



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
House Committee on Consumer Protection & Commerce
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by

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SB 2103, SD2, HD1 RELATING TO HEALTH

Chair Herkes, Vice Chair Yamane, and members of the House Committee on Consumer Protection and Commerce, thank you for this opportunity to provide testimony in support of this bill, SB 2103, SD2, HD1. This measure amends the definition of "the practice of nursing as a registered nurse" in Section 457-2, Hawaii Revised Statutes by adding the requirement that practical and registered nurses carry out the orders of a physician that are delivered through a physician assistant acting as an agent of the supervising physician.

The UH Mānoa Nursing supports this provision as it clarifies that the physician assistant acts as the physician's conduit who conveys the physician's orders to the registered nurse and that at no time is the physician assistant acting independently.

Further, we respectfully request that a new section be added to amend Section 457-8.5(a)(4), Hawaii Revised Statutes, by:

- Deleting: "leading to a master's degree as a certified registered nurse anesthetist, a nurse midwife, a clinical nurse specialist, or a nurse practitioner"; and
- Adding: "preparing the nurse for one of the four recognized APRN roles".

We have attached our proposed changes for your consideration as a HD 2.

Currently APRNs are required to have a master's degree in nursing and this precludes nurses who earn their Doctor of Nursing Practice (DNP), but have their master's in a non-nursing, but related field. This directly impacts DNP graduates of the UH Mānoa Nursing which admit licensed RNs possessing Master's degrees in nursing or a related field. Also, there may be an impact on UH Hilo DNP program graduates. The master's degree requirement impedes other states' APRNs with DNPs with non-nursing master's from being recognized as APRNs in Hawai'i as well.

The National Council of State Boards of Nursing recently reported that all states except Hawai'i and West Virginia accept a graduate degree instead of a master's degree language in their laws for APRN licensure /certification. West Virginia is in the process

of introducing legislation to change its state practice act to reflect "graduate" degree in nursing instead of "master's" degree as a requirement for APRN licensure. Amending Section 457-8.5(a)(4) will put Hawai'i in sync with the rest of the Nation and the National Council of State Boards of Nursing APRN Consensus Model.

Furthermore, we request that the effective date be amended by deleting "July1, 2050" and replaced with "upon approval" as provided in SB 2103, SD2.

We appreciate your continuing support of nursing and healthcare in Hawai'i. Thank you for the opportunity to testify.

Attachment to UH Mānoa Nursing Testimony for Consideration

THE SENATE

S.B. NO.

2103

TWENTY-SIXTH
LEGISLATURE, 2012

S.D. 2

Proposed

H.D.2

STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that physician assistants, licensed practical nurses, and registered nurses provide valuable medical care to patients under the orders of licensed physicians. Licensed practical nurses and registered nurses currently must use reasonable judgment in carrying out the prescribed medical orders of a licensed dentist, medical doctor, osteopathic physician, or podiatrist, or the orders of an advanced practice registered nurse. The legislature also finds that the relevant statutory language fails to explain whether licensed practical nurses and registered nurses are required to administer orders given by physician assistants. That lack of clarity has led to confusion between hospital administrators and nurses when physician assistants write or give verbal orders in a hospital setting.

The purpose of this Act is to clarify that licensed practical nurses and registered nurses are required to use reasonable judgment in carrying out the orders of a licensed physician assistant practicing with physician supervision, and acting as an agent of the supervising physician.

SECTION 2. Section 457-2, Hawaii Revised Statutes, is amended by amending the definitions of "the practice of nursing as a licensed practical nurse" and "the practice of nursing as a registered nurse" to read as follows:

""The practice of nursing as a licensed practical nurse" means the performance of those acts commensurate with the required educational preparation and demonstrated competency of the individual, whereby the individual shall be accountable and responsible to the consumer for the quality of nursing care rendered. The foregoing may include, but shall not be limited to: implementation of basic nursing procedures in the plan of care; observing and caring for individuals at all levels of the health spectrum, giving counsel and acting to safeguard life and health and functioning as a part of the health care team, under the direction of a dentist, physician, osteopathic physician,

Attachment to UH Mānoa Nursing Testimony for Consideration

registered nurse, or podiatrist licensed in accordance with chapter 448, 453, 457, or 463E[;], or under the orders of a physician assistant licensed pursuant to chapter 453, practicing with physician supervision as required by chapter 453, and acting as the agent of the supervising physician; administration of treatment and medication as prescribed; promotion of health maintenance of individuals, families, or groups; or teaching and supervision of auxiliary personnel.

