

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, October 4, 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, Chair
Karen Boyer, RN, MS, FNP
Olivia Kim, LPN, RN, BSN, NHA, Vice Chair
Judy Kodama, MS, RN, MBA, CNML.
Tammie Napoleon, DNP, APRN

Members Excused: Katharyn Daub, MS, RN, EdD
Jomel Duldulao, Public Member

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

Guests: Dean Yamamoto, NED
Preston Young, Pharmacy Intern
Jessica Bartololita, University of North Florida
Laura Reichhardt, HSCFN
Kimberly Soileau, Applicant

Call to Order: The Chair called the meeting to order at 8:45 a.m. at which time quorum was established.

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

The Chair asked the audience to introduce themselves.

The Chair announced the following agenda items had additional distribution:

5. Continuing Competency
 - 1) Pediatric Care After Resuscitation ("PCAR") – CA BON's CE approval requirements
9. Applications
 - b. Registered Nurses
 - 2) RN Applicants
 - iv. Kimberly Soileau – Deferred for Additional Information

Approval of the Previous Minutes – September 6, 2018

Public Hearing Minutes

The Chair called for a motion in regards to the minutes of the September 6, 2018 public hearing.

Upon a motion by Ms. Boyer, seconded by Ms. Kodama, it was voted on and unanimously carried to approve the minutes of the September 6, 2018 public hearing as circulated.

Meeting

The Chair called for a motion in regards to the minutes of the September 6, 2018 meeting.

Upon a motion by Ms. Boyer, seconded by Ms. Kodama, it was voted on and unanimously carried to approve the minutes of the September 6, 2018 meeting as circulated.

Education Committee Chair's Report:

Report on September 6, 2018 Meeting

Ms. Boyer reported on the recommendations from the Education Committee's September 6, 2018 meeting that included the following report/recommendations:

Hawaii Nursing Programs

Curriculum Information for Hawaii Nursing Programs

Chair and Ms. Boyer working on a list of core courses for Hawaii nursing programs

Faculty

UH@Manoa

- Marueen A. O'Brien – Recommend approval
- Dee Ann K. Omatsu - Recommend approval
- Sandra Chandler - Recommend approval
- Jill Kurasaki - Recommend approval
- Erin McCracken - Recommend approval

Annual Reports Due October 1, 2018

Correspondence – Microbiology Pre-Requisite for Nursing Programs – The Committee referred to “biological” sciences listed in HAR §§ 16-89-47 & 16-89-48

Applications

Alice Smith – Recommend defer, deficient hours

Mariya Voronycu – Recommend defer, deficient hours

The Chair called for a motion to accept the recommendations from the Education Committee’s September 6, 2018 meeting.

Dr. Napoleon motioned to accept the recommendations, it was seconded by Ms. Kodama, voted on and unanimously carried.

Executive Officer’s
Report:

Conferences/Seminars/Meetings

HPH Nurses Conference, September 13-14, 2018

The EO provided a brief report on her attendance at the HPH Nurses Conference.

She stated that she, along with Ms. Muraoka and Ms. Oliveira from the HSCFN manned a table on continuing competency requirements answering questions mostly on the continuing education learning activity option and encouraging the nurses to complete the workforce survey when they renew next year.

The response to the continuing competency requirement from the nurses was positive. It appears that HPH is doing a great job in keeping their nurses educated and informed of the renewal requirements.

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.

Amendments to Title 16, Chapter 89 – Additional Comments from The Queen’s Health Systems

The EO reported that she received a letter from Madeline (“Mimi”) Harris, Vice President and Chief Nursing Officer for The Queen’s Health Systems regarding follow-up concerns with the proposed mandatory reporting requirements.

In her September 14, 2018 letter, Ms. Harris asks for further clarification regarding the circumstances requiring notification to the Board when disciplinary action is taken. She stated that the language is still “overly broad” and that their organization follows a system of progressive discipline and reporting all instances of disciplinary action due to unprofessional conduct and practices inconsistent with the practice of nursing as defined in the Hawaii Administrative Rules (HAR) could lead to high administrative burden on the part of employers and the Board.

