

Testimony of the Board of Nursing

**Before the
House Committee on Finance
Tuesday, February 23, 2021
2:00 p.m.
Via Videoconference**

**On the following measure:
H.B. 302, H.D. 1, RELATING TO ADVANCED PRACTICE REGISTERED NURSES**

WRITTEN TESTIMONY ONLY

Chair Luke 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 with psychiatric specializations 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 APRNs 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.



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

DATE: Tuesday, February 23, 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**

Testimony in Strong Support with amendments for HB 302, HD1

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance, 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 prefers the original HB302 of this measure as it relates to Section 3, Page 4 lines 3-7. While psychiatric APRNs are likely the larger group of APRNs who would engage in Mental Health Advanced Directives and capacity determination, it should be noted that other specialties including Adult-Geriatric Nurse Practitioners and Family Nurse Practitioners who care for patients with progressive mental health conditions like Dementia have patients who may seek to establish Mental Health Advanced Directives. As such, Hawai'i State Center for Nursing asks the committee to define APRNs in this section as it appeared in HB302, page 4 lines 1-3:

"Advanced practice registered nurse" means a person licensed as an advanced practice registered nurse pursuant to chapter 457."

Additionally, the Hawai'i State Center for Nursing seeks to add language into Chapter 457 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 as well as certifying and recertifying patient eligibility. Without this provision, patients who are currently benefitting from the federal authorization will only be able to access this care during the State's emergency declaration period, particularly patients in rural areas and on neighbor islands. Permanent establishment of this authorization in Hawai'i Revised Statutes is needed to ensure the changes

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.

made permanent in federal statute can be applied in our state. The below language is suggested for this proposed amendment:

“§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 APRN 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 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, recognize APRNs as primary care providers, and grant Global Signature Authority. In 2013, the Legislature requested, through SR 34, SD2 SCR 66 SD2 and 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, 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.

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.

Products of these efforts to improve access to care by APRNs include: 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.

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



HB302 HD1 Nurses Can Make Capacity Decisions

COMMITTEE ON FINANCE:

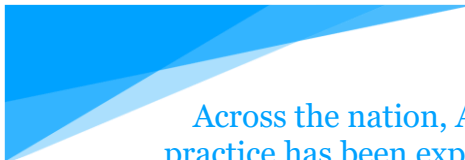
Rep. Sylvia Luke, Chair; Rep. Ty Cullen, Vice Chair

- Tuesday, Feb. 23, 2021: 2:00 pm: Videoconference

Hawaii Substance Abuse Coalition Supports HB302 HD1:

ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the CEO of Hina Mauka, providing services for substance use disorder and mental health including programs for prevention, adult addiction treatment, adolescent treatment, case management, and withdrawal management. Helping people on Oahu and Kauai.

HSAC supports this bill that removes barriers so that the APRNs can help our people to have greater access to healthcare, especially for patients in rural areas and neighbor islands as well as recognizes that APRNs have the expertise in their scope of practice to perform Mental Health Advanced Directives and capacity determinations. Typically, APRNs are mostly engaged and have demonstrable success for making these types of capacity decisions.



Across the nation, APRNs scope of practice has been expanded to play a significant role for providing care to the underserved population, especially to Medicaid (underinsured) patients or uninsured people.

HSAC is in support because we understand that APRNs are qualified providers that are needed during this time of major workforce shortages for healthcare workers so that providers can meet our communities' need for services.

HSAC notes that for capacity issues involving co-occurring disorders (substance use disorder coupled with mental health disorders, that the best treatment is primarily residential that steps down to outpatient. People with severe substance use disorder are often recommended residential treatment that can ultimately transition, or step down, to outpatient treatment and other lower levels of care. Such determinations are made by professionals based on criteria established by the American Society of Addiction Medicine.¹ Addiction is like other chronic illnesses in

¹ Mee-Lee, D. E. (2013). The ASAM criteria: Treatment criteria for addictive, substance-related, and co-occurring conditions. Rockville, MD: American Society of Addiction Medicine.

that the sooner it is recognized and the longer it is treated, the better the chances of recovery.

We appreciate the opportunity to provide testimony and are available for questions.