"The practice of nursing as a registered nurse" means the performance of professional services commensurate with the educational preparation and demonstrated competency of the individual having specialized knowledge, judgment, and skill based on the principles of the biological, physical, behavioral, and sociological sciences and nursing theory, whereby the individual shall be accountable and responsible to the consumer for the quality of nursing care rendered. The foregoing may include but shall not be limited to observation, assessment, development, implementation, and evaluation of a plan of care, health counseling, supervision and teaching of other personnel, and teaching of individuals, families, and groups in any stage of health or illness; administration, supervision, coordination, delegation, and evaluation of nursing practice; provision of health care to the patient in collaboration with other members of the health care team as autonomous health care professionals providing the nursing component of health care; or use of reasonable judgment in carrying out prescribed medical orders of a licensed dentist, physician, osteopathic physician, or podiatrist licensed in accordance with chapter 448, 453, or 463E [~~or the~~]; orders of an advanced practice registered nurse recognized in accordance with this chapter[.]; or the orders of a physician assistant licensed pursuant to chapter 453, practicing with physician supervision as required by chapter 453, and acting as the agent of the supervising physician."

SECTION 3. Section 457-8.5 (a)(4), Hawaii Revised Statutes, is amended to read as follows:

§457-8.5 Advanced practice registered nurse; qualifications; recognition; endorsement; fees; eligibility. (a) Effective October 1, 2009, the board shall grant recognition as an advanced practice registered nurse to a nurse who has :

- (1) A current, unencumbered license as a registered nurse in this state;
- (2) An unencumbered license as a registered nurse in all other states in which the nurse has a current and active license;
- (3) An unencumbered recognition as an advanced practice registered nurse or similar designation in all other states in which the nurse has a current and active recognition as an advanced practice registered nurse;

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- (4) Completed an accredited graduate-level education program [~~leading to a master's degree as a certified registered nurse anesthetist, a nurse midwife, a clinical nurse specialist, or a nurse practitioner~~] preparing the nurse for one of the four recognized APRN roles;
- (5) A current, unencumbered certification of having passed a national certification examination that measures role and population-focused competencies and is recognized by the board;
- (6) Maintained continued competencies through recertification in role and population-focused competencies through a national certification program recognized by the board;
- (7) Acquired advanced clinical knowledge and skills preparing the nurse to provide direct care to patients through a significant educational and practical concentration on the direct care of patients;
- (8) Demonstrated a greater breadth of knowledge, a greater synthesis of data, greater complexity of skills and interventions, and greater role autonomy than demonstrated by a registered nurse;
- (9) Been educationally prepared to assume responsibility and accountability for health promotion and maintenance and to assess, diagnose, and manage patient problems through the use and prescription of pharmacologic and non-pharmacologic interventions;
- (10) Acquired clinical experience of sufficient depth and breadth to reflect the intended license; and
- (11) Paid the appropriate fees.

SECTION ~~[3]~~4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION ~~[4]~~5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION ~~[5]~~6. This Act shall take effect ~~July 1, 2050~~ upon approval.

Attachment to UH Mānoa Nursing Testimony for Consideration

Report Title:

Health; Licensed Practical Nurse; Registered Nurse; Physician Assistant

Description:

Amends the definitions of "the practice of nursing as a licensed practical nurse" and "the practice of nursing as a registered nurse" to include carrying out the orders of a licensed physician assistant practicing with physician supervision as required by chapter 453, HRS, and acting as an agent of the supervising physician. (SD2). [Amends APRN education \(457-8.5 \(a\)\(4\) to be consistent with that of the National Council of State Boards of Nursing's APRN Consensus Model.](#)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.