

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 1, 2021

Time: 9:00 a.m.

Place: Virtual: ZOOM link: <https://dcca-hawaii-gov.zoom.us/j/96365632683>
ZOOM Phone Number: (253) 215-8782
Meeting ID: 963 6563 2683

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

Staff Present: Lee Ann Teshima, Executive Officer (“EO Teshima”)
Chelsea Fukunaga, EO (“EO Fukunaga”)
Shari Wong, Deputy Attorney General (“DAG”)
Rochelle Araki, EO
Marc Yoshimura, Secretary
Kellie Teraoka, Secretary
Christine V. Dela Cruz, Office Assistant

Guests: Alanna Isobe
Bradley Kuo
Jailu Navarette for Linda Beechinor
Linda Reichhardt
Pamela Smith
Peter Uluave
Rhobertha Haley
Hawaii State Center of Nursing

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: Quorum was established and the Chair called the meeting to order at 9:09 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 June 3, 2021 Meeting

The Chair called for a motion in regards to the minutes of the June 3, 2021 meeting.

Upon a motion by Dr. Napoleon, seconded by Ms. Stone Murai, it was voted on with the Chair, Vice Chair, Ms. Daub, Mr. Duldulao, Dr. Napoleon, Mr. Ramos and Ms. Stone Murai voting yes to approve the minutes as circulated and Ms. Kodama and Ms. Boyer abstaining.

Being there was a majority vote, the motion carried.

EO Teshima asked Ms. Kodama and Ms. Boyer if the reason they are abstaining from approving the minutes is because they were not present at the meeting?

Ms. Kodama said yes.

Ms. Boyer said yes and that she questioned the Board's decision on the 2021 Continuing Competency Learning Activity – CE vs. 2 Semester Credits as the nursing courses in question are nurse aide courses.

The Chair stated that the inquiry asked if the courses taken would count towards the continuing competency requirement for continuing education and the Board determined that based on the information provided, there was no need to convert the semester credits to continuing education hours.

Ms. Boyer stated that her concern is that the courses in question are nurse aide courses and not necessarily for "nurses" continuing competency.

EO Teshima stated that she will place the matter on the agenda again for the August 5, 2021 meeting.

Education Committee Report – May 13, 2021 Meeting

The Chair reported that the Education Committee Report for the May 13, 2021 meeting was amended as follows:

Hawaii Nursing Programs

- University of Hawaii at Manoa
 - ✓ Faculty Applicant – Kimberly Parmenter – Deferred – No quorum.

Upon a motion by Dr. Napoleon, seconded by Ms. Stone Murai, it was voted on with the Chair, Vice Chair, Ms. Daub, Mr. Duldulao, Dr. Napoleon, Mr. Ramos and Ms. Stone Murai, Ms. Kodama and Ms. Boyer voting yes to approve amended Education Committee Report from the May 13, 2021 meeting.

Executive Officer's
Report:

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

EO Teshima reported that based on the discussions at previous board meetings regarding requests to amend the APRN exclusionary formulary, she compiled a “draft” of proposed amendments to HAR §16-89-122 to “start” the discussion.

The Board reviewed the current exclusionary formulary and discussed proposed amendments as follows:

Investigational drugs except as part of an IRB-approved clinical trial

There were no concerns with keeping this drug category in the APRN exclusionary formulary.

EO Teshima confirmed with Mr. Kuo that APRN's are able to prescribe investigational drugs only in an IRB-approved clinical trial.

Stimulants and hormones for treatment of obesity

There was discussion if this category of drugs should remain on the exclusionary formulary without the words “for treatment of obesity” or removed completely.

EO Teshima asked why APRNs could not prescribe stimulants and hormones in a safe manner to “treat” obesity as it relates to the health of an individual and asked for articles or studies that provide for justification that APRNs are/should be allowed to prescribe stimulants and hormones in general.