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

DATE: Tuesday, February 23, 2021

TIME: 2:00 PM

PLACE: VIA VIDEOCONFERENCE

By

Kawailehua Paikai, BSN, RN

The University of Hawaii at Hilo, DNP Student

Testimony in Strong Support with amendments for HB 302, HD1

Chair Luke, Vice-Chair Cullen, and members of the House Committee on Finance thank you for the opportunity for **Kawailehua Paikai, BSN, RN** 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.

Kawailehua Paikai, BSN, RN prefers the original HB302 of this measure as it relates to Section 3, Page 4, lines 3-7. There is a shift in practice promoting primary care providers to manage their own mild to moderate patients with progressive mental health conditions like dementia and other mood disorders. The appointment wait times for newly established patients are lengthy and the available mental health providers accepting new patients are limited. Although psychiatric APRNs are the likely group of APRNs who ideally engage in Mental Health Advanced Directives and capacity determinations, this should also include other specialties, such as Family Nurse Practitioners and Adult-Geriatric Nurse Practitioners. These APRN specialties have patients who may seek to establish Mental Health Advanced Directives. As such, **Kawailehua Paikai, BSN, RN** asks the committee to define APRNs in this section as it appeared in HB302, page 4 lines 1-3:

"Advanced practice registered nurse" means a person licensed as an advanced practice registered nurse pursuant to chapter 457."

Additionally, **Kawailehua Paikai, BSN, RN**, seeks to add language into Chapter 457 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 as well as certifying and recertifying patient eligibility. Without this provision, patients who are currently benefitting from the federal authorization will only be able to access this care during the State's emergency declaration period, particularly patients in rural areas and on neighbor islands. Permanent establishment of this authorization in Hawai'i Revised Statutes is needed to ensure the changes made permanent in federal statute can be applied in our state. The below language is suggested for this proposed amendment:

"§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 USC 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 APRN 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 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, recognize APRNs as primary care providers, and grant Global Signature Authority. In 2013, the Legislature requested, through SR 34, SD2 SCR 66 SD2 and 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, 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.

Products of these efforts to improve access to care by APRNs include: 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.

Kawailehua Paikai, BSN, RN 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.

Mahalo,

A handwritten signature in black ink, appearing to read 'K Paikai', written in a cursive style.

Kawailehua Paikai, BSN, RN
University of Hawaii at Hilo, DNP Student
2/21/2021

HB-302-HD-1

Submitted on: 2/22/2021 8:38:50 AM

Testimony for FIN on 2/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Scharnhorst	Individual	Support	No

Comments:

Written Testimony Presented Before the COMMITTEE ON FINANCE

DATE: Tuesday, February 23, 2021 TIME: 2:00 PM

PLACE: VIA VIDEOCONFERENCE

By Anne Scharnhorst, DNP, RN

Testimony in Strong Support with amendments for HB 302, HD1

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance, thank you for the opportunity for **Anne Scharnhorst** 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.

Anne Scharnhorst prefers the original HB302 of this measure as it relates to Section 3, Page 4 lines 3-7. While psychiatric APRNs are likely the larger group of APRNs who would engage in Mental Health Advanced Directives and capacity determination, it should be noted that other specialties including Adult-Geriatric Nurse Practitioners and Family Nurse Practitioners who care for patients with progressive mental health conditions like Dementia have patients who may seek to establish Mental Health Advanced Directives. As such, **[INDIVIDUAL OR ORGANIZATION]** asks the committee to define APRNs in this section as it appeared in HB302, page 4 lines 1-3:

"Advanced practice registered nurse" means a person licensed as an advanced practice registered nurse pursuant to chapter 457."

Additionally, **[INDIVIDUAL OR ORGANIZATION]** seeks to add language into Chapter 457 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

as well as certifying and recertifying patient eligibility. Without this provision, patients who are currently benefitting from the federal authorization will only be able to access this care during the State's emergency declaration period, particularly patients in rural areas and on neighbor islands. Permanent establishment of this authorization in Hawai'i Revised Statutes is needed to ensure the changes made permanent in federal statute can be applied in our state. The below language is suggested for this proposed amendment:

“§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 APRN 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 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, recognize APRNs as primary care providers, and grant Global Signature Authority. In 2013, the Legislature requested, through SR 34, SD2 SCR 66 SD2 and 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, 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.

