

**BOARD OF NURSING**  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor as required by Section 92-7(b), Hawaii Revised Statutes ("HRS").

Date: Thursday, July 5, 2018

Time: 8:30 a.m.

Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1st Floor  
Honolulu, Hawaii 96813

Members Present: Thomas Joslyn, MS, CRNA, Vice Chair  
Karen Boyer, RN, MS, FNP  
Katharyn Daub, MS, RN, EdD  
Jomel Duldulao, Public Member  
Olivia Kim, LPN, RN, BSN  
Judy Kodama, MS, RN, MBA, CNML.

Members Excused: Glenda Tali, PhD., MS, APRN, Chair  
Tammie Napoleon, DNP, APRN

Staff Present: Lee Ann Teshima, Executive Officer ("EO")  
Shari Wong, Deputy Attorney General ("DAG")  
Nohelani Jackson, Secretary

Guests: Dean Yamamoto, Narcotics Enforcement Division  
Carrie Yeung, Pharmacy Intern, Narcotics Enforcement Division  
Marc Nakamura, RICO Staff Attorney  
Laura Reichhardt, Director, Hawaii State Center for Nursing  
Liane Muraoka, Hawaii State Center for Nursing

Call to Order: The Vice Chair called the meeting to order at 8:32 a.m. at which time quorum was established.

Chair's Report: **Announcements/Introductions**

The Vice Chair excused the Chair and Dr. Napoleon and asked the audience to introduce themselves.

### **Approval of the Previous Minutes – June 7, 2018**

The Vice Chair called for a motion in regard to the minutes of the June 7, 2018 meeting.

There being no discussion or amendments, upon a motion by Ms. Daub, seconded by Ms. Kodama, it was voted on and unanimously carried to approve the minutes of the June 7, 2018 meeting as circulated.

### **Executive Officer's Report:**

#### **Conferences/Seminars/Meetings**

2018 NCSBN Discipline Case Management Conference, June 7-8, 2018, Denver, Colorado – RICO Staff Attorney currently attending.

Mr. Nakamura thanked the Board for allowing him to attend this conference. He stated that some of the topics of discussion included medical marijuana and nursing practice, impaired providers, the eNLC and legal pitfalls with compact discipline, and obtaining substance use treatment records. He stated that Hawaii was one of eight states that allowed APRNs to qualify/certify patients for medical marijuana and that nurses need to be more aware of the issues regarding medical marijuana. He also mentioned nurse diversion agencies and the lack of studies regarding the efficiency of medication marijuana.

2018 NCSBN Annual Meeting, August 15-17, Minneapolis, Minnesota

The Vice Chair and Ms. Kim will be attending.

2018 NCSBN NCLEX Conference, September 24, 2018, Charlotte, North Carolina

Ms. Boyer stated she is unable to attend.

2018 International Nurse Regulator Symposium, October 22-23, 2018, Chicago, Illinois

Dr. Napoleon and the EO attending.

2018 NCSBN Scientific Symposium, October 24, 2018, Chicago, Illinois

Dr. Napoleon and the EO attending.

#### **2018 Legislature**

The EO reported on the status of the following bills:

SB 2298, SD2, HD3, CD1 Relating to Healthcare Preceptor Tax Credits - Allows advanced practice registered nurses, pharmacists, and physicians to receive income tax credits for acting as preceptors in volunteer-based supervised clinical training rotations provided to eligible students that enable the students to obtain an eligible healthcare professional degree or certificate. Applies to taxable years beginning after 12/31/2018. (CD1)

Governor signed into law on 6/13/2018, Act 43, SLH 2018.  
The Vice Chair asked Ms. Reichhardt to explain how this program will work.

Ms. Reichhardt explained the role of the preceptor credit assurance committee who will be developing the necessary forms/applications for the preceptors. She also mentioned a survey to be completed by the preceptors.

HB 1906, HD2, SD2, CD1 Relating to Health Care Workers – Makes intentionally or knowingly causing bodily injury to a health care worker a Class C felony. (CD1)

5/2/2018 this bill was transmitted to Governor. As of 6/5/18, still pending Governor's approval, however she received an email that this bill was scheduled to be signed by the Governor in a bill signing ceremony on Friday, 7/6/2018.

HB 2375, HD1, SD1, Relating to Temporary Disability Insurance – Permits advanced practice registered nurses to certify an employee's disability. Increases the penalty an employer is assessed for failing to submit timely wage and employment information. Permits filing of an appeal of a decision related to temporary disability insurance at the various offices of the Department of Labor and Industrial Relations throughout the State. Allows the department to send notices of hearing electronically or by first-class mail. Clarifies that when the notice of hearing cannot be delivered to a party in the appeal, the notice may be given by online posting on the department's webpage. Allows the parties to a hearing to appear in person, via telephone, or by other communication devices. (SD1)

4/26/2018 this bill was transmitted to Governor. As of 6/5/18, still pending Governor's approval.

