

Testimony of the Board of Nursing

Before the
House Committee on Consumer Protection & Commerce
Thursday, April 20, 2023
2:00 p.m.
Conference Room 430 and Videoconference

On the following measure:
**S.C.R. 112, REQUESTING THE HAWAII STATE CENTER FOR NURSING TO
CONVENE A WORKING GROUP TO STUDY THE FEASIBILITY AND IMPACT OF
THE STATE ADOPTING THE NURSE LICENSURE COMPACT**

Chair Nakashima 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.

The purposes of this resolution are for the Hawaii State Center for Nursing to convene a working group to study the feasibility and impact of the State adopting the Nurse Licensure Compact (NLC or Compact) and to identify and assess the NLC's potential impacts relating to: (1) the State's nursing workforce; (2) fiscal obligations of the State, including any fees or other costs; (3) the potential for workforce migration into and out of the State, including job transfers, travel nursing, and telehealth nursing; (4) the regulation of out-of-state nurses, including recouping costs arising from investigations of consumer complaints of other disciplinary actions; (5) disciplinary actions taken against a nurse with a multistate licensure privilege; (6) health care workforce research and planning efforts; (7) differences in licensure renewal and competency requirements between member states; (8) jurisdiction and regulatory oversight of nurses in the State; and (9) any other matters that the working group deems applicable to the evaluation of the State's adoption of the NLC.

The Board believes that a working group is unnecessary and would not be an efficient or effective means of addressing the following concerns:

1) Loss of Autonomy to regulate nurses:

When a state joins the NLC, the Board is bound by the Compact rules that are established and determined by the Interstate Commission of Nurse Licensure Compact Administrators. The Compact language cannot be

amended by the State Legislature or the Board to address Hawaii's specific licensure requirements to ensure consumer protection and patient safety unless included in the Compact language. The implementation of the Compact would limit the State's autonomy to establish requirements unique to Hawaii for initial and renewal of licenses.

2) Continuing Competency:

The NLC does not require completion of continuing education or continuing competency to maintain a multi-state license.

Pursuant to Act 127, SLH 2015, the Legislature established initial licensure requirements to ensure the minimum competencies necessary for a newly licensed, entry-level registered or practical nurse to perform work safely and effectively. In today's health care environment, knowledge of the latest developments in the profession is a crucial means by which nurse duties are safely and effectively fulfilled. New health care systems are emerging and redoubling the challenges of licensure boards to assure consumers that licensed nurses shall remain competent for the duration of their practice. The legislature found the most efficient means to ensure patient safety is to require Hawaii-licensed nurses to complete continuing competency requirements prior to any application for license renewal, restoration, or reinstatement.

3) Enforcement:

The inability to amend the Compact language may also present issues regarding the disciplining of licenses of nurses who provide unsafe or incompetent care. Per the Compact, only the home state or the Compact jurisdiction who issued the multistate license may revoke a nurse license. Although a remote state may issue a cease-and-desist order or impose an encumbrance on the nurse's authority to practice in their state, this does not necessarily affect the nurse's ability to practice in another Compact jurisdiction. Further, the Compact does not require a multistate license

holder to file an application with the board or report their presence and practice to the Board. The absence of notification in any form to the Board is very concerning and could potentially endanger a patient's life without any means of recourse for the Board.

4) Patient Safety

The licensing vulnerabilities and issues of a single Compact member state have consequences on all other Compact member states. On January 25, 2023, a news article published by the Southern District of Florida stated that more than two dozen individuals have been charged for their alleged participation in a wire fraud scheme that created an illegal licensing and employment shortcut for aspiring nurses. The defendants engaged in a scheme to sell fraudulent nursing degree diplomas and transcripts obtained from accredited Florida-based nursing schools to individuals seeking licenses and jobs as registered nurses and licensed practical nurses. The bogus diplomas and transcripts qualified purchasers to sit for the national nursing board exam, and after passing it, to obtain nurse licenses in various states as RNs and LPNs. The overall scheme involved the distribution of more than 7,600 fake nursing diplomas. The Florida Board of Nursing is part of the NLC, which means that nurses licensed in Florida under a multi-state license, will be able to practice in Hawaii if it were to join the NLC jeopardizing patient safety if the individuals were one of the fraudulent 7,600 who applied and received a nursing license in Florida or any other of the NLC states.

The DCCA has submitted and supports alternative legislation (S.B. 63) to address out-of-state nurse needs by issuing them a temporary permit with streamlined requirements to further address and ensure safe nursing practice by these individuals. The measure would address enforcement concerns and offer a timelier option for nurses to practice in the State.

Thank you for the opportunity to testify on this bill.



