

STAND. COM. REP. NO. 390

Honolulu, Hawaii

FEB 16 2023

RE: S.B. No. 599
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 599 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to expand the class of health care providers who may prescribe respiratory care services to include physician assistants and advanced practice registered nurses.

Your Committee received testimony in support of this measure from the Hawai'i State Center for Nursing, Hawai'i Pacific Health, Kaiser Permanente Hawai'i, Hawai'i Association of Professional Nurses, Hawai'i Academy of Physician Assistants, Hawaii Society for Respiratory Care, and two individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Board of Nursing, and Hawaii Medical Board.

Your Committee finds that health care professionals are in high demand yet in low supply, particularly on the neighbor islands and in rural and underserved areas of the State. Your Committee further finds that although advanced practice registered nurses and physician assistants are credentialled to provide critical care to both adults and children, and are educated, trained, and privileged to write orders to manage ventilators, existing law prohibits them from prescribing, ordering, or



directing respiratory care services. To provide patients with high quality care despite the State's chronic provider shortage, it is crucial that a health care provider's permitted scope of practice reflects the full extent of their training. This measure aligns state law with community standards of practice and the regulations adopted by the Centers for Medicare and Medicaid Services, under which qualified non-physician providers, including advanced practice registered nurses and physician assistants, are able to safely and competently order respiratory therapy for patients, to be implemented by respiratory therapists.

Your Committee acknowledges the concerns raised by the Board of Nursing over how this measure, as currently written, uses certain terms pertaining to advanced practice registered nurses. Your Committee also acknowledges similar concerns raised by the Hawaii Medical Board as it pertains to physician assistants. Therefore, this measure needs to be amended to address these concerns.

Your Committee has amended this measure by:

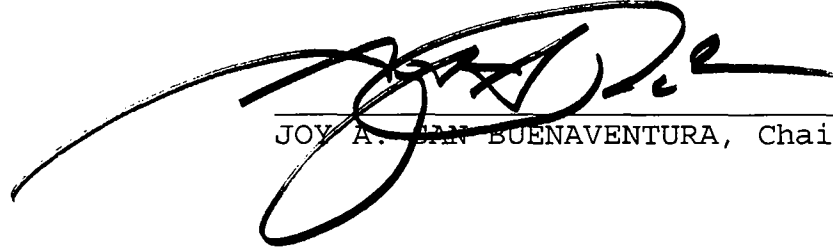
- (1) Making conforming amendments to existing law to clarify that certain physician assistants shall be authorized to sign orders for respiratory therapy and plans of care;
- (2) Amending the term "qualified medical direction" to read "qualified direction";
- (3) Clarifying that no person shall practice respiratory care except under the order and qualified direction of certain licensed providers;
- (4) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 599, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 599,



S.D. 1, and be referred to your Committee on Commerce and Consumer Protection.

Respectfully submitted on behalf of the members of the Committee on Health and Human Services,



JOY A. SAN BUENAVENTURA, Chair



