

REGARDING SB 805:

Hearing scheduled for 2/25/2015

Hearing Room 229 9:45 AM

Senate Committee on Commerce and Consumer Protection

The Honorable Senator Rosalyn Baker, Chair

The Honorable Senator Brian Taniguchi, Vice Chair

Honorable Senators and Committee Members

The Hawaii Academy of Physician Assistants supports passage of Senate Bill 805, eliminating the “Sunset” provision of Act 255.

SB 2103, when submitted in 2012 received support from the following:

The Hawaii State Board of Nursing , HMA, The Queens Health System, The Hawaii State Center for Nursing, Hawaii Pacific Health, The University of Hawaii – School of Nursing and Dental Health, The Hawaii Academy of Physician Assistants in addition to nurses, physicians assistants and physicians. Review of archive testimony confirms the above.

There has been ample time to evaluate the law and its effect on public health. There has been no demonstrated or documentable harm, but rather benefit. The change made by Act 255, Session Laws of Hawaii 2012, has provided clarity and improved communication for all health care providers and specifically, licensed practical nurses, registered nurses and physician assistants.

In reviewing public testimony, it can be seen that the only opposing testimony, then and now, has been received from two individual Advanced Practice Nurses, who testified against the bill in 2012 and again in 2015.

Both individual APRN testifiers object that physician assistants should not be included in the definitions of the nurse practice act in terms of who a nurse can carry out prescribed medical orders from, because it should be stated under their own HRS. They indicate indignation that physician assistants should be listed in their nurse practice act. It should however be noted that this is personal opinion and is not supported by any evidence that this has caused any confusion or lead to public harm or medical malpractice.

By that same reasoning, dentists, physicians, osteopathic physicians and podiatrists should also be disallowed from the Nurse Practice Act, HRS 457. The argument illustrates a misunderstanding of state law and the HRS.

“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, registered nurse, osteopath, or podiatrist licensed in accordance with chapter 448, 453, 457, 460, 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;

In 2012, Lee Ann Teshima, Executive Director for the Board of Nursing testified in support of the bill: “My name is Lee Ann Teshima, Executive Officer for the Board of Nursing (“Board”). I appreciate the opportunity to testify on Senate Bill No. 2103, S.D. 2, Relating to Health. The Board has no objections to the proposed amendment to the definitions of “the practice of nursing as a licensed practical nurse” and “the practice of nursing as a registered nurse” that would allow both a licensed practical nurse and a registered nurse, to carry out the prescribed medical orders of a physician, delivered through a physician assistant who is acting as an agent of the supervising physician. Consequently, although current practice allows the licensed practical nurse and registered nurse to carry out the prescribed medical orders of a physician through a physician assistant who is acting as an agent of the supervising physician, the Board does recognize that the proposed amendment would clarify this practice and therefore has no objections. Thank you for the opportunity to testify in support of Senate Bill No. 2103, S.D. 2.”

In summary, the original bill SB 2103 was widely supported by the medical community in general, as referenced above. There has been no indication that it has negatively impacted health care delivery or caused any malpractice. The bill has given clarity that when nurses carry out prescribed medical orders from physician assistants that they are acting lawfully and within their scope of practice. Please support SB 805 which removes the “Sunset Clause” from Act 255 and allows this change to move forward into perpetuity.

Fielding Mercer, PA-C  
Legislative Liaison  
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