

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, June 3, 2021

Time: 9:00 a.m.

Place: Virtual: ZOOM link: <https://dcca-hawaii-gov.zoom.us/j/99223728325>
ZOOM Phone Number: (669) 900 6833
Meeting ID: 992 2372 8325

Members Present: Carrie Oliveira, Chair
Olivia Kim, BSN, BS, RN, LPN, NHA, Vice Chair
Katharyn Daub, MNEd, EdD, RN
Jomel Duldulao, Public Member
Tammie Napoleon, DNP, APRN, PPCNP-BC
Benjamin Ramos, RN
Amy Stone Murai, APRN

Members Excused: Karen Boyer, RN, MS, FNP
Judy Kodama, MSN, MBA, RN, CNML

Staff Present: Lee Ann Teshima, Executive Officer (“EO Teshima”)
Chelsea Fukunaga, EO (“EO Fukunaga”)
Shari Wong, Deputy Attorney General (“DAG”)
Rochelle Araki, EO
James Skizewski, EO
Keaweamahionalani Y. Hurst, Secretary
Christine V. Dela Cruz, Office Assistant
Stephanie Karger, Office Assistant
Marc Yoshimura, Secretary

Guests: Dr. Poki’i Balaz, Hawaii American Nurses Association
Rhuberta Haley, Dean and Professor, School of Nursing and Health Professions,
Chaminade University of Honolulu
Liane Hussey, Hawaii Center for Nursing
Pamela Smith, Hawaii Pacific University
Marzie Valdez
Alan Yamamoto
Barbara Halle

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 and excused Ms. Boyer and Ms. Kodama from today's meeting.

Quorum was established and the Chair called the meeting to order at 8:35 a.m.

Chair's Report:

Announcements

The Chair had no announcements.

The Chair stated that the next agenda item is the approval of the minutes and asked if anyone attending wanted to address the Board.

Staff reported that no one raised their hand.

Approval of the Minutes of the May 13, 2021 Meeting

The Chair called for a motion in regard to the minutes of the May 13, 2021 meeting.

Ms. Stone Murai had some amendments to the executive session minutes.

EO Teshima stated that the Board can discuss the executive session minutes during executive session.

Ms. Stone Murai stated that she had some amendments to the minutes:

Page 4, to be amended as follows:

"Ms. Stone Murai stated that in 2006, the APRNs scope of practice was re-written to align with the NCSBN Model and specialty standards."

Page 4, to be amended as follows:

Ms. Stone Murai reported on an article on a hospital in Wisconsin that has replaced all of its anesthesiologists with CRNAs. She stated that there has been more recognition of APRNs to practice especially during the COVID pandemic, however, she is concerned that after the emergency, things will go back to "normal". She also mentioned that the State can "opt in" with CMS to allow CRNAs to practice within their scope and without physician supervision. Linda Lingle and succeeding Governors of Hawaii have not opted in.

Upon a motion by Ms. Stone Murai, seconded by Dr. Napoleon, it was voted on and unanimously carried to approve the minutes of the May 13, 2021 open meeting as amended.

Education Committee Report – May 13, 2021 Meeting

The Chair read the following recommendations from the Education Committee's May 13, 2021 meeting:

Hawaii Nursing Programs

- Hawaii Pacific University, College of Health & Society
 - ✓ New Chief Administrator – Patricia Burrell – Recommend approval.
 - ✓ CCNE Accredited MSN Program – Acknowledge

- University of Hawaii at Manoa
 - ✓ Faculty Applicant – Kimberly Parmenter – Recommend approval.

- University of Hawaii – Hawaii Community College
 - ✓ New Nurse Administrator – Luzviminda Miguel – Recommend approval

Refresher/Remedial Course(s)

- University of Hawaii at Hilo – Proposed Curriculum – Refresher/Remedial Course Offering – Status
 - ✓ To commence in June 2021, 10 students enrolled

The Chair moved to accept the Education Committee's recommendations. It was seconded by Ms. Stone Murai, voted on and unanimously carried.

Executive Officer's Report:

APRN Exclusionary Formulary – Discussion on Proposed Amendments – Continued from May 13, 2021 Meeting

EO Teshima reported that based on the discussion at the April meeting, she will continue to review and work on proposed amendments to the exclusionary formulary and welcomed any information to substantiate removing any drugs from the exclusionary formulary. She stated that she will be working with Ms. Stone Murai due to her knowledge of the history of the exclusionary formulary and hopes to have a draft for the Board's consideration at the July meeting.

Ms. Stone Murai stated that she found information from other states that she would forward to EO Teshima.

The Chair welcomed other Board members and APRNs to provide information to substantiate any amendments to the exclusionary formulary to EO Teshima.

