

Hawaii Advanced Practice Nursing History & Removing Barriers to APRN Practice and Care

Steps Hawaii took to Remove Barriers to APRN Practice and Care

In 1990, the National Council of State Boards of Nursing (NCSBN)¹ Delegate Assembly met in San Diego to discuss the licensing of APRNs. The statutes and rules of the 50 states and US territories were a mixed bag.

NCSBN emphasized importance of having uniformity of nursing scope of practice, licensure and discipline; whether for RNs, LPNs or APRNs.

- Help non-nurse federal/state regulators, employers, insurers and other stakeholders to understand who LPNs, RNs, & APRNs are and what they are able to do
- Provide standards of practice, licensure & discipline when nurses move between states for personal reasons or to aid in time of disaster (manmade or natural)

The Institute of Medicine's recommendations of 2010; the national projection of physician shortage including in Hawaii²; federal recognition of Hawaii's medically

¹ "Founded March 15, 1978, as an independent not-for-profit organization, NCSBN was created to lessen the burdens of state governments and bring together boards of nursing (BONs) to act and counsel together on matters of common interest. NCSBN's membership is comprised of the BONs in the 50 states, the District of Columbia, and four U.S. territories — American Samoa, Guam, Northern Mariana Islands and the Virgin Islands. There are also 16 associate members that are either nursing regulatory bodies or empowered regulatory authorities from other countries or territories. NCSBN Member Boards protect the public by ensuring that safe and competent nursing care is provided by licensed nurses. These BONs regulate more than 3 million licensed nurses, the second largest group of licensed professionals in the U.S. Mission: NCSBN provides education, service and research through collaborative leadership to promote evidence-based regulatory excellence for patient safety and public protection." (NCSBN, *Connector*, 11/22/2012)

² A 2010 study by the John A. Burns School of Medicine reported a current shortage of 600 physicians (more than 20% of the current supply) and an impending shortage of 1,600 by 2020. "Because physician shortages of the magnitude described will directly impact the health and well-being of virtually all residents of Hawai'i, something must be done. Unfortunately, there is no easy fix to the problem. The problem is most acute on the island of Hawai'i, but people everywhere, including urban O'ahu are also starting to feel the effects in a variety of specialties... If Hawai'i's utilization of physician services were to match the average mainland usage, our current demand for physicians would be about 3,500. If Hawai'i's population grows as anticipated without change being made in the system of care or current utilization patterns, our state will need over 4,000 doctors by the year 2020. It is expected that even with active recruitment Hawai'i will probably suffer a net loss of approximately 50 physicians every year in the face of dramatically rising demand. If the delivery system remains the same as today, many Hawai'i residents will not have timely access to care. The indigent and elderly will feel it first. As the shortage deepens, we'll all experience the effects". The ten top solutions identified by the working groups to be addressed most urgently include the use of non-physician clinicians (*Report to the 2011 Hawaii State Legislature: Report on Findings from the Hawaii Physician Workforce Assessment Project*. Withy, K. and Sakamoto, D.T. John A. Burns School of Medicine, December, 2010).

Hawaii Advanced Practice Nursing History & Removing Barriers to APRN Practice and Care

underserved areas; constituents' demand for more access to quality health care especially in the rural areas of the state; and collaboration within the nursing leadership to educate employers, insurers, policymakers and state departments who APRNs are and how APRNs are qualified to help meet the need for quality health care were critical factors that changed the paradigm on primary health care in the state.

The National Council State Boards of Nursing developed and the Delegate Assembly adopted the Model Nurse Practice Act /Administrative Rules, APRN Consensus Model and the NCSBN Compact (see addendum A)

