

## **Testimony of the Board of Nursing**

**Before the  
House Committee on Health, Human Services & Homelessness  
Tuesday, March 23, 2021  
9:00 a.m.  
Via Videoconference**

**On the following measure:  
H.C.R. 150, URGING THE DEPARTMENT OF COMMERCE AND CONSUMER  
AFFAIRS TO AMEND TITLE 16, CHAPTER 89, OF THE HAWAII ADMINISTRATIVE  
RULES TO PROHIBIT REGISTERED NURSES FROM DELEGATING  
THE INTERPRETATION OF DIAGNOSTIC LABORATORY RESULTS  
TO UNLICENSED ASSISTIVE PERSONNEL**

Chair Yamane and Members of the Committee:

My name is Lee Ann Teshima, and I am the Executive Officer of the Board of Nursing (Board). The Board offers comments on this resolution.

The purpose of this resolution is to urge the Department of Commerce and Consumer Affairs to amend Hawaii Administrative Rule title 16, chapter 89, to prohibit registered nurses from delegating the interpretation of diagnostic laboratory results to unlicensed assistive personnel.

As noted in the first paragraph of the resolution, Hawaii Revised Statutes (HRS) section 457-7.5 already provides that the practice-pervasive functions of assessment, evaluation, and nursing judgment shall not be delegated. As such, the Board does not believe amending its administrative rules to specifically prohibit this act is necessary. In fact, prohibiting this particular practice by rule without identifying other types of prohibited delegation may create uncertainty about the interpretation of this statutory section.

To the extent the Board may need to provide additional guidance or education regarding delegation, the Board is both willing and able to do so.

Thank you for the opportunity to testify on this resolution.

**Written Testimony Presented Before the  
COMMITTEE ON HEALTH, HUMAN SERVICES, & HOMELESSNESS**

**DATE: Tuesday, March 23, 2021**

**TIME: 9:00 AM**

**PLACE: VIA VIDEOCONFERENCE**

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

**Comments on HCR150/HR126**

Chair Yamane, Vice Chair Tam, and members of the House Committee on Health, Human Services, & Homelessness, thank you for the opportunity to provide comments on HCR 150. This resolution urges the Department of Commerce and Consumer Affairs to amend HAR Title 16, Chapter 89 to prohibit registered nurses from delegating the interpretation of diagnostic laboratory results to unlicensed assistive personnel. The Hawai'i State Center for Nursing (HSCN) respectfully commends the Hawai'i Board of Nursing (BON) for establishing this national standard for delegation through laws and rules by adopting the Model Nurse Practice Act as it relates to the standards and scope of practice.

The topic of this resolution is of great importance. Improving patient outcomes and addressing potential for harm are high priorities in nursing. Additionally, delegation is one mechanism to ensure patients' care plans are fulfilled and maximizes the healthcare team. Yet, delegation should be limited to appropriate actions conducted by individuals who have the competence to complete the task. In all circumstances, the delegating nurse must evaluate the outcomes and maintain accountability for the delegated task.<sup>1</sup>

In 2010, the Hawai'i State Legislature enacted Act 46, thereby adopting the National Council of State Boards of Nursing (NCSBN) Model Act and Rules related to the standards and scope of practice and delegation. Chapter 457-2.5 and HAR Chapter 89, Subchapter 17 addresses the scope of nursing and standards of care and Chapter 457-7.5 and HAR 89, Subchapter 15 addresses delegation. NCSBN Standards Related to RN Responsibility to Organize, Manage, and Supervise the Practice of Nursing guides that a delegated task "does not require assessment, interpretation, or independent decision making during its performance or at completion."<sup>2</sup> NCSBN's National Guidelines for Nursing Delegation also clarifies regarding delegation that a nurse "cannot delegate nursing judgment or any activity that will involve nursing judgment or critical decision making" and "the delegated responsibility is within the delegator's scope of practice."<sup>1</sup>

HSCN agrees with the importance addressing misdiagnosis and applauds the State Legislature and the BON's proactive approach to ensuring appropriate delegation practices needed to protect the people of Hawai'i are in place.

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<sup>1</sup> National Guidelines for Nursing Delegation. (2016). Journal of Nursing Regulation, 7(1), 5–14.  
[https://doi.org/10.1016/S2155-8256\(16\)31035-3](https://doi.org/10.1016/S2155-8256(16)31035-3)

<sup>2</sup> [https://www.ncsbn.org/17\\_Model\\_Rules\\_0917.pdf](https://www.ncsbn.org/17_Model_Rules_0917.pdf) Page 4, section 3.2.4 (b (4)). Referenced March 19, 2021

*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.*

**HCR-150**

Submitted on: 3/22/2021 11:01:33 AM

Testimony for HHH on 3/23/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kirk Urada	Individual	Support	No

Comments:

Aloha!

Thank you for accepting the following testimony.

I strongly recommend the prohibition of registered nurses delegating the interpretation of diagnostic laboratory results to unlicensed assistive personnel.

I am writing to you today to express my deepest personal concerns of the extremely unethical, appalling professionalism, and emotional experience I've had with a so called "One of the best" health centers in Hawaii.

It is an absolute disservice to the good citizens in Hawaii for health centers to allow unlicensed assistants to deliver life changing test results. In many cases, those results may be interpreted wrong, which therefore can cause unforgiving mental anxiety, trauma, and severed relationships. Worst case scenerio, a patient could get wrongly diagnosed with a disease he/she does not have, and begins to take prescribed medication for something they DO NOT need, which could develop further health complications.

I humbly ask for your consideration to make this change possible.

Hawaii deserves better.

Thank you

**HCR-150**

Submitted on: 3/22/2021 10:40:39 PM

Testimony for HHH on 3/23/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Min Ji	Individual	Support	No

Comments:

Aloha Chair Yamane, Vice Chair Tam, and members of the committee on Health, Human Services and Homelessness.

My name is Minji Chon, and I am testifying as a victim in strong support of HCR 150/HR 126. The misinterpretation of diagnostic lab results by medical professionals are affecting thousands of people each year. You can only imagine numbers of misinterpretation of these results by a non-licensed personnel. The emotional toll and devastation to hear a diagnosis that was never intended and to only hear a few hours later it was mistake due to the negligence of an office assistive personnel is an experience that is not only traumatic but self-loathing. Without my urgency of a re-test or having medical professionals double check records, I would be taking medication that is not intended for a healthy being.

This resolution will not only help lessen the emotional trauma of victims effected but lead Hawaii's licensed medical professional to be more mindful when interpreting test results to patients. I'm strongly urging you to please support this resolution.

**HCR-150**

Submitted on: 3/23/2021 8:35:45 AM

Testimony for HHH on 3/23/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Kim	Individual	Support	No

Comments:

Dear Chair Yamane and Health, Human Services & Homelessness Committee

My name is David Kim and I'm testifying in support of HCR150, I support this measure because I personally have seen the consequences of a patient's personal and private records being mismanaged by health personal. Recently, a friend of mine was misdiagnosed with an STD due to a mistake caused nurse relaying the results to an unlicensed assistant. Personal results relayed to an assistant that does not have a medical license is an overreach upon the patient's privacy.

Health Insurance Portability and Accountability Act (HIPPA) exists for a reason and medical personal must uphold the rules of that law. Privacy is of the utmost importance regarding an individual's health as the personal is solely sharing their personal history. HCR150 can be able to address issues of this in the future.

Sincerely,

David Kim