Human Growth hormones, anabolic steroids, or hormones for performance enhancement or decreasing the impact of aging

Mr. Kuo raised his hand.

The Chair acknowledged Mr. Kuo and Ms. Reichhardt and they were elevated to panelists.

Mr. Kuo stated that he forwarded the proposed amendments to the APRN exclusionary formulary to the HAPN board and in general, the response was that maintaining an exclusionary formulary prohibits access to care.

The Chair asked if anabolic steroids or hormones could be used for other health related illnesses and not for performance enhancement.

Mr. Kuo stated that there are testosterone clinics that use anabolic steroids and there is hormone therapy for transgenders.

The Chair clarified so there is a difference between using anabolic steroids for athletes who want to enhance their athletic performance or physique, compared to someone who has an erection problem.

Ms. Stone Murai stated that we should also take into consideration the “history” of the APRN Formulary Advisory Committee and why they placed these drug categories on the APRN exclusionary formulary with the specific language and should also consider safety and if there is a health issue. She added that the exclusionary formulary is reflective of the times. Board members can find the JFAC Report to the Legislature from 2004 on the BON website for detailed information.

Mr. Kuo stated that APRN's no longer require supervision by physicians. Those that have been independent practitioners for a while now have been practicing fine without the exclusionary formulary. His Board does not feel supervision by physicians is necessary.

Methadone for maintenance or detoxification of a narcotic-dependent person as restricted in HRS 329-121

EO Teshima stated that there needs to be discussion with the Narcotics Enforcement Division should the Board want to remove this category of drugs because this would require amendments to HRS Chapter 329, Uniform Controlled Substances Act through the legislature and that she's not sure this is a "good" time to submit legislation relating to APRNs and controlled substances based on the 2020 Legislative session where the APRNs education and training were "questioned".

Medical marijuana as restricted in HRS section 329-121 (see below: Medical Marijuana)

EO Teshima that this also must remain as no healthcare practitioner may "prescribe" medical marijuana, not even physicians. Healthcare practitioners may "qualify" patients only.

Ms. Reichhardt stated that there should be parameters for feed-back and referred to investigation, off-label use, DEA and possibly clarifying language.

The Chair asked what is next.

EO Teshima stated that she would like to see some "evidence" that would justify removing or clarifying the drug categories under the current exclusionary formulary and she will continue to research the discussions of the APRN Formulary Advisory Committee meetings with the assistance of Ms. Stone Murai who has provided information from other Boards of Nursing.

The Chair welcomed other Board members and APRNs to forward information to substantiate or justify any amendments to the exclusionary formulary to EO Teshima for discussion at the August meeting.

Definition of "Encumbered" – As Defined in the NCSBN Model Act 2012

EO Teshima wanted to clarify the definition of "encumbered" in the NCSBN Model Act 2012 as follows:

""Encumbered" means "a license with a current discipline, conditions or restrictions."

There was no further discussion on this matter.

Correspondence:

Scope of Practice Inquiries

RNs "Compounding and Administering IVs"

Revisit Informal Opinion from April 1, 2021 Meeting

EO Teshima stated that subsequent to the April 1, 2021 meeting where the Board's information interpretation was that RNs may compound and administer drugs, the Board of Pharmacy also had received inquiries from health care practitioners asking if they were permitted to start a hydration business, including adding vitamins to IVs.

She reported that it was the Board of Pharmacy's informal interpretation that because an IV bag is considered a sterile product adding anything, including vitamins may be considered sterile compounding but also deferred to the FDA.

Also, discussion with the FDA determined that only pharmacists and physicians may "compound" a product but that it is unclear if "adding" vitamins to a sterile IV is considered "compounding" and that she will try to pose that question to the FDA and that the Board needs to revisit interpretation from a prior board meeting when it was stated that RN's are able to compound.