Ms. Harris states that they seek clarification and guidance on the Board’s intent regarding when notification is necessary and if it is the Board’s intent to require notification “only” with regard to instances that resulted in termination or resignation in lieu of termination and that they would be in support and recommended the following amendment:

- (8) Failing to report oneself as a nurse, or failing to report, as a director of nursing, designated nursing supervisor or designee, a nurse against whom disciplinary action as a result of unprofessional conduct described in §16-89-60(6) or inconsistent with the practice of nursing as identified in §16-89-60(7) has been taken, [~~including~~] resulting in termination or resignation of a nurse in lieu of discipline, or who may be a threat to the public health or safety. “

The EO explained that this amendment would require only termination or resignation of a nurse to be reported as a result of unprofessional conduct or inconsistent with the practice of nursing. She asked Ms. Kodama and the Vice Chair if there are other types of “disciplinary action” that may not result in resignation or termination.

The Vice Chair stated yes, suspension may be another type of “disciplinary action.”

Ms. Kodama stated that this amendment would be too specific and narrow the reporting requirement to only resignation or termination.

The Vice Chair stated that the Board is responsible for patient safety, and safeguarding life and health, by ensuring that any person practicing or offering to practice as a nurse, be qualified to do so.

It was the consensus of the Board to take the recommendation under advisement.

Nursys – Status Report

The EO reported that she has a conference call tomorrow morning with Jeff Kendall and the Information Systems Manager, Mr. Shirai to discuss the “Go-Live Checklist”.

2019 Board Meeting Schedule

A copy of the 2019 meeting schedule was distributed to the members, however, the EO stated that until the room assignments are confirmed, this schedule has not been finalized but that the Board meets on the first Thursday of every month unless it is a State holiday.

Continuing Competency

Pediatric Care After Resuscitation ("PCAR")

The Board reviewed a flyer for this course that indicates that it is approved by the California BON. The Board was provided a copy of the California BON's acceptable course content; acceptable courses; and unacceptable courses.

After review of the California BON information and the course, it was the consensus of the Board that if a course is "approved" by the California BON at the time the Hawaii licensed nurse completes the course and the course content does not fall under one of the following, then the continuing education hours would count towards the continuing education learning activity option

- Clinical practice related to the policies/procedures of the facility where you are providing nursing care.
- Orientation specific to employment i.e. computer course, documentation, human resource policies.
- Orienting an employee or student.
- Being oriented to a position.
- Attendance at business and/or professional meeting unless the activity enhances nursing knowledge, judgment, and skills.
- Duplicate activities reviewed within a reporting period (i.e. annual competencies and retraining).
- Courses which focus upon self-improvement such as changes in attitude, self-therapy, self-awareness, weight loss, and yoga.
- Economic courses for personal financial gain (e.g., investments, retirement, preparing resumes, and techniques for job interviews, etc.).
- Courses designed for lay people.
- Liberal arts courses in music, art, philosophy, and others when unrelated to patient/client care.
- Courses which focus on personal appearance in nursing.
- Certification courses or programs *not* accredited by those noted in 1b of the described learning activities and/or which are not specific to the role of nursing

Clarification on “Organizations” That Provide Continuing Education – “...including but limited to.”

The EO reported that this was brought to her attention when she was asked if this statement was correct or should be amended to “including but NOT limited to...”.

It was the consensus of the Board that on page 19, under “c” it should state, “And organizations recognized by the board which include, but **not** limited to:...”.

Correspondence:

NCSBN

Legislative Updates

The Board reviewed the following issues of the Legislative Updates:

- 8/31/18 – Ms. Boyer pointed out that the New Jersey enacted a law that authorizes school nurses to administer opioid antidotes to overdose victims on school property pursuant to a standing order.
- 9/7/18 – Dr. Napoleon referred to legislation in California that was sent to the Governor that authorizes applicants for licensure or licensure renewal for certain professions, including CNAs and EMS personnel, to provide their taxpayer ID number in lieu of a social security number. The bill also prohibits licensing boards, including the BON, from denying licensure to an individual solely based on their citizenship or immigration status.
- 9/14/18 – The Vice Chair also noted that in Maine, a bill was enacted into law authorizes certain military education and experience to replace the requirement of completion of an approved educational program to allow veterans to qualify for LPN licensure.
- 9/21/18

Scope of Practice

RNs Performing Exams/Evaluations – Physician Oversight

Dr. Napoleon volunteered to lead the discussion on the following email inquiry:

Original email request: “I have a question about nurses working independently without physician oversight. Can a RN (not Advanced Practice) work at a hospital emergency department or off-site evaluating patient who present for medical forensic examinations without physician oversight? The RNs have training as SANEs (Sexual Assault Nurse Examiners).”