SB 2407, SD1, HD1, CD1 – Relating to Medical Cannabis - Allows the use of medical cannabis to treat opioid use, substance use, and withdrawal symptoms resulting from the treatment of those conditions. (CD1)

5/3/2018 this bill was enrolled to Governor. As of 6/5/18, still pending Governor's approval.

HB 2729, HD2, SD2, CD1 Relating to Cannabis for Medical Use – Establishes standards and criteria for reciprocity for qualifying out-of-state medical cannabis patients and caregivers including limitations, and safeguards. Authorizes extension of written certifications of a debilitating condition for up to three years for chronic conditions. Clarifies a dispensary licensee's right to retest marijuana or manufactured cannabis products for compliance with standards. Authorizes establishment of a bona fide provider-patient relationship via telehealth. Authorizes dispensing of devices that provide safe pulmonary administration of medical

cannabis by dispensary licensees. Increases the allowable tetrahydrocannabinol limit for of certain manufactured cannabis products. Limits felony convictions that disqualify an individual from employment with a dispensary licensee. Establishes a working group to make recommendations regarding employment of qualifying patients and manufacture and dispensing of edible cannabis products. (HB2729 CD1) 5/2/2018 Transmitted to Governor. As of 6/5/18, still pending Governor's approval.

SB 2646, SD1, HD3, CD1 Relating to Prescription Drugs - Requires prescribers of certain controlled substances to consult the State's Electronic Prescription Accountability System before issuing a prescription for the controlled substance, under certain circumstances. Provides that a violation by a prescriber shall not be subject to criminal penalty provisions but that a violation may be grounds for professional discipline. Repeals on 6/30/2023. (CD1)

5/3/2018 this bill was enrolled to Governor. As of 6/5/18, still pending Governor's approval.

### **Amendments to Title 16, Chapter 89 – Status Report**

The EO reported that she completed the public hearing notice and hopes that the public hearing can be held at the September Board meeting.

### **Nursys – Status Report**

The EO reported that our IT people are working with NCSBN to provide missing data, i.e. current license status and once she finds out when the data is complete then she will be able to sign the Nursys agreement.

### **Continuing Competency**

The EO reported that she received a couple of calls from individual nurses who “complained” that they have to do continuing education. She reported that this was the first time she received such “complaints” but that we should be mindful and try to be proactive in responding to inquiries and provide as much information as possible.

### Correspondence

#### **NCSBN**

#### Legislative Updates

The Board reviewed the following Legislative updates:

- 6/1/18
- 6/8/18
- 6/15/18
- 6/22/18

## Scope of Practice

The Vice Chair asked Ms. Kim to lead the discussion on the following email inquiry:

“Aloha. I hope you could help me out. I need some clarifications regarding the scope of practice of LPNs here in Hawaii. I know that every state's scope of practice vary. Can LPNs in Hawaii run the floor in an ICF-SNF on evening shifts & nights shifts without an RN physically in the facility?. LPNs can not do admissions; admission assessments done by LPNs are being co-signed by RNs, if that is the case, how then can LPNs do a discharge to ERs or hospitals in cases of emergencies without being co-signed by RNs? What about when there is death in the facility? In cases of acute emergencies like falls, altered mental status etc. who does the initial assessment, RNs or LPNs? How about inserting IVs?

So sorry for the many questions. I have been getting different answers but I would prefer the answers come from you.  
Looking forward to your reply.”

Ms. Kim stated that there appears to be a lot of questions and tried to address her concerns and clarify information contained in the email as follows:

“Can LPNs in Hawaii run the floor in an ICF-SNF on evening shifts & nights shifts without an RN physically in the facility?”

Ms. Kim stated that the nurse practice act does not specifically address this however, she did find that the Department of Health’s (“DOH”) administrative rules, Title 11, Chapter 94, may address staffing for facilities licensed under the DOH and recommends that the Board refer the inquirer to DOH and their administrative rules.

“LPNs can not do admissions; admission assessments done by LPNs are being co-signed by RNs, if that is the case, how then can LPNs do a discharge to ERs or hospitals in cases of emergencies without being co-signed by RNs?”

Ms. Kim stated that we should clarify that LPNs may do admissions under the supervision of an RN and also may perform admission assessments also under the direction of an RN, as allowed in the NCSBN Model Practice Act, Article III, Section 1. a. and b. pursuant to HRS §457-2.6, that states as follows:

Article III. Scope of RN and LPN/VN Practice

Section 1. Licensed Practical/Vocational Nurse (LPN/VN)

- a. Licensed Practical/Vocational Nurse is the title given to an individual licensed to practice practical/vocational nursing.

