

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, November 5, 2020

Time: 8:30 a.m.

Place: Virtual: <https://dcca-hawaii-gov.zoom.us/j/99001013793>
ZOOM Phone Number: (253) 215-8782
Meeting ID: 990 0101 3793

Members Present: Carrie Oliveira, Chair
Olivia Kim, BSN, BS, RN, LPN, NHA, Vice Chair
Karen Boyer, RN, MN, FNP
Katharyn Daub, MNEd, EdD, RN
Jomel Duldulao, Public Member
Benjamin Ramos
Amy Stone Murai, APRN

Members Excused: Tammie Napoleon, DNP, APRN, PPCNP-BC

Members Absent: Judy Kodama, MSN, MBA, RN, CNML

Staff Present: Lee Ann Teshima, Executive Officer (“EO”)
Shari Wong, Deputy Attorney General (“DAG”)
Ahlani Quioque, Supervising Executive Officer
Faith Nishimura, Secretary
Rochelle Araki, Secretary
Kellie Wei, Secretary

Guests: Rhoberta Haley
Diane Smith Levine
Pamela Smith
Liane Hussey, Hawai‘i State Center for Nursing
Chelsea Fukunaga
Jason Grubb, CE Broker

Virtual Meeting Instructions: The Chair provided information on internet and phone access for today’s virtual meeting and a short video regarding virtual meetings was played for attendees.

For purposes of this virtual meeting, the Chair will take roll call of the Board members to establish quorum and for motions that require a vote of the Board members.

Call to Order: The Chair took roll call to establish quorum. Dr. Napoleon was excused. Ms. Kodama was absent.

Quorum was established and the Chair called the meeting to order at 9:15 a.m.

Chair's Report: **Announcements**

The Chair acknowledged and thanked the staff for their work in putting together these virtual meetings.

Approval of the Minutes of the September 3, 2020 Meeting

The Chair called for a motion in regard to the minutes of the September 3, 2020 meeting.

Upon a motion by Ms. Daub, seconded by Ms. Stone Murai, it was voted on and unanimously carried to approve the minutes as circulated.

Education Committee: **Report and Recommendations of the January 9, 2020 Meeting**

Ms. Daub reported on the following recommendations from the Education Committee's recommendations from their January 9, 2020 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

Ms. Daub reported on the following recommendations from the Education Committee's recommendations from their March 5, 2020 meeting:

Hawaii Nursing Programs

Faculty

- UH@Manoa
 - ✓ Meghan Lankshear– Recommend approval
 - ✓ Richard J. Ramirez – Recommend approval
 - ✓ Emily J. Berger – Recommend approval
 - ✓ Sarah Pirani – Recommend approval

Refresher/Remedial Course(s)

Kauai Community College and UH@Manoa

- Edits to Course Overview:
 - ✓ Clarify if course will also be considered for “refresher”;
 - ✓ Faculty must meet requirements in HAR 16-89-45(d)(6) & (7);
 - ✓ Pre/Co-requisites to include foreign educated students;
 - ✓ Clarify “minimum” 60 hours of didactic and clinical hours; and
 - ✓ Clarify reference to “NCLEX preparation”.
- University of Hawaii@Hilo
 - ✓ Clarify if difference of curriculum between “remedial” and “refresher” course, if any; and
 - ✓ Work with Kauai Community College and UH@Manoa to collaborate on one curriculum for all Hawaii nursing programs offering remedial/refresher course(s).

Request for Refresher Course(s) Approved by the Nevada Board of Nursing from Marzie Valdez

The Committee deferred this matter as there was no specific information on the curriculum for this course.

Sigma – Return to Nursing – State Board Reference Guide

The Committee deferred this matter as there was no specific information on the provider of the course.

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

Ms. Daub reported on the following recommendations from the Education Committee’s recommendations from their September 28, 2020 meeting:

Hawaii Nursing Programs

- Annual Report
 - Assignments were made to Committee members as follows:
 - ✓ Chaminade University – The Chair
 - ✓ Hawaii Community College – Ms. Oliveira
 - ✓ Hawaii Pacific University – Dr. Napoleon
 - ✓ Kapiolani Community College – Dr. Napoleon
 - ✓ Kauai Community College – The Chair
 - ✓ Maui College – Ms. Boyer
 - ✓ University of Hawaii @ Hilo – Ms. Oliveira
 - ✓ University of Hawaii @ Manoa - Ms. Boyer
- Faculty

The Committee recommends approval of the following faculty applications for UH@Manoa:

- ✓ Ivrys M. Dukes
- ✓ Jessica Wettlin
- ✓ Anthonel I. Patricio
- ✓ Tina Marie Truncellito Laupola

- HAR §16-89-47 and §16-89-48 Simulation/Lab/Clinical
The Committee discussed and heard from several Hawaii nursing programs on how they are utilizing “simulation” and “virtual simulation” for students. Due to the COVID-19 crisis, health facilities are not accepting or limiting nursing students in their facilities and also due to the stay@home orders, school campuses have had to close and the only means for students and faculty is virtual learning and teaching.
- Refresher/Remedial Course(s)
These programs are currently on “hold” due to the COVID-19, however, the Committee will be reviewing the curriculum for refresher/remedial courses to establish a standard for Hawaii nursing programs.

