

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair

HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT

The Honorable Nadine K. Nakamura, Chair
The Honorable Dee Morikawa, Vice Chair

**H.C.R. NO. 100 REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS
REGARDING THE SCOPE OF PRACTICE FOR ADVANCED PRACTICE
REGISTERED NURSES AND PHYSICIAN ASSISTANTS**

**H.R. NO. 107 REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS
REGARDING THE SCOPE OF PRACTICE FOR ADVANCED PRACTICE
REGISTERED NURSES AND PHYSICIAN ASSISTANTS**

Hearing: Wednesday, March 29, 2023, 2:00 p.m.

The Office of the Auditor offers comments on H.C.R. No. 100 and H.R. No. 107, which request the Auditor conduct an analysis regarding the scope of practice for advance practice registered nurses and physician assistants. In addition, the resolution requests the Auditor to analyze whether the scope of practice should be expanded in areas of medical care and services, including: (1) school-based health services, (2) medical care for minors related to human immunodeficiency virus, (3) abortion care, (4) the records review process for prescription of controlled substances, (5) clinical laboratory improvement amendments waived tests, and (6) medical aid in dying.

The Office of the Auditor conducts evaluations and analyses of new regulatory measures being considered for enactment pursuant to Section 26H-6, Hawai'i Revised Statutes (HRS). For analyses conducted in accordance with Section 26H, HRS, the office is required to identify the probable effects of a regulatory measure and assess if the regulation is consistent with policies set forth in Section 26H-2, HRS. We note the policy we use to assess regulatory measures does not determine scope of practice but analyzes the effect of a proposed regulation on the health, safety, or welfare of consumers.

The Office of the Auditor does not have the expertise to determine the scope of practice or an expansion of the scope of practice for advance practice registered nurses and physician assistants. We believe the Hawai'i Medical Board and the Board of Nursing have the expertise and are the appropriate regulating bodies to analyze and determine scope of practice of these professions.

Thank you for considering our testimony related to H.C.R. No. 100 and H.R. No. 107.

Testimony of the Board of Nursing

**Before the
House Committee on Consumer Protection and Commerce
and
House Committee on Legislative Management
Wednesday, March 29, 2023
2:00 p.m.
Conference Room 329 and Videoconference**

**On the following measure:
H.C.R. 100, REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS
REGARDING THE SCOPE OF PRACTICE FOR ADVANCED PRACTICE
REGISTERED NURSES AND PHYSICIAN ASSISTANTS**

Chair Nakashima, Chair Nakamura, and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Nursing (Board). The Board offers comments on this measure as it pertains to advanced practice registered nurses (APRN) and defers to the Hawaii Medical Board regarding physician assistants (PA).

The purpose of this concurrent resolution is to request that the Auditor conduct an analysis of the APRN's and PA's scope of practice to clearly distinguish the scope of practice of these professions to better complement the work of physicians.

This measure requests that the Auditor analyze whether the scope of practice for APRNs and PAs should be expanded in certain areas of medical care including:

- (1) School-based health services;
- (2) Medical care for minors related to human immunodeficiency virus;
- (3) Abortion care;
- (4) The records review process for prescriptions of controlled substances;
- (5) Clinical Laboratory Improvement Amendments waived tests; and
- (6) Medical aid in dying

For the Committee's information, the scope of practice for APRNs is established pursuant to Hawaii Revised Statutes chapter 457 and Hawaii Administrative Rules chapter 16-89, and other statutes, which already include these practices under the APRNs scope of practice.

To re-evaluate the practices and possibly remove them would be taking a step backward, adversely affecting the provision of health care for residents of this State. There is no substantive evidence that APRNs and PAs are not currently providing safe care for their patients based on the education and training.

For the Committee's information, similar resolutions were introduced during the 2021 and 2022 Legislative Sessions:

- H.R. 100, H.D.1 (2021) Requesting the Legislative Reference Bureau to Conduct an Analysis of Advanced Practice Registered Nurses and Physician Assistants.
- H.R. 99 (2021) Requesting the Convening of a Working Group to Determine the Gaps in Access to Health Care and the Potential Role Advanced Practice Registered Nurses May Play in Addressing These Gaps.
- H.C.R. 123, H.D. 1, S.D. 2 (2021) Requesting the University of Hawaii School of Nursing and Dental Hygiene to Conduct an Analysis of Advanced Practice Registered Nurses.
- H.R. 139, H.D. 1 (2022) Requesting the Department of Commerce and Consumer Affairs to Conduct an Analysis Regarding the Scopes of Practice for Advanced Practice Registered Nurses and Physician Assistants.