Products of these efforts to improve access to care by APRNs include: 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.

Anne Scharnhorst 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.

**Written Testimony Presented Before the
House Committee on Finance**

**Hearing: February 23, 2021, 2:00 PM
Via Videoconference**

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



HB302 HD1 – ADVANCED PRACTICE REGISTERED NURSES

Chair Sylvia Luke, Vice Chair Ty J. K. Cullen, and members of the House Committee on Finance, thank you for this opportunity to provide testimony **in strong support of HB302HD1**. 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. In addition, permanent establishment of authorization for APRNs is sought, to authorize eligibility for home health services: a barrier to healthcare that has too long been suffered by patients of APRNs.

Hawai'i-ANA prefers the original HB302 of this measure, in particular "Advanced practice registered nurse" means a person licensed as an advanced practice registered nurse pursuant to chapter 457." (Section 3, Page 4 lines 3-7). The section of HB302 HD1 would restrict these authorities to only APRNs with advanced specialization in psychiatric mental health nursing. We are in agreement with our colleagues that while psychiatric APRNs are likely the larger group of APRNs who would engage in Mental Health Advanced Directives and capacity determination, it should be noted that other specialties including Adult-Geriatric Nurse Practitioners and Family Nurse Practitioners who care for patients with progressive mental health conditions like Dementia who may seek to establish Mental Health Advanced Directives. The intent is to broaden access to these services by authorizing all primary care providers to provide these services. Who but the primary care provider (PCP) for that particular patient is closest to these personal and family matters? That PCP may well be an APRN who is a Family Nurse Practitioner or an Adult-Geriatric Nurse Practitioner. The original definition of an APRN in this bill refers to the refers to chapter 457 which clearly defines the scope of practice issues that protect the consumer, making this restriction to one specialty unnecessary, in our view.

Additionally, we are in agreement with our nurse colleagues in seeking to add language into Chapter 457 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 as well as certifying and recertifying patient eligibility. Without

this provision, patients who are currently benefitting from the federal authorization will only be able to access this care during the State's emergency declaration period, particularly patients in rural areas and on neighbor islands. Permanent establishment of this authorization in Hawai'i Revised Statutes is needed to ensure the changes made permanent in federal statute can be applied in our state. The below language is suggested for this proposed amendment:

"§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."

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 this measure be passed through your committee. Thank you for your continued support for measures that address the need for improving access to safe and effective healthcare provided 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

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 Sylvia Luke, Chair;
The Honorable Ty J.K. Cullen, Vice Chair;
and Members of the House Committee on Finance

From: Isaac W. Choy, Director
Department of Taxation

Date: February 23, 2021
Time: 2:00 P.M.
Place: Via Video Conference, State Capitol

Re: H.B. 302, H.D. 1, Relating to Advanced Practice Registered Nurses

The Department of Taxation (Department) offers the following comments on H.B. 302, H.D. 1, for your consideration.

As it relates to taxation, H.B. 302, H.D. 1, 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. H.D. 1 clarifies that mental health capacity determinations may be made by an advanced practice registered nurse who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization. This measure has a defective effective date of July 1, 2060.

The Department is able to administer this measure as currently written, provided that a non-defective effective date is inserted. Thank you for the opportunity to provide comments on this measure.



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 FINANCE
Representative Sylvia Luke, Chair
Representative Ty J. K. Cullen, Vice Chair

Tuesday, February 23, 2021 - 2:00 pm - Conference Room 308 - videoconference

Support of HB302 HD1 RELATING TO ADVANCED PRACTICE REGISTERED NURSES

The Hawai'i Psychological Association (HPA) supports HB302, 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 these comments to emphasize that the APRNs doing this work must have the appropriate training. HPA believes that capacity determinations of mental health or psychiatric disability should only be done by *psychiatric* APRNs – and we appreciate the amendment made in the Health, Human Services, & Homelessness committee for making this explicitly clear in the HD1 of this measure.

HPA believes that Psychiatric Advanced Practice Registered Nurses are qualified to make capacity determination for purposes of advance mental health care directives. It is essential that **additional specialized training be required for any healthcare professional, including APRNs, to determine whether a person is totally disabled under the income tax code.**

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.