The Chair called for a motion in regard to the recommendations of the Education Committee’s January 9, 2020, March 5, 2020 and September 28, 2020 meetings.

Upon a motion by Ms. Boyer, seconded by Mr. Duldulao, it was voted on and unanimously carried to accept the recommendations of the Education Committee’s January 9, 2020, March 5, 2020 and September 28, 2020 meetings.

New Business:

Continuing Competency

Request for Board Approval of CE Broker

The Chair reported that she received an email from Mr. Oliva from CE Broker asking if the Board would be interested in their program that would track the continuing education for nurses.

The Chair asked if there was anyone attending from CE Broker.

Staff reported that Jason raised his hand.

The Chair called on Jason to address the Board.

Jason apologized that Mr. Oliva was not able to attend today’s meeting and would try to address any questions from the Board.

The EO asked if the Board was interested, how would it work.

Jason stated that they could provide a 15-minute demonstration on how their program works at the next Board meeting.

The EO asked about the cost.

Jason stated that there is no cost to the Board or licensee.

The EO stated that she will check on the agreement to see if it had to go through the procurement process and will report back at the next meeting.

Correspondence

Excelsior College Loses Accreditation

The EO reported that Excelsior College lost their ACEN accreditation of the associate degree in nursing for failure to comply with Standard 4 Curriculum, Criterion 4.9, and Standard 6 Outcomes, Criterion 6.2, of the ACEN Standards and Criteria.

The Board of Commissioners extended the accreditation of the associate degree nursing program at Excelsior College to provide time to teach-out students.

The EO also stated that should Excelsior College maintain approval by the New York Board of Nursing, graduates of this nursing program may still apply for a nurse license by exam pursuant to Hawaii Administrative Rules, §§16-89-10 and 16-89-11 as the program would be approved by another state board of nursing.

NCSBN - COVID-19 Vaccine Waiver Language

The following draft of NCSBN COVID-19 vaccine waiver language to assist in the administration of a vaccine for COVID-19, was distributed to the Board members for their information:

A registered nurse and licensed practical nurse licensed in good standing in this jurisdiction may delegate to an assistive personnel the administration of the vaccine(s) under established delegation guidelines

A registered nurse and licensed practical nurse licensed in good standing in this jurisdiction may delegate to students enrolled in a board-approved nursing education program, the administration of the vaccine(s) under established delegation guidelines.

An Advanced Practice Registered Nurse licensed in good standing in this jurisdiction is authorized to own and operate a clinic for purposes of administration of a vaccine(s) for COVID-19 without a supervisory or collaborative relationship with a physician.

Clarification: Dispensing of Sample Medications by RNs/LPNs Without Prescriptive Authority

The Board discussed the following email inquiry:

“The AMHD Community Mental Health Centers’ Quality Management Offices are seeking clarification in updating P&P guiding the dispensing of Sample Medications by nurses as “agents” of the prescribing provider. Telehealth practice necessitates this clarification, additionally are LAI Sample Medication considered as being dispensed if a RN/LPN administers them with an order but without the presence /dispensing signature of the prescriber.

Nurses without prescriptive authority are concerned that they remain within their Scope of Practice but are having difficulty reaching a person of authority.”

The EO stated that she responded by referring the inquirer to the definitions for the practice of LPN and RN and asked for further clarification and received the follow-up email:

"This is referring to Sample Medications distributed to Prescribing Providers (MDs, and APRNs with prescriptive authority) by pharmaceutical reps. Clarification is specific to the Hawaii Statutes and the definition of "Dispensing". By statute only Pharmacists, MDs, PAs and APRNs with prescriptive authority are licensed to dispense medications. Long Acting Injectables (LAIs) antipsychotic medications

I will attach the CMHC's P&P draft of a proposed revision addressing adjustments for Telehealth. The adjustment allows dispensing supervision by the prescriber when they are not physically present in the clinic for 1) oral Sample Medications being dispensed by a nurse acting as an "agent" under visual supervision or if administering a Long Acting Injectable antipsychotic medication from Sample Inventory is considered "dispensing".