To the Board's knowledge, no analysis was conducted by the Legislative Reference Bureau or the University of Hawaii School of Nursing and Dental Hygiene. Although not required to do so, the Hawaii State Center for Nursing (Center) held three meetings responding to these resolutions. The Board defers to the Center for further information regarding these meetings.

Thank you for the opportunity to testify on this measure.

Testimony of the Hawaii Medical Board

**Before the
House Committee on Consumer Protection & Commerce
and
House Committee on Legislative Management
Wednesday, March 29, 2023
2:00 p.m.
Conference Room 329 and Via Videoconference**

**On the following measure:
H.R. 107, REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS OF
ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS.**

Chair Nakashima, Chair Nakamura, and Members of the Committees:

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 and limits its comments to the practice of physician assistants.

The purposes of this resolution are to request that the Auditor: (1) conduct an analysis regarding the scope of practice for advanced practice registered nurses and physician assistants; (2) analyze whether each scope of practice should be expanded in certain areas of medical care and services, including: (a) school-based health services; (b) medical care for minors related to human immunodeficiency virus; (c) abortion care; (d) the records review process for prescriptions of controlled substances; (e) Clinical Laboratory Improvement Amendments waived tests; and (f) medical aid in dying; (3) include in the analysis a comparison to other jurisdictions and whether those jurisdictions allow similar expanded scopes of practice; and (4) submit a report of the findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

The Board appreciates the intent of this measure, but finds it unnecessary as physician assistants may provide many of the services outlined in this measure, provided they are authorized to do so by their Hawaii-licensed supervising physician. For the Committee's information, a physician assistant's scope of practice is set forth in Hawaii Administrative Rules section 16-85-49.1, while not delineated, a physician assistant, may perform all practice-related activities as established in writing by the employer. Medical services rendered by physician assistants may include, but are not

Testimony of the Hawaii Medical Board

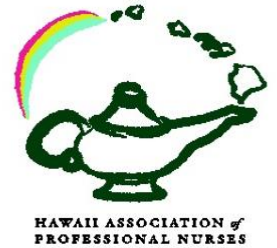
H. R. 107

Page 2 of 2

limited, to ordering, interpreting, or performing diagnostic and therapeutic procedures, formulating a diagnosis, developing and implementing a treatment plan, assisting in surgery, and making appropriate referrals.

Thank you for the opportunity to testify on this resolution.

Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Representative Mark Nakashima, Chair of the House Committee on Consumer Protection & Commerce; Representative Nadine Nakamura, Chair of the House Committee on Legislative Management

From: Hawaii Association of Professional Nurses (HAPN)

Subject: HCR100/HR107 - REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS REGARDING THE SCOPE OF PRACTICE FOR ADVANCED PRACTICE REGISTERED NURSES AND PHYSICIAN ASSISTANTS

Hearing: March 29, 2023 at 2pm

Aloha Representative Nakashima, Chair; Representative Sayama, Vice Chair; and Representative Nakamura, Chair; Representative Morikawa, Vice Chair; and Committee Members,

Thank you for the opportunity to submit testimony regarding HCR100/HR107, which requests the state auditor to conduct an analysis for the scope of practice of advanced practice registered nurses and physician assistants. HAPN is in **OPPOSITION** of this resolution. HAPN has always been an advocate of improved access to care, and we believe that a review of this nature should be conducted with individuals with expertise in this area.

HAPN recognizes the House's desire to create an omnibus legislative effort to complete this review in the past several years. With the previous year's resolution effort, there were appropriate stakeholders named in the resolution to review these issues. At this time, HAPN is working with a multidisciplinary group of providers, organized by the Hawaii State Center for Nursing, to include APRNs, PAs, physicians, psychologists, and pharmacists to review the Hawaii Revised Statutes. At this time we have reviewed 71 of 503 HRS that mention "physician" or "doctor" within the statute. This is a long process and this is exactly what these resolutions are asking for. We are meeting monthly and we are doing the work.

Last session the state auditor stated in their testimony that this review was "beyond our expertise" and stated "...the boards that regulate physicians and nurses, and the Legislative Reference Bureau may be better equipped to do the study". The opposition (mostly by APRNs) submitted in testimony echoed these statements - the auditor does not have the expertise in this area and it should be up to the boards for APRNs (Nursing) and PAs (Medical) to assist in this review.

