

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, February 6, 2020

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
Olivia Kim, BSN, BS, RN, LPN, NHA, Vice Chair
Katharyn Daub, MNEd, EdD, RN
Karen Boyer, RN, MN, FNP
Jomel Duldulao, Public Member
Judy Kodama, MSN, MBA, RN, CNML
Tammie Napoleon, DNP, APRN, PPCNP-BC
Carrie Oliveira, Public Member,
Amy Stone Murai, APRN

Staff Present: Lee Ann Teshima, Executive Officer (“EO”)
Shari Wong, Deputy Attorney General (“DAG”)
Faith Nishimura, Secretary

Guests: Laurie Field, Planned Parenthood
Linda Beechinor, Hawaii – ANA
Michael Harstock, Narcotics Enforcement Division
Samantha Trad, Compassion and Choices

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

Announcement/Introductions

He asked the audience to introduce themselves.

Approval of the Previous Minutes – January 9, 2020 Meeting

The Chair called for a motion in regard to the minutes of the January 9, 2020 meeting.

Upon a motion by Dr. Napoleon, seconded by Ms. Oliveira, it was voted on and unanimously carried to approve the minutes as circulated.

October 3, 2019 Minutes – Correction

The EO reported that it was brought to her attention that the October 3 2019 minutes, specifically citations for the basis for denial of applicant April Ann Beatty did not “match” the citations in Ms. Beatty’s denial letter and therefore the Board has to correct the minutes and/or the denial letter.

At the Board's October 3, 2019 meeting, the Board denied Ms. Beatty's APRN license application for an encumbered APRN license when the North Carolina BON suspended her North Carolina APRN license for "violating boundaries of a professional relationship such as physical, sexual, emotional, or financial exploitation of a client..."

The minutes of the Board's October 3, 2019 meeting cited the following as the basis for the denial:

HRS §457-12(a)(8)

- (8) Revocation, suspension, limitation, or other disciplinary action by another state of a nursing license;

HRS §457-8.5(a)(3)

- (3) An unencumbered license as an advanced practice registered nurse or similar designation in all other states in which the nurse has a current and active license as an advanced practice registered nurse;

However, the October 21, 2019 denial letter cited the following as the basis:

HRS §457-12(a)(8)

- (8) Revocation, suspension, limitation, or other disciplinary action by another state of a nursing license;

HAR §16-89-119(a)(2):

- (2) Proof of a current, unencumbered license as a registered nurse in this State and in all other states in which the nurse has a current and active license;

HAR §16-89-125(a)(2) & (3):

- (2) Violation of chapter 457, HRS, or chapter 16-89;
- (3) Violation of any applicable state statutes and rules or federal laws or regulations;

After further discussion, upon a motion by Dr. Napoleon, seconded by Ms. Oliveira, it was voted on and unanimously carried to amend the minutes of the October 3, 2019 meeting and Ms. Beatty's denial letter as follows:

October 3, 2019 Minutes:

Basis for denial for Ms. Beatty:

HRS §457-12(a)(8)

- (8) Revocation, suspension, limitation, or other disciplinary action by another state of a nursing license;

HRS §457-8.5(a)(3)

- (3) An unencumbered license as an advanced practice registered nurse or similar designation in all other states in which the nurse has a current and active license as an advanced practice registered nurse;

HAR §16-89-119(a)(3):

- (3) Proof of a current, unencumbered license as an advanced practice registered nurse in this State and in all other states in which the nurse has a current and active license;

HAR §16-89-125(a)(2) & (3):

- (2) Violation of chapter 457, HRS, or chapter 16-89;
- (3) Violation of any applicable state statutes and rules or federal laws or regulations;

Denial Letter:

Basis for denial for Ms. Beatty:

HRS §457-12(a)(8)

- (8) Revocation, suspension, limitation, or other disciplinary action by another state of a nursing license;

HRS §457-8.5(a)(3)

- (3) An unencumbered license as an advanced practice registered nurse or similar designation in all other states in which the nurse has a current and active license as an advanced practice registered nurse;

HAR §16-89-119(a)(3):

- (3) Proof of a current, unencumbered license as an advanced practice registered nurse in this State and in all other states in which the nurse has a current and active license;

HAR §16-89-125(a)(2) & (3):

- (2) Violation of chapter 457, HRS, or chapter 16-89;
- (3) Violation of any applicable state statutes and rules or federal laws or regulations;

Education Committee
Report:

Ms. Daub reported on the following recommendations from the January 9, 2020 Education Committee meeting:

Approval of Minutes

The Committee approved the minutes of their November 7, 2019 meeting

Hawaii Nursing Programs

2019 – Annual Reports

Hawaii Pacific University – Recommend deferral for new faculty applications

UH@Manoa – Recommend approval

Maui College - Recommend approval

Faculty

UH@Manoa

Benjamin E. Newton – Recommend deferral pursuant to HAR §16-89-45(d)(5)

Kevin T. W. Chong – Recommend deferral pursuant to HAR §16-89-45(d)(5)

Kauai Community College

Kristine Slagle – Recommend approval

Correspondence

Chris Grant

Recommend deferral pursuant to HAR § 16-89-48(b)(2) (A), (B), & (C)

Foreign Credential Evaluations – Recommend acceptance of credential evaluations from Josef Silny & Associates, Inc., International Education Consultants – Curriculum Breakdown Similar Reports Prepared for the New Mexico Board of Nursing.

The Chair called for a motion to accept the recommendations of the Education Committee.

Upon a motion by Ms. Stone Murai, seconded by Ms. Boyer, it was voted on and unanimously carried to accept the recommendations of the Education Committee's January 9, 2020 meeting.

Executive Officer's Report:

Conferences/Seminars/Meetings

The EO reported on the following:

2020 NCSBN Midyear Meeting, March 3 – 5, 2020, Boston, MA
Ms. Kodama and Ms. Stone Murai will be attending

2020 NCSBN APRN Roundtable, April 7, 2020, Rosemont, IL
Dr. Napoleon will be attending

2020 NCSBN IT/Operations Conference, May 12-13, 2020, Cleveland, OH
PVL-Exam Branch Chief will be attending

2020 NCSBN Discipline Case Management Conference, June 1-3, 2020, Greenville, SC
Offered to RICO Staff Attorney

2020 NCSBN Annual Meeting, August 12-14, 2020, Chicago, IL
The Vice Chair and Ms. Boyer will be attending.

2020 NCSBN NCLEX Conference, September 14, 2020, Alexandria, VA
Ms. Oliveira will be attending

2020 NCSBN Future of Research Forum, October 6 – 7, 2020, Chicago, IL
Ms. Oliveira will be attending

2020 NCSBN Basic Board of Nursing Investigator Training, October 20-22, 2020, Rosemont, IL
Offered to RICO Staff Investigator

2019 Renewal – Status Report

Continuing Competency Audit – Status

The EO reported that she is still receiving "late" submissions from nurses selected for the continuing competency who are alleging that they did not receive the audit letter as they are travel nurses.

She also reported that with the Legislature in session, she is not sure when she will start reviewing the submissions.

Request for CE Approval from Maui Memorial Medical Center @ Maui Health Systems – Behavioral Health in the Emergency Department

Ms. Kodama recused herself.

The Board reviewed a request for approval for a course offered by Maui Memorial Center @ Maui Health Systems.

Upon a motion by Ms. Oliveira, seconded by Ms. Boyer, it was voted on and unanimously carried to approve the continuing education course "Behavioral Health in the Emergency Department" offered by Maui Memorial Center @ Maui Health Systems.

Request for Evidence -Based Practice Courses from Hawaii Pacific Health

The Board considered the following email inquiry/request:

"...I am Director of Clinical Improvement at HPH and teach Evidence-based practice courses. The students receive 15 CE credits for time spent in class and on their projects. The question came up whether, based on information on page 25 of your BON Guidance and Information Booklet, whether they also can claim competency credits for completing the actual EBP project and submitting the necessary documentation as described on p. 25? Also, our EBP nurses complete their projects over a 6 month timeframe and then present to administration their recommendations based on their literature review, grading, and synthesis. At that time the organizational leadership decides whether the project should go forward to implementation.

Based on the above, would a project then need to be fully implemented prior to requesting credit from the BON? Given that they earn CE credits for the time spent doing the project can they also claim Continuing Ed credit for the project itself if the BON accepts it? Has anyone to date submitted and been approved for an EBP project and if so, we are wondering if we could learn from how they successfully did it?"

After discussion of the questions and the information in the continuing competency booklet, it was the consensus of the Board that the project would have to be fully implemented in order to be considered for the EBP project learning activity option, however, the continuing education credits may be considered if the individual completed at least thirty (30) hours of continuing education by a Board-approved provider.

Criminal History Background Check

The EO stated that there are no changes to the status of the CBC renewal at this time.

2020 Legislation

The Board discussed the following legislative measures:

APRNs Performing Aspiration Abortions

SB 2984 Relating to Health - Authorizes advanced practice registered nurses and other licensed qualified health care providers to perform abortions.