EO follow-up question: “When you refer to “physician oversight”, how is the RN performing the exam at the hospital or off-site (?) under direction from who?”

Response: “In addition, no physician involvement. The RN would be the ONLY person the patient reporting a sexual assault would see.”

Dr. Napoleon stated that there should be at least a physician's order.

Ms. Kodama stated that there should be physician oversight.

The Vice Chair referred to the definition of "The practice of nursing as a registered nurse" under HRS 457-2 that 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."

Dr. Napoleon also mentioned that if the RN is working in a facility, the RN should be following the policies and protocols of that facility.

The Chair and Ms. Boyer recommend that we refer to the decision-making flow chart.

After further discussion, it was the consensus of the Board to refer the inquirer to the decision-making flow chart and to the definition of "The practice of nursing as a registered nurse".

Hawaii State Center
for Nursing:

Ms. Reichhardt reported on the following items:

- The AONE conference will be on November 9, 2018 at the Royal Hawaiian Hotel.
- The Center for Nursing finalized their strategic plans in August. There two new priority areas will be focusing on APRNS transitions to practice and community healthcare management teams.
- After the September 6, 2018 Board Meeting, Ms. Reichhardt received a notice that CMS will be proposing rule changes for student documentations. The rule changes did not include non-physician healthcare students including nurse practitioners, therefore, she submitted a letter to CMS asking them to use general provider language to be more inclusive instead of using specific language.

- Nurse Practitioner Week is November 11, 2018-November 18,2018.
- On November 16, 2018 there will be a Nurse Practitioner Celebration.
- APRN Practice in Policy Workgroup was held last week. They discussed insurance and credentialing barriers. In addition, barriers with reimbursements.

Chapter 91, HRS
Adjudicatory Matters:

At 9:49 a.m., the Chair called for a recess of the meeting to discuss and deliberate on the following adjudicatory matter:

In the Matter of the License to Practice Nursing of **Kelly E. Lewis, RNS 2016-67-L**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Upon a motion by Dr. Napoleon, seconded by Ms. Boyer, it was voted on and unanimously carried to approve 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 10:05 a.m.

Executive Session:

At 10:05 a.m., upon a motion by the Chair, seconded by Ms. Kodama, it was voted on and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a) (1), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities".

At 10:50 a.m. upon a motion by the Vice Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to move out of executive session.

Applications:

Licensed Practical Nurses

Ratification List

Upon a motion by the Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to ratify the attached list of LPNs – 19301-19339 (38)

LPN Applicants

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

Erica Davis
Dolores Anderson
Darline Saintout

Registered Nurses

Ratification List

Upon a motion by the Chair, seconded by Dr. Napoleon, it was voted on and unanimously carried to ratify the attached list of RNs – 90790 - 91411 (621)

RN Applicants

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

Jacqueline D. Muhammad

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:

Nikita Culton – Explanation of events and current nursing activity
Christian D. Gamponia - Assessment
Kimberly Soileau – Monitor information

Upon a motion by the Vice Chair, seconded by Dr. Napoleon, it was voted on and unanimously carried to: deny the following application pursuant to HRS §§457-12(a)(3), (6) & (8) and HAR §§16-89-60(6)(A) & (C) and (7)(A):

Barbara McKinney

Advanced Practice Registered Nurse (APRN)

Ratification List

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

Delegation

It was the consensus of the Board to delegate to the EO to approve nurse license applicants that have had prior disciplinary action taken by another board for violation of federal or state tax code/laws but have satisfied and/or complied with the tax code/laws and the other board's disciplinary action and whose license has been reinstated and has a valid, unencumbered license.

Board Training – Emergency Procedures

The Board reviewed a video regarding what to do in an active shooter situation. The Board also received a handout regarding what to do in other emergency situations such as fire.

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

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

Everyone confirmed they would be able to attend.

Adjournment: There being no further business to discuss, the meeting was adjourned at 11:16 a.m.

Taken by:

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

10/4/18

[] Minutes approved as is.

[X] Minutes approved with changes; see minutes of _____ 11/1/18_____.