



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA
SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

DEAN I HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

KA 'OIHANA PILI KĀLEPA
335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: (808) 586-2850
Fax Number: (808) 586-2856
cca.hawaii.gov

Testimony of the Department of Commerce and Consumer Affairs

Before the
House Committee on Health and Homelessness
Wednesday, February 1, 2023
8:30 a.m.
Conference Room 329 and Via Videoconference

On the following measure:
H.B. 664, RELATING TO HEALTH

Chair Chair Belatti and Members of the Committee:

My name is Ahlani Quiogue, and I am the Licensing Administrator of the Department of Commerce and Consumer Affairs' (Department) Professional Vocational Licensing Division. The Department supports the intent of and offers comments on this bill.

The purpose of this bill is to expand the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants (PAs) and advanced practice registered nurses (APRNs).

The Department supports the bill's intent, which would provide greater access to health care for all Hawaii residents, but must defer to the Hawaii Medical Board and Board of Nursing regarding the appropriate scope of supervisory authority for PAs and APRNs, and appropriate language for their inclusion.

Thank you for the opportunity to testify on this bill.

Testimony of the Board of Nursing
Before the
House Committee on Health and Homelessness
Wednesday, February 1, 2023
8:30 a.m.
Conference Room 329 and Videoconference
On the following measure:
H.B. 664, RELATING TO HEALTH

Chair Belatti and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Nursing (Board). The Board appreciates the intent of this bill and requests amendments for clarification. The Board defers to the Hawaii Medical Board and the Respiratory Therapist Program regarding the practice of physician assistants and respiratory care, respectively.

The purpose of this bill is to expand the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses.

For advanced practice registered nurses (APRNs) to order respiratory care provided by a respiratory therapist, the Board requests the following amendments for clarification:

Page 3, line 3, the definition of “Qualified medical direction”: Although ordering respiratory care for patients fall within an APRN’s scope of practice, APRNs may not practice medicine as implied by the use of the phrase “qualified ‘**medical**’ direction”; thus, the Board respectfully request the term “medical” in “Qualified medical direction” be deleted as follows so that APRNs can order respiratory care without the implication that the APRN is practicing medicine.

"Qualified [~~medical~~] direction" means ready access by a respiratory therapist to a licensed physician, licensed osteopathic physician, licensed physician assistant, or an advanced practice registered, who has specialty training or experience in the management of acute and chronic respiratory

disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory therapist.

Page 3, lines 13 and 15, refers to "Supervision required" in order to practice respiratory care. The Board defers to the Respiratory Therapy Program, but does not believe that an APRN must generally supervise the Respiratory Therapist in the provision of respiratory care for their patients. The Board respectfully requests that the following amendments to this section be considered:

"[~~§466D-4~~] ~~Physician supervision~~ **Order and qualified direction required.** No person shall practice respiratory care under this chapter except under the ~~[direct]~~ order and qualified ~~[medical]~~ direction of a physician or an osteopathic physician licensed pursuant to chapter 453[-], a physician assistant licensed pursuant to chapter 453, or an advanced practice registered nurse licensed pursuant to chapter 457."

Finally, the above recommendation to delete "direct" in reference to "direct" order is to eliminate unnecessary redundancy since respiratory care can be prescribed by an "order" or "qualified direction."

Thank you for the opportunity to testify on this bill.

Testimony of the Hawaii Medical Board

Before the
House Committee on Health and Homelessness
Wednesday, February 1, 2023
8:30 a.m.
Conference Room 329 and Videoconference

On the following measure:
H.B. 664, RELATING TO HEALTH

Chair Belatti and Members of the Committee:

My name is Ahlani Quiogue, and I am the Executive Officer of the Hawaii Medical (Board). The Board offers comments on this bill.

The purpose of this bill is to expand the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses.

The Board will review this bill at its next publicly noticed meeting on February 9, 2023. In the meantime, the Board's Legislative Liaison notes the following:

- For consistency, page 1, lines 14 to 16, page 2, lines 18 to 20, continued to page 3, line 1 and lines 4 to 6, should be amended to read:

“a physician or an osteopathic physician licensed pursuant to chapter 453,
a physician assistant licensed pursuant to chapter 453...”

The suggested amendment would be consistent with the proposed language in section 2, lines 16 to 19.

- Page 3, line 13, implies that, in addition to physicians, a respiratory therapist must also be supervised by a physician assistant. Pursuant to Hawaii Revised Statutes (HRS) section 453-5.5 and Hawaii Administrative Rules section 16-85-49.1, this may not be permissible. The Board recommends the term “supervised” be deleted as the remainder of the section clearly outlines the role of the physician assistant.
- The Board also respectfully recommends that HRS section 453-5.5 be amended to include “orders for respiratory therapy and plans of care.”