- Hawaii compared NCSBN models with Hawaii's Nurse Practice Act to assess differences and similarities.
- Drafted legislation to align Hawaii Nurse Practice Act as closely as possible to the NCSBN Models.
- Center met with key legislators to explain the purpose for the NCSBN Model Acts/APRN Consensus Model and the amendments needed to align Hawaii's nursing laws.
- Passed barrier breaking laws between 2009 and 2011
 - **Act 169, SLH 2009** required insurers/HMOs/benefit societies to recognize APRNs as PCPs; authorized APRNs to sign, certify, or endorse all documents relating to health care within their scope of practice provided for their patients including workers' compensation, verification documents, verification and evaluation forms the DHS and DOE, verification and authorization forms of the DOH and physical examination forms.
 - **Act 57, SLH 2010** the adoption of the National Council of State Boards of Nursing's Model Nurse Practice Act and Model Nursing Administrative Rules.
 - **Act 110, SLH 2011** required:
Each hospital in the State licensed under Hawai'i Revised Statutes (HRS), § 321-14.5 is required to allow¹ APRNs¹ and qualified APRNs granted prescriptive authority to practice within the full scope of practice including as a primary care provider. APRNs granted prescriptive authority to prescribe controlled drugs (Schedule II-V) within formulary appropriate to the APRN's specialty. Able to prescribe drugs without working relationship agreement with a licensed physician
- **APRN barriers to practice** existed despite legislation passed between 2009-2011:
 - Center for Nursing APRN Subcommittee developed and administered two APRN surveys to find out what barriers still existed in their individual practices, in which setting;
 - Found most barriers (non-federally based laws only) to APRN practicing to the full extent of their education & training existed

Hawaii Advanced Practice Nursing History & Removing Barriers to APRN Practice and Care

because many state departments had not timely amended their statutes and rules to align them with the acts passed between 2009-2011

- Summer of 2012, Center for Nursing sought the Governor's assistance (by Executive Order) to bring the departments together for the purpose of simultaneously amending the various chapters. Center was advised by the Governor's health liaison to have the Legislature pass a harmonizing bill that the Governor could consider signing into law.
- The chairs of the key legislative standing committees could not entertain such a vehicle because of other higher priority issues that had to be carried over to the 2013 legislative session. However, one key Chair agreed to do a resolution to begin discussion and research on the problem.
- 2013 the Senate passed Senate Resolution 34 to acknowledge that APRN practice barriers continue to exist as long as these state departments' obsolete laws remained un-amended.

Note: Obsolete department statutes which are non-federally based are addressed in Senator Roz Baker's SB 2492 bill in 2014

- Federally-based barriers can only be addressed by Congress; when that happens, state statutory changes will follow accordingly

FUTURE

- Communication among stakeholders is a key to making access to quality health care in Hawai'i, a reality.
- **4/29/2014- History-making news: Dean Boland successfully entered the UHM Nursing/Hawaii State Center for Nursing into an agreement with the Hawaii State Department of Commerce & Consumer Affairs (umbrella agency which licenses all nurses in the State) to enable use of data which will enable mass communication with Hawaii nurses by July, 2015.**
- The Center has developed a website which is evolving into a centralized communication system (hawaiicenterfornursing.org).

The purpose is to:

Hawaii Advanced Practice Nursing History & Removing Barriers to APRN Practice and Care

- provide immediate, critical, uniform information to nurses, policymakers, regulators and other stakeholders.
- facilitate education of licensees/stakeholders of new policies, requirements, trends / laws (local and national) and nurses' role as new health care systems, programs & processes are implemented.
- The UHM Nursing/HSCN will continue its work to strengthen its collaborative relationships with the Hawaii State Department of Commerce & Consumer, the State Department of Health, the Office of the Attorney General and other state agencies with the dream that the establishment of a cost-efficient, immediate communication tool to reach stakeholders can benefit all.
- The Center for Nursing is slowly building a bridge between the current generation of nursing leaders and the next. The establishment of a bridge of information for the next generation of nursing leaders is critical to the future of nursing in Hawaii and its participation in national and state initiatives.

Provide a springboard to future nurse leaders by sharing the history of nursing in Hawaii and its alignment with national standards.

Share current leadership experiences in accomplishing its goals to help the new leaders avoid or minimize making the same errors and help propel them into making sound new policies for the future.

ADDENDUM A

(**Sarah Smith**, Ph.D, MSNed, RNC-OB, *Taking a Look Back as We Move Forward: The History of APRN Education, Practice, & Policy*, 2013)

“1980s – Under the Nursing Practice Act, each state regulated the practice of nurses. Little delineation made regarding specific scopes of practice for each education level of nurses (LPNs –APRNs). Lack of uniformity existed in minimum-entry education levels or certification processes (NCSBN, 2013).