Correspondence:

Scope of Practice Inquiries

RNs Providing Respirator Medical Evaluations, Follow-up Medical Exams and Medical Determinations Independently

The Chair reported that the Board received the following inquiry from Ala Yamamoto, HIOSH Consultation Program Manager, Hawaii Occupational Safety & Health, Consultation & Training Branch:

“Our program provides assistance to employers in order to remain in compliance with our standards and to provide a safe and healthful workplace. Our office received a question that requires the Board of Nursing's assistance.

Our respiratory protection standard, 29 CFR 1910.134 (see <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.134>) requires employers to have a Physician or Licensed Health Care Professional (PLHCP) perform a respirator medical evaluation for potential wearers of respirators in an occupational setting. For OSHA/HIOSH purposes, Physician or other licensed health care professional (PLHCP) means an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide, or be delegated the responsibility to provide, some or all of the health care services required by paragraph (e) of this section.

The question we received asks if respirator medical evaluations fall under the scope of a Registered Nurse's (RN) or Advance-Practice Registered Nurse's (APRN) license in Hawaii.

I am in possession of a December 6, 2002 letter from the Board of Nursing to Ms. Barbara G. Germann (see attached), that outlines what a RN can do relating to respirator medical evaluations. It is my understanding from this letter that a RN can administer the respirator evaluation but cannot make the medical determination independently. Is this interpretation correct? Also, does this letter still reflect current policies?

Additionally, can APRNs, based on their license/certification, provide these respirator medical evaluations independently?

The Chair asked if there was anyone in attending wishing to address the Board. Mr. Alan Yamamoto raised his hand and was elevated to a panelist.

Mr. Yamamoto stated that they want to know if an RN can perform a follow-up evaluation if an employee can physically wear a respirator.

The Chair asked the members if an RN can perform the follow-up evaluation.

EO Teshima wanted to clarify who is performing the initial evaluation, that appears to be a checklist and if the follow-up evaluation includes a physical examination.

Mr. Yamamoto stated that the employer would do the checklist, but the RN would "review" the responses.

Mr. Ramos stated that in a facility, especially during the COVID pandemic, there are various types of respirators and that an RN may be able to complete the initial checklist with the patient but the completed checklist would be forwarded to the provider of physician.

Ms. Stone Murai stated that the checklist's first section and Part A does not appear to require a medical exam, however, Part B appears to require a recommendation on medical clearance that would require a health care professional with a higher level of knowledge as this sounds like a diagnostic determination.

Mr. Ramos agreed that any diagnostic determination would have to be done by a provider.

Dr. Napoleon stated that the ability to render a diagnosis or to order a test, does not fall under the scope of practice of an RN.

Consequently, after some discussion, the Board informally opined, based on the information provided and discussion, that the “follow-up” evaluation appears to be diagnostic in nature and therefore outside the scope of practice of an RN.

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.

Article from HealthCare Dive, “Report calls for broader scope of practice for nurses, better support for equity, mental health”

The Chair asked EO Teshima if this article was sent by a Board member?

EO Teshima stated no, that she saw this article and wanted to share it with the Board as during this past legislative session, there were several bills regarding APRNs being included in sections of the HRS’ that would allow APRNs to perform mental capacity assessments, however, the Legislators questioned the APRNs ability, i.e. education/training to perform such assessments.

This article discusses nurses on the front lines reporting increasing rates of burnout, declining mental health and distrust and disengagement from the organizations employing them that would have an adverse effect on the nursing workforce. Recommendations in the article include permanently broadening the scope of practice, especially for APRNs; strengthening education and equity especially increasing coursework and hands-on experience for nursing students in community settings, primary care facilities, and rural health clinics; and promoting, tracking and managing mental health and well-being.

2021 Renewal:

Continuing Competency Learning Activity – CE vs. 2 Semester Credits

The Chair reported that the Board received an email inquiry from JoAnna Vietor:

“I am writing to check if college credits, I took are transferable to CEU for nursing license. I attended a course at KCC (Kapiolani Community College) that is a 4-credit course. From my understanding 1 credit = 10 contact hours and this would = 40 hours. The class was Adult Residential Care Home Primary Caregiver Certification. I have attached the certification as well as a link to the course. KCC is accredited through the ACCJC. <https://www.kapiolani.hawaii.edu/academics/programs-of-study/adult-residential-care-home-operator-program/#/>.”

The Chair stated that according to the Continuing Competency Booklet’s list of learning activity options, there 30 hours of continuing education and also 2 semester credit of post-licensure academic education related to nursing and the courses listed on the report from KCC indicates that she completed 4 NURS courses at 1 credit each in 2020 so there doesn’t appear a need to “convert” the credits to continuing education hours.

She asked if there was any further discussion by the Board. Being none, she asked if there was anyone in the audience who wanted to address the Board on this agenda item.

Staff reported no one raised their hand.

The Chair announced that the next agenda item are reports.