THE QUEEN'S HEALTH SYSTEM

To: The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
Members, House Committee on Consumer Protection & Commerce

From: Darryn Dunbar, Senior Director of Nursing Administration, The Queen's Health System
Jace Mikulanec, Director, Government Relations, The Queen's Health System

Date: April 20, 2023

Re: Testimony in support for SCR112/SR118: REQUESTING THE HAWAII STATE
CENTER FOR NURSING TO CONVENE A WORKING GROUP TO STUDY THE
FEASIBILITY AND IMPACT OF THE STATE ADOPTING THE NURSE
LICENSURE COMPACT.

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 testify in support of SCR112/SR118 and thanks the Committee for its ongoing commitment to addressing Hawaii's healthcare workforce shortfall. We see this working group as one mechanism for bringing together relevant stakeholders to formally review and make recommendations on the possible impact to Hawaii's nursing workforce if it were to join the Nurse Licensure Compact (NLC).

Compact is a possible method to improve, not fix, the workforce shortage facing our hospital system. Thirty-nine jurisdictions have joined the compact - some of whom have unique challenges that are similar to Hawaii with regard to geography, cost of living, administrative burdens, etc.

Furthermore, safety and education are as important for the Compact states as for Hawaii. It is nonetheless worth exploring how our state can maintain our high quality of care and standards while also diversifying our pool of trained healthcare professionals.

COVID19 illustrated the need for our healthcare facilities to be nimble with regard to our healthcare workforce. Exploring ways to attract, retain, and grow our nursing workforce is a key part of the work group's charge. It's not a question of if, but rather a question of when the next healthcare crisis hits our state. We need to do all we can to prepare so that we can effectively compete for resources - financially and physically.

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.

HSCN is appropriately positioned to undertake this exploratory work group and is a trusted partner within the healthcare community. Queen's looks forward to bringing the knowledge and experiences of our diverse healthcare system to the table to help evaluate Hawaii's possible entrance into the Nurse Licensure Compact.

Mahalo for your consideration of our testimony; we respectfully urge you to pass SCR112.



April 20, 2023 at 2:00 p.m.
Conference Room 430

House Committee on Consumer Protection & Commerce

To: Chair Mark M. Nakashima
Vice Chair Jackson D. Sayama

From: Hilton Raethel
President and CEO
Healthcare Association of Hawaii

Re: **Support**
SCR 112: Requesting the Hawaii State Center for Nursing to Convene a Working Group to Study the Feasibility and Impact of the State Adopting the Nurse Licensure Compact

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

Thank you for the opportunity to provide **support** for SCR112, which will convene a working group within the Hawaii State Center for Nursing to examine the various impacts of Hawaii joining the Nurse Licensure Compact (NLC) and provide a report to the legislature prior to the convening of the 2024 regular session. We note that our organization has been listed as a participant in the working group, and would be happy to serve as one of its members. Just as the causes of our current nurse shortage are complex, so, too, are its potential solutions.

Convening a working group to better understand the implications of Hawaii's participation in the NLC would enable stakeholders to assess the state's current and future nurse workforce needs; its potential impact on the state's existing licensure infrastructure; and clarify questions about the regulation of out-of-state nurses who come here to practice. Though a working group will not be an immediate solution to our current nurse shortage, it is an important step to doing so by enabling more thoughtful and reasoned discussion of the subject in future sessions.

Thank you for the opportunity to comment on this measure.



April 20, 2023

2 p.m.

Conference Room 430

VIA VIDEOCONFERENCE

To: House Committee on Consumer Protection & Commerce

Rep. Mark M. Nakashima, Chair

Rep. Jackson D. Sayama, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SCR112 — REQUESTING THE HAWAII STATE CENTER FOR NURSING TO CONVENE A WORKING GROUP TO STUDY THE FEASIBILITY AND IMPACT OF THE STATE ADOPTING THE NURSE LICENSURE COMPACT

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SCR112](#), which requests that the Hawaii State Center for Nursing convene a working group to study the feasibility and possible consequences of Hawaii adopting the Nurse Licensure Compact.

It is well established that Hawaii is suffering from a shortage of vital healthcare workers, including nurses. A 2021 [report](#) from the Hawaii State Center for Nursing estimated that the state has 300 to 400 fewer nurses than needed to meet demand.¹

In 2022, [research](#) indicated that nearly one-fourth of Hawaii's nurses had been considering leaving the workforce, largely due to the stresses caused by the pandemic.²

¹ Carrie M. Oliveira, Ph.D., "[2021 Hawai'i Nursing Workforce Supply: Statewide Report](#)," Hawai'i State Center for Nursing, 2021.

² Holly B. Fontenot, Ph.D., et al., "[Impact of the COVID-19 Pandemic on the Hawai'i Nursing Workforce: A Cross-sectional Survey](#)," Hawaii Journal of Health and Social Welfare, May 2022.

