www.tryminded.com/blog/psychiatrist-vs-psychologist-vs-psychiatric-nurse](http://www.tryminded.com/blog/psychiatrist-vs-psychologist-vs-psychiatric-nurse).