Thank you for the opportunity to testify on this bill.



**Written Testimony Presented Before the House
Committee on Health & Homelessness
Wednesday, February 1, 2023 at 8:30 A.M.
Room 329 and via videoconference
by
Laura Reichhardt, APRN, AGPCNP-BC
Director, Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

TESTIMONY IN SUPPORT on H.B. 664

Chair Belatti, Vice Chair Takenouchi, and members of the House Committee on Health & Homelessness, thank you for the opportunity to testify in **support of H.B. 664**.

In Hawai'i, health care professionals are in high demand yet in low supply, particularly on the neighbor islands and in rural and underserved areas of our state. Improving access to care by qualified healthcare professionals is critical to ensuring the people of Hawai'i receive the healthcare when they need it, and by their preferred healthcare provider.

The legislature has long recognized the high standard of care provided by Advanced Practice Registered Nurses (APRNs), and established that APRNs are
“...authorized to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources...” (HRS 457-8.6 (c)).

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, 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 do certain healthcare functions because of disagreement across the constellation of laws in the Hawai'i Revised Statutes.

In this case, currently respiratory therapists cannot receive orders from APRNs, even though APRNs are authorized “to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources”. Respiratory therapists provide care to people who have trouble breathing. The inability to accept a referral from an APRN can cause delays in care.

The Hawai'i State Center for Nursing respectfully asks the Committee to pass **H.B. 664** through your committee. The Center thanks your committee for its commitment to the people of Hawai'i, and ensuring access to high-quality health care by our state's interprofessional healthcare team including APRNs.

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.

Wednesday, February 1, 2023 at 8:30AM
Via Video Conference; Conference Room 329

House Committee on Health & Homelessness

To: Representative Della Belatti, Chair
Representative Jenna Takenouchi, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

**Re: Testimony in Support of HB 664
Relating to Health**

My name is Michael Robinson, and I am the Vice President of Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

HPH writes in SUPPORT of HB 664 which expands the class of health care providers under whom respiratory therapists may practice respiratory care to include licensed physician assistants (PA) and licensed advanced practice registered nurses (APRN).

HB 664 aligns with community standards of practice and CMS regulations in which qualified non-physician providers including PAs and APRNs are able to safely and competently order respiratory therapy for patients to be implemented by respiratory therapists.

Enabling respiratory therapists to practice under the supervision of these additional health care providers of physician assistants and advanced practice registered nurses is consistent with Hawai'i's multidisciplinary practice philosophy.

Thank you for the opportunity to testify.

Testimony of
Jonathan Ching
Government Relations Director

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

February 1, 2023
8:30 a.m.
Via Videoconference
Conference Room 329

Re: HB 664, Relating to Health

Chair Belatti, Vice Chair Takenouchi, and committee members, thank you for this opportunity to provide testimony on HB 664, which expands the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses.

Kaiser Permanente Hawai'i SUPPORTS HB 664.

Kaiser Permanente Hawai'i is one of the nation's largest not-for-profit health plans, serving 12.6 million members nationwide, and more than 269,000 members in Hawai'i. In Hawai'i, more than 4,200 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and advance practice providers work in our integrated health system to provide our members coordinated care and coverage. Kaiser Permanente Hawai'i has more than 20+ medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the 1.4 million people living in the communities we serve.

Kaiser Permanente Hawai'i supports healthcare providers practicing to the full extent of their training and scope of practice. Advanced practice registered nurses (APRNs) and physician assistants (PAs) are credentialed to provide critical care to both adults and children, and are educated, trained and privileged to write orders to manage ventilators. However, Hawai'i law currently prohibits them from prescribing, ordering, or directing respiratory care services.

To provide our patients with high quality care despite Hawai'i's chronic provider shortage, it is crucial that providers' scope of practice reflects the full extent of their training. The ongoing pandemic and the severe flu and RSV season bring added urgency to this ongoing issue. HB 664 aligns Hawai'i law with community standard of practice and CMS regulations in which qualified



Government Relations

non-physician providers including APRNs and PAs are able to safely and competently order respiratory therapy for patients to be implemented by respiratory therapists. Therefore, we ask for your support of HB 664.

Mahalo for the opportunity to testify on this important measure.

TO: Committee on Health & Homelessness
Hawaii House of Representatives

FROM: Hawaii Society for Respiratory Care (HSRC)

DATE: February 1, 2023

RE: Position Statement on HB 664

CC: American Association for Respiratory Care (AARC)

The Hawaii Society for Respiratory Care wishes to weigh in on House Bill 664 relating to the expansion of the health care providers who respiratory therapists may practice under.

Respiratory Therapy is the health care discipline specializing in the promotion of optimum cardiopulmonary function, health, and wellness. Respiratory Therapists are educated, trained, and licensed professionals who employ scientific principles to identify, treat and prevent acute or chronic dysfunction of the cardiopulmonary system.