1986 - [NCSBN Position Paper on Advanced Clinical Nursing Practice](#) – National Council of State Boards of Nursing (NCSBN) releases position statement which reports that there is still a lack of uniformity in regulation of advanced clinical nursing practice. The position paper also includes: (1) a definition of advanced clinical nursing practice, (2) establishes that

Hawaii Advanced Practice Nursing History & Removing Barriers to APRN Practice and Care

the minimum education level should be a master's degree, and (3) discusses key factors individuals states should consider when establishing regulation of advanced clinical nursing practice.

1993 - [NCSBN Position Paper on Regulation of Advanced Nursing Practice](#) – The NCSBN opens this paper with reporting that much of what was addressed in the 1986 position paper is still valid. The paper reports an increased need for state boards to create clear regulation for APRNs due to the evolving role of the APRN. The paper acknowledges that as the role of the APRN continues to grow it is increasingly overlapping with the role of the physician causing confusion among healthcare providers and the public.

2004 – [NCSBN Model Act](#) – Adopted to set a guideline for individual states' boards of nursing to aid in state level nurse practice acts. *Note: this document is revised annually – 2012 version is hyperlinked to this document.*

2004 – [AACN Position Statement on the Practice Doctorate in Nursing](#) recommends the doctorate of nursing become the terminal degree for APRNs by 2015.

2008 – [Consensus Model for APRN Regulation](#) – 48 Professional nursing and healthcare organizations endorse the Consensus Model for APRN Regulation which sets the standards for uniform APRN licensure, accreditation, certification, and education.

2009 - [ACT 169, SLH 2009](#) – Adopted by Hawaii Legislature to clarify APRN practice and: (1) Recognize APRNs as primary care providers for insurance purposes. (2) Recognize APRNs with Global signature authority. This recognition authorized APRNs to sign documents pertaining to worker's compensation, department of education and human services verification and assessment forms, and all relevant documentation within APRN scope of practice. One important exception identified – APRNs not granted authority to sign or endorse certificates of disability to allow individuals with disabilities to be granted disabled parking privileges. (3) Transfer the authority on APRNs formulary to the Hawaii Board of Nursing from the Hawaii Medical Board.

Hawaii Advanced Practice Nursing History & Removing Barriers to APRN Practice and Care

2010 - [ACT 57, SLH 2010](#) - Clarifies the scopes of practice for APRNs. This important Act helped align Hawaii's Nurse Practice Act with the recommendations set forth in the NCSBN's Model Act. Nurse leaders in Hawaii had foresight to reference the NCSBN Model Act vs. include the specific language in the ACT, this allows for updates in Hawaii's Nurse Practice Act as the NCSBN continues to modify the Model Act without further legislative changes.

2010 - [§16-89-75 thru §16-89-97 Sub Chapter 14](#) – Hawaii Administrative Rules Chapter 16-89 revised to include: (1) clarification of APRN practice specialties into four roles (Nurse practitioner (NP), Certified registered nurse anesthetist (CRNA), Certified nurse-midwife (CNM), and Clinical nurse specialist (CNS). (2) Clarify requirements for recognition as an APRN. (3) Recognize national certifying body certifications. (4) Clarify requirements for renewal of recognition as an APRN.

2011 – [ACT 110, SLH 2011](#) – Adopted by Hawaii Legislature to: (1) Require all Hawaii hospitals to allow APRNs to practice the full scope of practice allowed under the Hawaii Practice Act which includes serving as a primary care providers, (2) Grant APRN full prescriptive authority including prescribing controlled drugs (Schedule II-V), (3) Allow APRNs to dispense manufacturers' medication samples (including non-controlled and OTC medications; excludes controlled substances).

2011 – The University of Hawaii responds to the AACN's recommendation to increase the level of education of APRNs by developing the first two doctor of nursing practice degree programs in the state. The Board of Regents (BOR) approved the programs in May, 2011.