As we discuss in a new policy brief [“How changing Hawaii’s licensing laws could improve healthcare access.”](#) licensing compacts are one reform that might make it easier for Hawaii to attract and retain healthcare professionals.³

The report states: “Joining multiple interstate compacts could be the simplest route to address the difficulties medical professionals face in moving to Hawaii. Most importantly, the compact approach has support from within the medical community.”

Currently, 38 states have joined the [Nurse Licensure Compact](#), and the compact commission is able to assist state regulators in the implementation phase.

We hope that the working group will examine the costs and benefits of joining the compact and that the Legislature might consider it again next session.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns,
Grassroot Institute of Hawaii

³ Malia Hill, [“How changing Hawaii’s licensing laws could improve healthcare access,”](#) Grassroot Institute of Hawaii, February 2023, p. .



**Written Testimony Presented Before the House
Committee on Consumer Protection & Commerce
Thursday, April 20, 2023 at 2:00 PM
Conference Room 430 and via Videoconference**

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

Comments on S.C.R. 112 / S.R. 118 with amendments

Chair Nakashima, Vice Chair Sayama, and Members of the Committee, thank you for the opportunity to testify on S.C.R. 112 / S.R. 118 with comments **and recommended amendments to extend the report due date.**

This resolution finds that there is a continuing nursing workforce shortage and that the nurse licensure compact would enable license portability. The Center is requested, by way of this resolution, to convene a working group to study the feasibility and impact of the State adopting the nurse licensure compact. In 2003, the Legislature, in its great wisdom, established the Hawai'i State Center for Nursing to:

1. Collect and analyze data and prepare and disseminate written reports and recommendations regarding the current and future status and trends of the nursing workforce;
2. Conduct research on best practice and quality outcomes;
3. Develop a plan for implementing strategies to recruit and retain nurses; and
4. Research, analyze, and report data related to the retention of the nursing workforce. [§304A-1406]

Should this resolution be passed, **the Center for Nursing asks for a final report date be extended to twenty days prior to the convening on the Regular Session of 2025 to allow for an interim report to be submitted prior to the 2024 session and a final report in the 2025 session.** In order to successfully and completely address each item and any other item as determined necessary by the working group, including securing the appropriate guests and data for the item, this work will need more time. Therefore, an extended timeline supports the quality outcomes of this working group.

The Center has successfully produced 17 years of nursing workforce supply and educational capacity research and workforce reports,¹ as well as more recently the development of informational briefs relative to recruitment and retention topics in Hawai'i. In 2022, the Center released the "Information and Recommendations Related to Hawai'i's Consideration of the Nurse Licensure Compact".²

The working group and study proposed in this resolution continues the pre-existing work of the Center and reinforces the need for the mandates established in 2003, as well as the work of our expert staff. Noting that, Hawai'i State Center for Nursing also reviewed the scope of the work in this resolution.

The Center for Nursing thanks the Committee for considering this resolution and asks for a final report date be extended to twenty days prior to the convening on the Regular Session of 2025 to allow for an interim report to be submitted prior to the 2024 session.

¹ <https://www.hawaiiicenterfornursing.org/data-reports/>

² <https://www.hawaiiicenterfornursing.org/wp-content/uploads/2023/01/Hawaii-NLC-Information-and-Recommendations-v.RevisedFinal.pdf>

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.



April 20, 2023

The Honorable Mark M. Nakashima, Chair
The Honorable Jackson D. Sayama, Vice Chair
House Committee on Consumer Protection and Commerce

Re: SCR112 – Nurse Licensure Compact

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to support SCR112, which is requesting the Hawaii State Center for Nursing to convene a working group to study the feasibility and impact of the state adopting the Nurse Licensure Compact.

HMSA strongly believes in strengthening access to quality health care services in the state of Hawaii. While we recognize that compacts are not a silver bullet to addressing the health care workforce shortage, participation in a compact would allow our health care facilities to employ nurses licensed in other states and would increase access, particularly in rural and underserved communities where the need is greatest.

Convening a working group to study the feasibility and impact of the State adopting the Nurse Licensure Compact, would be beneficial to continuing this important conversation. We want Hawaii to be able to make informed decisions on how to expand and support our current health care workforce to make it easier for our residents to access health care in the place they're located at the time when they need it.

Thank you for the opportunity to testify in support of SCR112.

Sincerely,

Dawn Kurisu
Assistant Vice President
Community and Government Relations

SCR-112

Submitted on: 4/17/2023 10:47:52 PM

Testimony for CPC on 4/20/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Why can't the University of Hawaii Train New and Local Nurses!!!