During the COVID-19 pandemic, respiratory therapists were the front-line providers in intensive care units, emergency departments, and post-acute care facilities. The COVID-19 pandemic brought national attention to the importance of the respiratory therapist as a vital role in hospital intensive care units for running the ventilator. Under the Public Readiness and Emergency Preparedness Act, respiratory therapists were also called upon during this public health emergency to help administer the COVID-19 vaccines.

Respiratory therapists pass a national board certifying exam and worked hard to establish licensure in the state of Hawaii.

We are not opposed to HB 664 because it does not encroach on the respiratory therapist's scope of practice and in essence serves to expand upon the class of health care provider under whom respiratory therapist's practice.

We support this legislation on behalf of patients in rural settings and those who currently may have to wait for a physician to sign orders which may delay care.

One concern that we would like to express is that HB 664 does not state that the orders from this other class of health care providers will be written for respiratory therapists to carry out.

**Written Testimony Presented Before the
Committee on Health & Homelessness**

HEARING: Wednesday, February 1, 2023, 8:30 A.M.

PLACE: Room 329 and via videoconference

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



HB664 – RELATING TO HEALTH

Chair Belatti, Vice Chair Takenouchi and members of the House Committee on Health & Homelessness, Thank you for the opportunity to testify **in support of H.B. 664**.

We are Hawai'i- American Nurses Association, speaking for over 17,000 Registered Nurses in Hawai'i who care for patients every day in our community.

The legislature has long recognized the high standard of care provided by Advanced Practice Registered Nurses, and established that APRNs are “...authorized to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources...” (HRS 457-8.6 (c)).

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, 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 do certain healthcare functions because of disagreement across the constellation of laws in the Hawaii Revised Statutes.

In this case, currently respiratory therapists cannot receive orders from APRNs, even though APRNs are authorized “to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources”. Respiratory therapists provide care to people who have trouble breathing. The inability to accept a referral from an APRN can cause delays in care.

The Hawai'i - American Nurses Association respectfully asks the Committee to pass H.B. 664 through your committee. The Registered Nurses of Hawai'i thank your committee for its commitment to the people of Hawai'i, and ensuring access to high-quality health care by our state's interprofessional healthcare team, including APRNs.

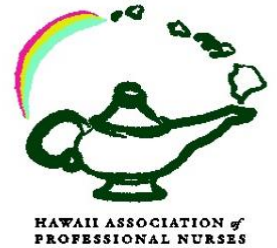
Contact information for Hawai'i – American Nurses Association

President: Dr. Nancy Atmospera-Walch, DNP, CCHN, FAAN, 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 HI 96825

Hawai'i Association of Professional Nurses (HAPN)



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

From: Hawaii Association of Professional Nurses (HAPN)

Subject: HB664 – Relating to Health; in Support

Hearing: February 1, 2023, 8:30a.m.

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

Thank you for the opportunity to submit testimony regarding HB664. HAPN is in **support** of this measure. This measure will improve access to care for our patients who require respiratory care services by authorizing Advanced Practice Registered Nurses (APRN) to order respiratory services and further reducing delays in care. Health care professionals are in high demand with a decrease in supply as noted by several state agencies.

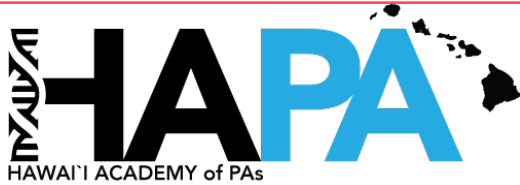
APRNs have been recognized by the legislature to practice to the full extent of our education/training, certification, and licensure. HRS 457 states that APRNs are “authorized to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources”. Providing orders for respiratory care services is in line with HRS 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.

HAPN respectfully asks this Committee to pass HB664. 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



TO: House Committee on Health & Homelessness
Rep. Della Au Belatti, Chair
Rep. Jenna Takenouchi, Vice Chair

Hearing Date/Time: Wednesday, February 1, 2023 8:30 a.m.

Place: Conference Room 329 & Videoconference State Capitol

Re: HB664, Relating to Health

Dear Chair Della Au Belatti, Vice Chair Jenna Takenouchi, and Committee Members,

Thank you for the opportunity to provide testimony on HB664, which seeks to expand the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses.

Hawai`i Academy of Physician Assistants (HAPA) STRONGLY SUPPORTS HB664

HAPA is the Hawaii state chapter of The American Academy of Physician Assistants.

HAPA supports HB664 because it includes physician assistants as licensed medical providers who are qualified to provide medical direction to respiratory therapists for the provision of respiratory services for appropriate patients. This is consistent with physician assistant training and scope of practice, and it ensures greater access to respiratory health care services in Hawaii.