Alex Lichton, Ph.D.

Chair, HPA Legislative Action Committee



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Sylvia Luke, Chair
The Honorable Ty J. K. Cullen, Vice Chair
Members, House Committee on Finance

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

Date: February 23, 2021

Re: Support for HB302, HD1: 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, HD1, which would allow APRNs 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, 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. Furthermore, we support the Hawai'i State Center on Nursing's recommendation to define APRN as it appears in HB302, page 4, lines 1-3.

Thank you for the opportunity to testify in support of HB302, HD1.

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.

Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Representative Sylvia Luke, Chair of the House Committee on Finance

From: Hawaii Association of Professional Nurses (HAPN)
Subject: HB302 HD1 – Relating to Advanced Practice Registered Nurses

Hearing: February 23, 2021, 2p.m.

LATE

Aloha Representative Luke, Chair; Representative Cullen, Vice Chair, and Committee Members,

Thank you for the opportunity to submit testimony regarding HB302 HD1. 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. This bill would cut down on excessive waste of time and money. The patient would be able to get the care they need from their provider and not have to go to another provider to accomplish these issues. This would also reduce the cost for insurers for these unnecessary visits to a provider not usually associated with a patient's care.

Along with other organizations, HAPN prefers the original language of HB302 of this measure as it relates to Section 3, Page 4 lines 3-7. While psychiatric APRNs are likely the larger group of APRNs who would engage in Mental Health Advanced Directives and capacity determination, it should be noted that other specialties including Adult-Geriatric Nurse Practitioners and Family Nurse Practitioners who care for patients with progressive mental health conditions like Dementia who may seek to establish Mental Health Advanced Directives. As such, HAPN asks the committee to define APRN in this section as it appeared in HB302, page 4 lines 1-3: "Advanced practice registered nurse" means a person licensed as an advanced practice registered nurse pursuant to chapter 457."

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

LATE

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

DATE: Tuesday, February 23, 2021

TIME: 2:00 PM

PLACE: VIA VIDEOCONFERENCE

By

Wendy Suetsugu, JD, MSN, RN/Clinical Placement Director
University of Hawaii at Manoa, School of Nursing and Dental Hygiene

Testimony in Strong Support with amendments for HB 302, HD1

Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance, thank you for the opportunity for **Wendy Suetsugu** 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.

Wendy Suetsugu prefers the original HB302 of this measure as it relates to Section 3, Page 4 lines 3-7. While psychiatric APRNs are likely the larger group of APRNs who would engage in Mental Health Advanced Directives and capacity determination, it should be noted that other specialties including Adult-Geriatric Nurse Practitioners and Family Nurse Practitioners who care for patients with progressive mental health conditions like Dementia have patients who may seek to establish Mental Health Advanced Directives. As such, **Wendy Suetsugu** asks the committee to define APRNs in this section as it appeared in HB302, page 4 lines 1-3:

"Advanced practice registered nurse" means a person licensed as an advanced practice registered nurse pursuant to chapter 457."

Additionally, **Wendy Suetsugu** seeks to add language into Chapter 457 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 as well as certifying and recertifying patient eligibility. Without this provision, patients who are currently benefitting from the federal authorization will only be able to access this care during the State's emergency declaration period, particularly patients in rural areas and on neighbor islands. Permanent establishment of this authorization in Hawai'i Revised Statutes is needed to ensure the changes made permanent in federal statute can be applied in our state. The below language is suggested for this proposed amendment:

"§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 APRN 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 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, recognize APRNs as primary care providers, and grant Global Signature Authority. In 2013, the Legislature requested, through SR 34, SD2 SCR 66 SD2 and 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, 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.

Products of these efforts to improve access to care by APRNs include: 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.

Wendy Suetsugu 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.

LATE

HB-302-HD-1

Submitted on: 2/23/2021 9:34:53 AM

Testimony for FIN on 2/23/2021 2:00:00 PM

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

Comments:

I oppose any bill that increases an APRNs scope of practice.

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

In the past, I have provided testimony that doesn't support any increased privileges for APRNs. If they are considered Primary Care providers then their designation SHOULD BE MD.

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 EVIDENCE 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 DSM5. They alone have the education and expertise to diagnosis, not APRNs,