The EO also received the following email:

This only involves one P&P 62.614 Sample Medications.

Hawaii statutes limit "dispensing" of prescriptions to a licensed pharmacist, physician, physician's assistant or APRN with prescriptive authority.

CMHC prescribing providers would like to delegate "dispensing" responsibility of Sample Medications during Telehealth services to the nurse (RN or LPN) located in the clinic. The prescriber would supervise the nurse during the dispensing process via a ZOOM video transmission. We are asking if that remote site visual supervision via ZOOM would be permitted and meets the requirement of current law so that the nurse's license would not be in jeopardy?

Please refer to the highlighted part of the P&P Draft (1.a. viii.) for the process in question.

Thank you very much for this support during a time of increased delegation of responsibilities related to Covid-19 and expansion of Telehealth services."

The Board expressed concerns with nurses "dispensing" prescription drug samples and supervision of the nurse and reviewed the definition of "The practice of nursing as a licensed practical nurse" and "The practice of nursing as a registered nurse" in 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.

"The practice of nursing as a registered nurse" means the performance of professional services commensurate with the educational preparation and demonstrated competency of the individual having specialized knowledge, judgment, and skill based on the principles of the biological, physical, behavioral, and sociological sciences and nursing

theory, 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 observation, assessment, development, implementation, and evaluation of a plan of care, health counseling, supervision and teaching of other personnel, and teaching of individuals, families, and groups in any stage of health or illness; administration, supervision, coordination, delegation, and evaluation of nursing practice; provision of health care to the patient in collaboration with other members of the health care team as autonomous health care professionals providing the nursing component of health care; or use of reasonable judgment in carrying out prescribed medical orders of a licensed dentist, physician, osteopathic physician, or podiatrist licensed in accordance with chapter 448, 453, 460, or 463E; orders of an advanced practice registered nurse licensed in accordance with this chapter; or 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.

The Board noted that the LPN may administer medication as prescribed 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; and RN but noted that the inquirer indicated that virtual supervision of the nurse during the dispensing process would be conducted.

That an RN may use reasonable judgment in carrying out prescribed medical orders of a licensed dentist, physician, osteopathic physician, or podiatrist licensed in accordance with chapter 448, 453, 460, or 463E; orders of an advanced practice registered nurse licensed in accordance with this chapter; or 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.

And that these sections did not specifically prohibit or address the supervision of a nurse by virtual means.

The Board also had concerns with the nurses having access to drug samples of controlled substances.

After further discussion, upon a motion by the Chair, seconded by the Vice Chair it was voted on with the Chair, Vice Chair, Ms. Daub, Mr. Duldulao and Mr. Ramos voting yes and Ms. Boyer and Ms. Stone Murai abstaining, based solely on the information provided, it was the Board's informal interpretation that:

- The LPN and RN may not be delegated any prescriptive authority privileges;
- The LPN may function "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 dispense" a drug prescribed by the licensed physician";
- The RN may provide "health care to the patient in collaboration with other members of the health care team as autonomous health care professionals providing the nursing component of health care; or use of reasonable judgment in carrying out prescribed medical orders of a licensed dentist, physician, osteopathic physician, or podiatrist licensed in accordance with chapter 448, 453, 460, or 463E; orders of an advanced practice registered nurse licensed in accordance with this chapter; or 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.";
- Both the LPN and RN "shall be accountable and responsible to the consumer for the quality of nursing care rendered";
- That pursuant to HRS §457-1.5:

§457-1.5 Practice of nursing. (a) Nursing is a scientific process founded on a body of professional knowledge. It is learned profession based on an understanding of the human condition across the lifespan of a client and the relationship of a client with others and within the environment. It is also an art dedicated to caring for others. The practice of nursing means assisting clients in attaining or maintaining optimal health, implementing a strategy of care to accomplish defined goals within the context of a client-centered health care plan, and evaluating responses to nursing care and treatment. Nursing is a dynamic discipline that is continually evolving to include more sophisticated knowledge, technologies, and client care activities. Nursing applies evidence-based practice to promote optimal client outcomes.

(b) The scope of nursing practices established in this chapter and by the rules of the board shall serve as general guidelines and are not intended to address the appropriateness of the use of specific procedures in any particular work setting or to grant permission to implement specific procedures in any particular work setting."

- Acting as an "agent" for the prescriber and dispensing non-controlled substances as prescribed, requires oversight and appropriate authorization and record keeping; and
- This does not apply to samples of any controlled substance pursuant to HRS Chapter 329.