HB 2684 Relating to Health Care - Authorizes advanced practice registered nurses and other licensed qualified health care providers to perform abortions.

Ms. Field addressed the Board that these measures would provide more access to women's healthcare and that other states, including but not limited to California, New York, Vermont, Oregon and Washington currently authorized APRNs to perform aspiration abortions.

The Board had comments on non-physicians performing this procedure, number of APRNs who would be performing procedure, how many patients needing this procedure that are currently unable to obtain these services and the educational and training required in order to perform this procedure.

Ms. Field stated that out of all the states that authorize APRNs to perform this procedure, California is the only state that requires additional education/training.

The EO stated that when a similar measure was heard in 2019, the Board's testimony addressed additional education and training, including a clinical component for the APRN to perform this procedure.

The Vice Chair opined that this was a surgical procedure not without complications.

Ms. Stone Murai opined that this was not a surgical procedure.

The Chair reiterated the Vice Chair's statement that this was not a procedure without complications and that the APRN should be educated and trained to not only perform the procedure but also be able to address any complications that may occur.

Medical Aid in Dying – Adding APRNs

SB 3047 Relating to Health - Allows an advance directive to be a valid written request for a prescription to be self-administered for the purpose of ending an adult's life. Includes advanced practice registered nurses under the definition of "attending provider". Allows an attending provider to waive the counseling referral requirement. Allows an attending provider to perform duties through telehealth, under certain conditions. Requires health insurance policies and contracts issued after December 31, 2020, to provide coverage for services related to ending a patient's life.

The EO reported that this measure was deferred by the Senate Committee on Commerce, Consumer Protection and Health on February 4, 2020.

SB 2582 Relating to Health - Authorizes advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority. Authorizes psychiatric mental health nurse practitioners, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient. Reduces the mandatory waiting period between oral requests from twenty days to fifteen days. Waives the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period.

HB 2451 Relating to Health - Explicitly recognizes advanced practice registered nurses as attending providers and consulting providers capable of performing all necessary duties under the Our Care, Our Choice Act in accordance with their scope of practice and prescribing authority. Reduces the mandatory waiting period between oral requests made by a terminally ill individual from twenty to fifteen days.

After some discussion, it was the consensus of the Board to continue to support these measures that would include APRNs as attending and consulting providers to practice medical aid in dying in accordance with their scope of practice and prescriptive authority.

2019 Gallup Poll – Nurses Ranked Highest in Honesty and Ethics for 18th Year In A Row

A copy of the article was distributed to the members for their information only.

Working Solutions, January 2020 Issue

A copy of the issue was distributed to the members for their information only.

Correspondence:

NCSBN

Legislative Updates

Copies of the following Legislative Updates issues were distributed to the members for their information only:

- 1/3/2020
- 1/10/2020
- 1/17/2020
- 1/24/2020

Scope of Practice

RN Performing Cosmetic/Esthetician Procedures

The EO stated that they received a phone call from an individual asking the following questions:

Can the RN work under esthetician?

The caller says she called Board of Barber & Cosmetology, was referred to Medical Board and then referred to Board.

She also asked if she:

Can she open a business & perform esthetic procedures?

Can she do cosmetic procedures under direction of a physician?

After some discussion, it was the consensus of the Board that pursuant to HRS 457-2, definition of "The practice of nursing as a registered nurse", an RN may not work under an Esthetician. In regard to the question about opening her own business, this does not fall under the jurisdiction of the Board and in response to her question if she can "do cosmetic procedures under direction of a physician?", the Board refers her to HRS 457-2, definition of "The practice of nursing as a registered nurse".

RN Performing Cosmetic/Esthetician Procedures Under Medical Director

The Board discussed an email inquiry of an RN can perform cosmetic/esthetician procedures under a Medical Director.

After some discussion, it was the consensus of the Board to refer the inquirer to HRS 457-2, definition of "The practice of nursing as a registered nurse".

APRN Prescribing Obesity Medications

The Board discussed the following email inquiry:

"Please assist with verification that APRNs in Hawaii are not to prescribe or administer obesity medications, such as phentermine or anti-aging pellet subcutaneous injection therapy such as testosterone and/or estrogen.

I discussed with Hawaii DEA. Although APRNs in HI with Rx authority are allowed to prescribe Schedule II to V, I understand per August 2016, Exhibit "A" Exclusionary formulary for APRNs granted prescriptive authority that APRNs may not prescribe nor administer previous statement therapy?

And if not allowed to, are APRNs in Hawaii allowed to under physicians?

Please help in clarifying this regulation.