- b. An LPN/VN practices, with or without compensation or personal profit, under the supervision of an RN, advanced practice registered nurse (APRN), licensed physician or other health care provider authorized by the state; that is guided by nursing standards established or recognized by the BON; and includes:
  - 1. Collecting data and conducting focused nursing assessments of the health status of patients.
  - 2. Participating with other health care providers in the development and modification of the patient centered health care plan.
  - 3. Implementing nursing interventions within a patient centered health care plan.
  - 4. Assisting in the evaluation of responses to interventions.
  - 5. Providing for the maintenance of safe and effective nursing care rendered directly or indirectly.
  - 6. Advocating the best interest of patients.
  - 7. Communicating and collaborating with patients and members of the health care team.
  - 8. Providing health care information to patients.
  - 9. Delegating and assigning nursing interventions to implement the plan of care.
  - 10. Wearing identification which clearly identifies the nurse as an LPN/VN when providing direct patient care, unless wearing identification creates a safety or health risk for either the nurse or the patient.
  - 11. Other acts that require education and training consistent with professional standards as prescribed by the BON and commensurate with the LPN/VN's education, demonstrated competencies and experience.

In response to having the RN co-sign an admission assessment done by an LPN, the recommendation is that the RN should co-sign the assessment as the RN is also responsible for tasks performed by the LPN under the RN's direction/supervision.

In response to "can LPNs do a discharge to ERs or hospitals in cases of emergencies without being co-signed by RNs?"

Ms. Kim stated that the definition of practice of nursing as an LPN is under HRS §457-2 states:

"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, 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; administration of treatment and medication as prescribed; promotion of health maintenance of individuals, families, or groups; or teaching and supervision of auxiliary personnel."

So, since the LPN is "under the direction" of an RN, the LPN should contact the RN, physician and possibly family of the patient in accordance with the facility's policies and procedures in cases of emergency.

As for LPNs inserting IVs, Ms. Kim stated that the Board's position has been if the nurse has received the appropriate education and training, i.e. a certification course, for a procedure that he/she has been directed to perform and in accordance with the facility's policies and procedures, then an LPN may be able to insert IVs but that the LPN shall be accountable and responsible to the consumer for the quality of nursing care rendered.

After careful consideration, it was the consensus of the Board that they agree with the recommendations provided by Ms. Kim.

In accordance with HAR §16-201-90, the above interpretation is for informational and explanatory purposes only and based solely on the information provided. It is not an official opinion or decision and therefore not binding upon the Board.

Hawaii State  
Center for Nursing:

Ms. Reichhardt reported on her attendance at the National Forum of Nursing Annual Conference in Chicago. Ms. Reichhardt stated that she was able to speak with members of NCSBN and discuss the impact of CEs and its outcome. The Center for Nursing will be creating a survey to find out more information about nurses' awareness to the requirement and what type of classes they are choosing. Hopefully, the data will provide information about nurses' acquisition to the new requirement. She informed us that there will be a Healthcare Workforce Submit here on Oahu in September. She stated it is a great opportunity for Hawaii nurses because it a free conference that offers CEs for participation.

She also reported that Hawaii ranked last for the fewest nurses per capita in the nation. She noted that the report used data from the Kaiser family foundation, however, Kaiser underreported Hawaii's population by 80-87%. In regard to numbers, Kaiser essentially only reported working LPNs and not RNs here in Hawaii. Ms. Reichhardt stated that she and her team contacted Kaiser and had them take down the website immediately. She also communicated with the organization that published this data and informed them they were using inaccurate data.

Ms. Reichhardt explained to the Board that Hawaii is not the worst state and that compared nationally we are average. She stated that reports using "per capita" data is the least accurate and least informative method to assess whether we have enough nurses within our state.

Chapter 91, HRS  
Adjudicatory Matters:

At 9:45 a.m., the Vice Chair called for a recess of the meeting to discuss and deliberate on the following adjudicatory matters:

In the Matter of the Application for a Nurse License of **Paula J. Aasland, RNS-LIC-2017-004**, Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order and Board's Final Order

Upon a motion by Ms. Daub, seconded by Mr. Duldulao, it was voted on and unanimously carried to approve the Board's Final Order.

In the Matter of the License to Practice Nursing of **Gloria L. T. Ogawa, fka Gloria T. Branco, fka Gloria L. Thompson RNS 2016-97-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Upon a motion by Ms. Kodama, seconded by Ms. Daub, it was voted on and unanimously carried to approved the Board's Final Order.