In addition, the Board also refers the inquirer to the Decision-Making Framework posted on the Board's web page;

The motion carried.

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 on the Board.

2021 Renewals

HSCFN Changes to Supply Survey Questions – Update

Ms. Hussey provided a brief summary of the updates to the workforce survey questions for the upcoming June 2021 renewal.

List of LPNs and RNs for 2021 Criminal Background Check

The EO reported that the list of nurses who were licensed prior to July 1, 2017 and require a criminal history check for the 2021 renewals is now posted on the Board's web page and that nurses can get fingerprinted anytime through Fieldprint for the 2021 and 2023 renewal.

She also stated that once you are fingerprinted for a Hawaii nurse license, you don't have to do it again but that it must've been completed through Fieldprint using the Hawaii Board of Nursing code, fphibrdnursing.

The Chair announced for the next agenda item the Board will discuss adjudicatory matters pursuant to HRS Chapter 91 and asked if anyone attending wanted to provide testimony on any of the cases.

Staff reported that no one raised their hand.

Chapter 91, HRS Adjudicatory Matters:

At 10:54 a.m., the Chair called for a recess of the meeting to discuss and deliberate on adjudicatory matters.

Upon a motion by the Chair, seconded by Ms. Stone Murai, it was voted on and unanimously carried to approve the following Board's Final Orders:

In the Matter of the License to Practice Nursing of **April A. Beatty, RNS 2020-3-L**, Settlement Agreement Prior To Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" – "4"

In the Matter of the License to Practice Nursing of **Jessica M. Fackender, R.N.**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "A" – "B"

In the Matter of the License to Practice Nursing of **Elsa P. Talavera, R.N.**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

In the Matter of the License to Practice Nursing of **Anitalei D. Alexio, also known as Anitalei L. Davalos**, Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation, and decision, in these matters, pursuant to Chapter 91, HRS, the Chair announced that the Board was reconvening its scheduled meeting at 11:18 a.m.

The Chair announced that the next agenda item is applications and asked if anyone in attendance wanted to provide testimony or address the Board on any of the applications.

Staff stated that no one raised their hand.

The Chair asked for a motion to move into executive session.

Executive Session: At 11:18 a.m., upon a motion by the Vice Chair, seconded by Mr. Duldulao, 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 1:24 a.m. upon a motion by the Chair, seconded by Ms. Daub, 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 the Vice Chair, it was voted on and unanimously carried to approve the ratification list for LPN's 19951–19995 (44).

Applications for LPN License

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

Solomon B. Jones

Registered Nurses

Ratification List of New Licensees

Upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried to approve the ratification list for RN's 98390 – 99106 (716).

Applications for RN License

Upon a motion by the Chair, seconded by the Vice Chair, it was voted on and unanimously carried that the following individual does not meet the education requirements for RN exam/license:

Heather O'Handley

Upon a motion by the Vice Chair, seconded by Ms. Stone Murai, it was voted on and unanimously carried to defer the following application for not meeting the education requirement to sit for the NCELX:

Elsabeth D. Anchiso

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

Lisa G. Armstrong
Amy L. Hindbjorgen
Bamidele A. Adeooba
Frances J. Gravitt

Upon a motion by the Vice Chair, seconded by Ms. Stone Murai, it was voted on and unanimously carried to request that the following applicant obtain an assessment before a license is issued and if determined that further conditions are necessary, that the applicant be issued a license with conditions:

Heather L. Lawson

Upon a motion by the Vice Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to request additional information and that if the applicant cannot provide proof of working as a nurse in this State or any other state, the applicant will be required to retake the NCLEX-RN:

Laudemer M. Navarro

Upon a motion by the Vice Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to deny the following application pursuant to HRS §457-12(a)(8):

Rebecca C. Jones, aka Rebecca Roth

Advanced Practice Registered Nurses (APRN)

Ratification List

Upon a motion by the Chair, seconded by Vice Chair, it was voted on and unanimously carried to approve the APRN ratification list.

Delegation

Upon a motion by the Chair, seconded by Ms. Stone Murai, it was voted on and unanimously carried to delegate to the EO to approve applications that answer “yes” to the prior disciplinary action question, had one prior disciplinary action for practicing with a lapsed license and have completed all requirements imposed by another board of nursing.

Next Meeting:

Thursday, January 7, 2021
9:00 a.m. – Immediately following the Education Committee meeting
Virtual

The Chair announced the next Board meeting and asked if the Board members are able to attend the January meeting.

No one stated that they would not be able to attend.

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 1:36 p.m.

Taken by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

LAT

12/4/20

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____