2013 – [House Bill 79](#) & [Senate Bill 198](#)– Existing legislature only allows nurses prepared with a master's degree in nursing to be eligible for recognition as an APRN. HB 79 and SB 198 call for an ACT to be adopted to change language regarding the required educational preparations of APRNs to include the doctor of nursing practice degrees.

2013 – [SB44 SD1 HD1](#) – Bill to add APRNs to the healthcare providers allowed to assess if an individual needs care and or treatment for mental health or substance abuse issues. Prior legislation limited authority to make this decision to physicians, physician assistants, and psychologists.

Hawaii Advanced Practice Nursing History & Removing Barriers to APRN Practice and Care

2013 – [SB655 SD2 HD2 CD1](#) – Hawaii Policy Bill for an ACT to allow healthcare providers in Hawaii to provide partners of individuals who test positive for sexually transmitted infections (STIs) to be treated for these infections without prior medical evaluation. This bill specifically names APRNs among the healthcare providers to be granted this prescriptive authority.

2013 – [HR 34](#), [HR 35](#), [HCR 53](#) & [SCR 66](#) – Hawaii Senate and House recognize that Hawaii has passed several laws geared at increasing APRNs' scope of practice, yet APRNs are still being restricted due to old statutes and out dated practices specifically in many state run agencies. The House requests that state agencies work together to resolve this issue through a collaborative effort to identify barriers to APRN practice and planned solutions. HR 34 was the only measure that was adopted. All others did not make it out of committee.

2013 - [H.R.2986](#) – 113th Congress: Protecting Access to Primary Care Act. National Act which seeks to include primary care services provided by APRNs in the Medicare “payment rate floor.” Prior legislation only includes only physicians.

2013 - [S.1143](#) -113th Congress: Protecting Access to Rural Therapy Services (PARTS) Act. National Act that seeks to change the Social Security Act to include APRNs in the practitioners authorized to supervise therapeutic hospital outpatient services

2013 – [S. 1332](#)- 113th Congress: Home Health Care Planning Improvement Act. National Act to amend title XVIII (Medicare) of the Social Security Act to include APRNs as providers eligible for reimbursement for home health services. “

ADDENDUM B

(HSCN Note: Update on 2014 Hawaii Legislative Session as of May, 2014-ky)

2014- Act 062- [HB 1881 SD1](#) Amends the composition of the center for nursing advisory board by decreasing the number of members on the center for nursing advisory board to nine; specifying the membership of the advisory board to better facilitate the center for nursing's mission; and clarifying term limits and appointments to the advisory board. Amends

Hawaii Advanced Practice Nursing History & Removing Barriers to APRN Practice and Care

certain powers and duties of the advisory board. Aligns board membership with other boards of [The National Forum of Nursing Workforce Centers](#)

2014-Act 046-[SB 2491](#) Replaces references to advanced practice registered nurse recognition with advanced practice registered nurse licensure to align Hawaii's law with national standards. Hawaii is now a National Council State Board of Nursing [APRN Consensus Model state](#).

2014-Act 045- [SB 2492 SD1](#) Amends various obsolete sections of the Hawaii Revised Statutes by aligning them with Hawaii legislation passed between 2009-2011 by breaking practice barriers to enable advanced practice registered nurses to practice to the fullest extent of their training and education.

2014-[SB 2469 SD2 HD2](#) (enrolled to Governor) Requires reimbursement for services provided through telehealth to be equivalent to reimbursement for the same services provided via face-to-face contact between a health care provider and a patient. Clarifies that a health care provider of telehealth includes primary care providers, mental health providers, and oral health providers such as physicians and osteopathic physicians, advanced practice registered nurses, psychologists, and dentists. Amends references to "telemedicine" in the Hawaii Revised Statutes to "telehealth" for consistency.

2014-[HB 2052 HD1 SD2](#) (enrolled to Governor) Increases access to POLST by updating references from "physician orders for life-sustaining treatment" to "provider orders for life-sustaining treatment" throughout chapter 327K, HRS; expanding health care provider signatory authority to include advanced practice registered nurses; and correcting inconsistencies over terms used to describe who may sign a POLST form on behalf of a patient.