In the Matter of the License to Practice Nursing of **Paula M. Rozman, RNS 2017-74-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibit "A"

Upon a motion by Ms. Boyer, seconded by Ms. Kodama, it was voted on and unanimously carried to approved the Board's Final Order.

In the Matter of the License to Practice Nursing of **Michelle R. Prather; RNS 2016-35-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Upon a motion by Ms. Boyer, seconded by Ms. Kodama, it was voted on and unanimously carried to approved the Board's Final Order.



In the Matter of the License to Practice Nursing of **John E. Sulecki, R.N.; RNS 2015-74-L**, Executive Officer's Affidavit and Proposed Board's Final Order for Revocation for Failure to Comply with Board's Final Order Dated December 1, 2016

The Board deferred this matter.

In the Matter of the License to Practice Nursing of **Shawna D. Kopchu, R.N.**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" through "3"

Upon a motion by Ms. Boyer, seconded by Ms. Kodama, it was voted on and unanimously carried to approved the Board's Final Order.

In the Matter of the Application for a Nurse License of **Antoinette Murray, RNS-LIC-2018-001**, Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order and Board's Final Order

Upon a motion by Ms. Boyer, seconded by Ms. Kodama, it was voted on and unanimously carried to approved the Board's Final Order.

Following the Board's review, deliberation, and decision in these matters, pursuant to Chapter 91, HRS, the Vice Chair announced that the Board was reconvening its scheduled meeting at 10:04 a.m.

Executive Session: At 10:04 a.m., upon a motion by Ms. Kim, seconded by Ms. Kodama, it was voted on and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a) (1) and (4), "To consider and evaluate personal information relating to individuals applying for nurse licensure;" and "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities".

At 10:38 a.m. upon a motion by the Vice Chair, seconded by Ms. Daub, it was voted on and unanimously carried to move out of executive session.

Applications: **Licensed Practical Nurses**

Ratification List

Upon a motion by the Vice Chair, seconded by Ms. Kodama, it was voted on and unanimously carried to ratify the attached list of LPNs – 19198 - 19226 (28)

## **Registered Nurses**

### Ratification List

Upon a motion by the Vice Chair, seconded by Ms. Kodama, it was voted on and unanimously carried to ratify the attached list of RNs – 89719 - 90045 (326)

### RN Applicants

Upon a motion by the Vice Chair, seconded by Ms. Kodama, it was voted on and unanimously carried to approve the following applications:

Anthony J. DiCicco (endorsement)  
Lindsay R. Boyer (endorsement)  
George L. Baxter-Holder (endorsement)  
Christine Udydz (endorsement)  
Laura J. Bachmann (endorsement)  
Monique Battle (endorsement)  
Lara V. Dorsett (endorsement)  
Franklin Jones (endorsement)  
Kurt H. Luedtke (endorsement)  
Pamela A. Battaly (endorsement)  
Mathew J. Gunkel (endorsement)  
Kathleen M. Johnson (endorsement)

Upon a motion by the Vice Chair, seconded by Ms. Kodama, it was voted on and unanimously carried to defer the following applications for additional information:

Mary S. Pierre  
Ellen Hansen

Upon a motion by the Vice Chair, seconded Ms. Daub, it was voted on and unanimously carried to deny the following applicant based on HRS §§457-12(a)(3), (6) & (8), and HAR §§ 16-89-59, 16-89-60(6)(B):

Tamar Sabb-Hubb

Upon a motion by the Vice Chair, seconded by Ms. Kodama, it was voted on and unanimously carried to approve the request for reconsideration, however, the Board reaffirms its previous decision to deny the following application:

Joshua J. Harter

### **Advanced Practice Registered Nurse (APRN)**

#### Ratification List

Upon a motion by the Vice Chair, seconded by Ms. Kodama, it was voted on and unanimously carried to ratify the attached list of APRNs and APRN-Rx.

Next Meeting: Thursday, August 2, 2018  
8:30 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building, 1st Floor  
335 Merchant Street  
Honolulu, Hawaii 96813

The Vice Chair announced the next scheduled Board meeting and asked if everyone was available to attend.

Ms. Boyer stated that she will not be able to attend.

The EO reported that Dr. Napoleon would also not be available for the August meeting.

Adjournment: There being no further business to discuss, the meeting was adjourned at 10:43 a.m.

Taken by:

/s/ Lee Ann Teshima  
Lee Ann Teshima,  
Executive Officer

LAT

7/6/18

[ X ] Minutes approved as is.

[ ] Minutes approved with changes; see minutes of \_\_\_\_\_.