Physician assistants are highly skilled medical providers and authorized by the Affordable Care Act, along with physicians and APRNs, to serve as primary care provider (PCP). They receive rigorous medical training modeled on medical school curriculum which includes rotations in family medicine, internal medicine, general surgery, pediatrics, obstetrics and gynecology, emergency medicine, psychiatry, and other specialty electives. Physician assistant training programs typically require thousands of hours of previous clinical care experience before matriculation is even considered.

In practice, physician assistants routinely take medical histories, perform physical examinations, order and interpret laboratory tests, diagnose illnesses, develop and manage treatment plans, prescribe medications, and assist during surgery.

Physician assistants are already regarded as qualified licensed medical providers, who can provide medical direction and oversight of speech therapists, occupational therapists, and physical therapists. HB664 ensures alignment with physician assistant scope of practice by including respiratory therapists as providers who can take medical direction from physician assistants.

Thank you for this opportunity to testify in support of this important legislation.

Sincerely,

Hawai`i Academy of Physician Assistants

Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Senator Joy San Buenaventura, Chair of
the Senate Committee on Health and Human Services; and

From: Hawaii Association of Professional Nurses (HAPN)

Subject: SB102 – Relating to the General Excise Tax, in Support

Hearing: February 3, 2023, 1p.m.

Aloha Senator San Buenaventura, Chair; Senator Aquino, Vice Chair; and Committee Members,

Thank you for the opportunity to submit testimony regarding SB102. HAPN stands with countless community organizations, private practices throughout the state, and all residents of Hawaii who receive healthcare. HAPN believes that healthcare access in Hawaii is at a point where provider supply is not in line with healthcare demand. As such, HAPN is in **Support** of removing the General Excise Tax (GET) on all services that are provided by **Advanced Practice Registered Nurses, Physician Assistants (Physician Associates), and Physicians. This GET exemption must include care provided by primary care providers and specialists.**

Our organization has always supported patient access to care in our communities and we are seeing a fast erosion of care due to clinic closures or providers no longer practicing. This is happening for many reasons to include providers moving out of state for more favorable business environments; provider retirement or death; poor reimbursement from all insurance plans to include private, state, and federal sinking clinics trying to provide care; and insurance reimbursement received not in line with the cost of doing business and the cost of living. In the Access to Care statewide survey by the Hawai'i Rural Health Association and Community First, nearly half of healthcare providers were considering leaving medicine, retiring, cutting hours or leaving the state. Hawaii is the only American state which taxes medical care. Healthcare providers have to absorb this tax, which federal Medicare and TriCare policies forbid passing to patients. The GET taxes gross revenues, even when practices lose money providing care, which makes many practices nonprofitable.

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. APRNs have played an important role in the healthcare of our communities and we will continue to be by our patients' side.

HAPN respectfully asks your Committee to pass this bill. 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



DATE: 31 January 2023

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

Re: Testimony in Support of HB664, Relating to Health

Hrg: 1 Feb 2023, 8:30AM, House Conference room 329 & Videoconference

Dear Chair Della Au Belatti, Vice Chair Jenna Takenouchi, and Committee Members,

The Hawai'i Public Health Association (HPHA) is a group of over 450 community members, public health professionals, and organizations statewide dedicated to improving public health. Our mission is to promote public health in Hawai'i through leadership, collaboration, education and advocacy. Additionally, HPHA aims to call attention to issues around social justice and equity in areas that extend beyond the traditional context of health (e.g., education, digital equity, cultural sensitivity), which can have profound impacts on health equity and well-being. Therefore, as stewards of public health, HPHA is also advocating for equity in all policies.

Thank you for the opportunity to provide **supportive testimony for HB664**, which seeks to expand the class of health care providers under whom respiratory therapists may practice respiratory care **to include physician assistants (PAs) and advanced practice registered nurses (APRNs)**. We strongly support HB 664, which will expand access to care. PAs and APRNs are licensed medical providers who are qualified to provide medical direction to respiratory therapists for the provision of respiratory services for appropriate patients. PAs and APRNs are skilled medical providers and authorized by the Affordable Care Act, along with physicians, to serve as primary care provider (PCP). In practice, PAs and APRNs routinely take medical histories, perform physical examinations, order and interpret laboratory tests, diagnose illnesses, develop and manage treatment plans, and prescribe medications. HB664 is consistent with the education, training, and scope of practice of PAs and APRNs, and it ensures greater access to respiratory health care services in Hawaii.

In summary, we strongly support HB664 which aligns with PA and APRN scope of practice by including respiratory therapists as providers who can take medical direction from PAs and APRNs. Thank you for the opportunity to provide testimony on this important public health topic that relates to healthcare access as it ensures greater access to respiratory health care services in Hawaii.

Respectfully submitted,

Holly Kessler
Executive Director