Hawaii's APRNs do not compliment the work of physicians, we assess the needs of our communities and respond by doing what we can to meet those needs. Physicians are leaving their practices in Hawaii. Several reasons include retirement and Hawaii's inability to retain or recruit replacement physicians. Hawaii's APRNs have been, and are still, meeting this significant healthcare need. We have become innovative in finding ways to assess our communities and meet this need head on while continuing to provide excellent care for our patients. At a time when the Covid pandemic has made healthcare needs greater than ever, it was APRNs who stepped up and stepped in. APRNs took care of those who lost their private

health insurance because of the pandemic and had to use Quest. Hawaii has improved access to care in many circumstances; however, work still needs to be done to improve access further and ensure continued access to patient care, especially in rural areas¹.

Hawaii's APRNs continue to align with the national standard of APRN scope of practice with legislation enacted in 2009. Our scope of practice is already clearly defined. We continue to abide by these national standards today. These laws and rules provide clear guidance and structure that enables APRNs to provide patient care pursuant to education, national certification, and additional training that the APRN completes to ensure continued competency and lifelong learning. Hawaii is a full-practice authority state and APRN scope of practice is clearly delineated in [HRS 457](#) as: "The scope of an advanced practice registered nurse includes but is not limited to advanced assessment and the diagnosis, prescription, selection, and administration of therapeutic measures including over the counter drugs, legend drugs, and controlled substances within the advanced practice registered nurse's role and specialty-appropriate education and certification." The Hawaii Board of Nursing published a document called "Hawaii APRN Scope of Practice, an algorithm to help organizations, legislators, and APRNs to better understand how to determine appropriate scope of practice.

<https://cca.hawaii.gov/pvl/files/2022/12/APRN-Decision-Making-Flow-Chart-2.pdf>

It is difficult to compare the practices of APRNs throughout our country as there are many differences in APRN scope throughout. All states in comparison would need to have an established full practice authority and, even then, these laws or rules may differ. Currently, 53% of states authorize full practice authority for APRNs². The National Council of State Legislators has a validated comparison across the nation, and across professions, which is often referred to. This resource is located at ScopeofPracticePolicy.org and ". . .provides policymakers with information on laws that govern the scope of practice for nurse practitioners, physician assistants, dental hygienists and dental therapists across the country." This website also tracks scope of practice bills in all 50 states.

Community organizations and those who can identify a healthcare need have asked the State Legislature to step in to review these barriers to examine the possibility of APRNs to fill these needs. Statutes continue to remain that refer to "physician specific" language that may have been in place before APRNs were granted full practice authority.

HAPN's mission, to be the voice of Advanced Practice Registered Nurses 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 played an important role to improve the physical and mental health of our communities.

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

1. Schorn MN, Myers C, Barroso J, et al. Results of a National Survey: Ongoing Barriers to APRN Practice in the United States. Policy, Politics, & Nursing Practice. February 2022. doi:10.1177/15271544221076524

2. American Association of Nurse Practitioners. "State Practice Environment." American Association of Nurse Practitioners. Accessed March 22, 2022. <https://www.aanp.org/advocacy/state/state-practice-environment>.

HR-107

Submitted on: 3/26/2023 9:24:07 PM

Testimony for CPC on 3/29/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alison Kaneshiro	Individual	Oppose	Written Testimony Only

Comments:

Aloha Representatives.

At the last session, the state auditor stated it was beyond their expertise to review the scope of practice for APRNs and PAs. They also stated regulatory boards such as the board of nursing and board of Medicine to review scopes of practice for APRNs and PAs. As a Registered Nurse since 1992 and an APRN since 2011, I oppose having the state auditor review the scope of practice for APRNs and PAs. An office that does not have expertise in the area of APRN and PA scope of practice should not be completing the review. As an APRN, I see this as an attempt to place restrictions on my scope of practice. APRNs have had Full Practice Authority for many years and restrictions to our scope of practice will limit access to care for the people of Hawaii who already have access issues due to shortages in the healthcare workforce. I ask that you reconsider who should be completing this review.

Mahalo for your time.

HR-107

Submitted on: 3/28/2023 4:48:15 PM

Testimony for CPC on 3/29/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt Bishop	Individual	Support	Written Testimony Only

Comments:

I support this measure in order to make sure that people are given the best access to health care providers in the state of Hawaii. Advanced Practice Nurses play a critical role in allowing access to all types of care for people living in the state. The legislature needs to do their best to make sure that all Advanced Practice Nurses practice to the fullest extent of their license and education and not legislate barriers to accepted national standards.