Reports:

Hawaii State Center for Nursing – Laura Reichhardt, Executive Director

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Ms. Hussey was elevated to a panelist and reported on behalf of Ms. Reichhardt:

- Thanking EO Teshima and Mr. Redulla, Administrator for the Narcotics Enforcement Division for their presentation at their APRN webinar;
- That they have received reports that the link to the workforce survey cannot be found at the end of the renewal process; and
- With such low responses to the workforce survey, they will not be able to do a report. She stated that currently they have approximately 1,000 responses whereas 2 years ago at this time of the renewal, they had approximately 10,000 responses.

EO Teshima stated that she would like to discuss the possibility of placing the workforce link on the Board's web page but not sure if the data would be valid if anyone can access and complete the survey, may not even be a nurse, but that she reach out to Ms. Reichhardt to discuss this possibility.

Hawai'i American Nurses Association – Linda Beechinor, Executive Director

Staff reported that Dr. Balaz raised her hand and was elevated to panelist.

Dr. Balaz reported on behalf of Ms. Beechinor:

- May activities for nurses week;
- Seeking CE provider status;
- Working with Chaminade on public health nurses;
- Also trying to get the word out to their members regarding the workforce survey; and
- Membership assembly June 21, 2021.

Hawai'i Association of Professional Nurses – Bradley Kuo, Legislative Coordinator

Staff reported that no one raised their hand.

The Chair announced that for the next agenda item, the Board will be going into executive session to discuss applicants for nurse license by exam or endorsement and asked if there was anyone attending wishing to provide testimony on any of the applications to please raise your hand now.

Staff reported that no one raised their hand.

The Chair asked for a motion to move into executive session may I have a motion to move into executive session in accordance with HRS §92-4 and §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;

Executive Session:

At 9:23 a.m., upon a motion by the Vice Chair, 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".

The Board resumed the meeting at 10:01 a.m. after coming out of executive session.

Chair's Report: **Approval of the Minutes of the May 13, 2021 Meeting**

Upon a motion by Ms. Stone Murai, seconded by the Chair, it was voted on and unanimously carried to approve the executive session minutes of the May 13, 2021 meeting as circulated.

Applications: **Ratification Lists**

Upon a motion by the Chair, seconded by Mr. Duldulao, it was voted on and unanimously carried to approve the following ratification lists:

LPNs, license numbers 20123 – 20132 (8);
RNs, license numbers 100777 – 100924 (147); and
APRNs and APRNs with prescriptive authority

Registered Nurses

The Chair called for a motion for the RN applications.

Upon a motion by the Vice Chair, seconded by Ms. Stone Murai, it was voted on and unanimously carried to approve the following application for RN license subject to verification that applicant holds a current and unencumbered license in another state:

Adam L. Kirby
Paulynn M. Sarabia

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

Elicia Shipman

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

Kela Fitzgerald

The Chair announced that the next agenda item was Chapter 91, HRS – Adjudicatory Matters and asked if anyone attending wanted to address the Board.

EO Teshima that Ms. Marzie Valdez was present and informed Ms. Valdez that she will be notified by staff when to call into the meeting so that she can address the Board.

At 10:07, the Chair called for a recess of the meeting.

At 10:55, the Chair resumed the meeting.

Chapter 91, HRS –
Adjudicatory Matters:

In the Matter of the License to Practice Nursing of **Maribelle D. S. Agustin, R.N.; RNS 2017-24-L**; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order – List of CE Courses

Upon a motion by the Vice Chair, seconded by Mr. Ramos, it was voted on and unanimously carried to inform the respondent to complete and submit the completion certificates for the following CE courses prior to the expiration of her probationary period of July 13, 2021:

- National Council of State Boards of Nursing: "Righting a Wrong: Ethics & Professionalism in Nursing";
- Relias Academy: "Abuse and Neglect in the Elder Care Setting"; and
- Relias Academy: "About Wound Care: Identification and Assessment."

In the Matter of the License to Practice Nursing of **Marzie A. Valdez; RNS 2017-6-L;** Board's Final Order for Noncompliance with a Previous Board's Final Order – **Refresher Course Approval for Reinstatement**

It was the consensus of the Board to:

- Deny the request for the issuance of a temporary nurse license so that the respondent can sign-up for the College of Southern Nevada's refresher course based on the fact that respondent's Hawaii nurse license is suspended until March 7, 2022; and
- Defer request for approval of the Southern Nevada's refresher course to meet the term in the March 7, 2019 Board's Final Order for Noncompliance with a Previous Board's Final Order to complete a Board-approved refresher course as respondent could not confirm the didactic hours for this course.

It was voted on and unanimously carried.

There being no further agenda items, the Chair announced the next meeting and asked if everyone was able to attend.

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

Next Meeting: Thursday, July 1, 2021
9:00 a.m. (approximate time, following the Education Committee meeting)
Virtual

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 10:56 a.m.

Taken by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

LAT

5/24/21

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____