After some discussion, it was the consensus of the Board that an APRN may prescribe and administer drugs under their scope of practice but that an APRN who does not have prescriptive authority could not prescribe any medication, not even under a physician.

Furthermore, the Board determined that the language in the exclusionary formulary was very specific that an APRN may not prescribe or administer certain drugs, but if ordered by another prescriber, because the APRN scope of practice also includes an RN scope of practice, the APRN may “administer” drugs using reasonable judgement in carrying out prescribed medical orders of a licensed physician pursuant to the definition in HRS 457-2, definition of “The practice of nursing as a registered nurse”.

The Board also determined that the “Exclusionary Formulary” should be reviewed to determine if any “updates” are needed.

Patient Abandonment Definition

The Board discussed the following email inquiry:

“I have been trying to find information on how the Hawaii Board of Nursing defines patient abandonment. I have not been able to find information the site. Would you mind sending me some information or a link on where to find this information?”

After some discussion, it was the consensus of the Board to refer to HAR 16-89-60(6)(g) that reads as follows:

§16-89-60 Types of unprofessional conduct. The types of unprofessional conduct shall include, but are not limited to, the following:

- (6) Performing unsafe or unacceptable patient care or failing to conform to professional standards required of a nurse which poses a danger to the welfare of a patient which shall include:
 - (G) Leaving a nursing assignment or abandoning a patient without properly notifying appropriate personnel;

Hawaii State Center for Nursing:

No report.

Hawaii- American Nurses Association:

Ms. Beechinor reported on their status as an ANCC provider and standing with the national ANA.

Hawaii Association of Professional Nurses:

No report.

Public Forum:

Public Forum [Public comment on issues not on the agenda may be considered by the Board at a subsequent meeting. The Board is precluded from discussing or acting on items raised by public comment that are not already on the agenda. Public comment will be five minutes per person.]

No one wanted to address the Board at this time.

Executive Session:

At 10:32 a.m., upon a motion by Ms. Oliveira, seconded by Ms. Stone Murai, 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 11:25 a.m. upon a motion by Ms. Oliveira, seconded by Ms. Stone Murai, it was voted on and unanimously carried to move out of executive session.

Applications:

Licensed Practical Nurses

Ratification List of New Licensees

Upon a motion by the Chair, seconded by Dr. Napoleon, it was voted on and unanimously carried to approve the ratification list for LPNs.

LPN Applicants

Upon a motion by Ms. Oliveira, seconded by the Vice Chair, it was voted on and unanimously carried to defer decision on the following application and request that she contact Pu'ulu Lapa'au for an evaluation/assessment:

Janice Thomason

Registered Nurses

Ratification List of New Licensees

Upon a motion by the Chair, seconded by Ms. Oliveira, it was voted on and unanimously carried to approve the ratification list for RNs.

RN Applicants

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

Scott D. Harned
Carol A. Davis
Brad T. Dunsworth
John M. Johnson
Jared Solko

Upon a motion by the Chair, seconded by Ms. Kodama, it was voted on with the Chair, Vice Chair, Ms. Daub, Dr. Napoleon, Ms. Stone Murai, Mr. Duldulao and Ms. Kodama voting "yes" and Ms. Oliveira voting "no" to deny the following application pursuant to HAR 16-89-60(6)(f):

Katherine W. Nesbitt

Upon a motion by the Vice Chair, seconded by Dr. Napoleon, it was voted on and unanimously carried to deny the request for consideration of equivalencies to the clinical component of the remedial course requirement as it does not meet the definition under HAR 16-89-2:

Heidi H. Garcia
Raquel L. Ballesteros

Not Practiced in 5 Years

Upon a motion by the Vice Chair, seconded by Ms. Oliveira, it was voted on with the Chair, Vice Chair, Ms. Oliveira, Mr. Duldulao, Dr. Napoleon, Ms. Daub, Ms. Kodama and

Ms. Boyer voting “yes” and Ms. Stone Murai abstaining to deny the request to consider completion of an RN to BSN program as equivalent to meeting the requirement to retake the NCLEX-RN in order to prove continuing competency for a nurse who has not practiced nursing in the last five (5) years for the following individual:

Melissa S. Caskey

Advanced Practice Registered Nurses (APRN)

Ratification List of New Licenses

Upon a motion by the Chair, seconded by Dr. Napoleon, it was voted on and unanimously carried to approve the ratification list for APRNs.

Next Meeting: March 5, 2020
8:30 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Adjournment With no further business to discuss, the Chair adjourned the meeting at 11:32 a.m.

Taken by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

LAT

3/4/20

Minutes approved as is.

Minutes approved with changes; see minutes of _____