Inquiry from Carrie Baker – NP Owned Mobile IV Infusion Clinic

The Chair reported that the Board received an email from an APRN:

"I am an experienced APRN practicing on Oahu for the last few years. I am looking into opening an NP-owned mobile IV infusion clinic, but am interested in learning about any rules and regulations surrounding the mixing of medications for administrations as an APRN. I realize HI is an independent practice state but wanted to make sure I am practicing fully within my scope of practice"

The Board posed the question if APRNs can mix (compound) drugs.

Mr. Kuo raised hand and was promoted to panelist. He confirms that the terms mixing and compounding have distinctly differing definitions. Mr. Kuo's interpretation of mixing uses the 3-3-1 rule – able to mix three products into a syringe, times two, place solution into IV bag, which acts as the third ingredient, resulting in final product; compounding requires a hood, which requires potentially utilizing more ingredients.

The Chair and Mr. Kuo requested for a clear, concise definition from the FDA regarding mixing and compounding.

EO Teshima shared definition from Section 503A of the Federal Drug and Cosmetics Act that defines compounding as it "does not include mixing, reconstituting or other such acts that are performed in accordance with directions contained in approved labeling provided by the products manufacturer and other manufacturer directions consistent with that labeling."

After further discussion, EO Teshima stated that she will contact the FDA to see if she can get further clarification.

Ms. Kodama experienced technical difficulties. She signed off at 9:35 a.m. and returned at 10:04 a.m.

2021 Renewal:

EO Teshima stated statistics for the number of 2021 renewal are not yet available.

The Chair asked if anyone from the public has questions or testimony on this agenda item.

Staff confirmed no one raised their hand.

Reports:

Hawaii State Center for Nursing – Laura Reichhardt, Executive Director

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Ms. Reichhardt was elevated to a panelist:

- Thanking EO Teshima for diligently working with the Hawaii State Center for Nursing in addressing issues with the workforce survey corresponding with renewals, with request to leave survey online until July 31st
- Completion numbers significantly increased when issue was fixed;
- Received 3,361 responses as of meeting, where minimum was 2,500, which is enough surveys to product a report
- Postcards, with mention of survey, were postmarked Friday, June 25, and were being received following Monday, June 28; and
- On September 30th and October 1st, HSCN will host an Evidence Based Practice Workshop for educators in clinical settings and school of nursing faculty, with *Old Institute for Evidence Based Practice (heard wrong?)* will be speaking in support of Department of Labor and Industrial Relations Healthcare Workforce Advisory Board

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

Ms. Jailu Navarette was elevated to panelist, who reported on behalf of Ms. Beechinor:

- Participated in ANA National Membership Assembly, and directed ANA board to adapt three positions
 - Endorse universal healthcare coverage
 - To advocate and authorize APRN's to be employed directly by skilled nursing facilities and bill Medicare for services;
 - To take action to advance preparation of nurses and the profession to respond to future disasters and pandemics, including efforts in each state
- Presented three bills before Congress
 - PPE Act in America – to authorize pilot project for DHHS to address lack of personal protection equipment provided to nurses throughout pandemic, which was co-sponsored by U.S. Representative Ed Case
 - Connect For Health Act – continues benefits of telehealth realized by patients and healthcare community through pandemic, which was sponsored by U.S. Senator Brian Schatz
 - Workplace Violence Protection for Healthcare and Social Service Workers Act – to direct OSHA to require employers and facilities to prevent and enforce standards of practice addressing violence on nurses (i.e. assault response, security personnel). This bill was passed in the House and was voted on by U.S. Representatives Ed Case and Kai Kahele
- National Commission to address racism in nursing, which is occurring in many mainland states by forming workgroups with nurse leaders in facilities to develop toolboxes for nurses to adopt and use to promote diversity, equity, and inclusion
- ANA is realigning position on mandatory vaccinations of RNs to include CO-VID on list
- Continuing Mentoring Program that was launched in May 2021, and held first monthly event in June 2021, which will occur once a month for the next six months
- Upcoming events include the Hawaii ANA National Membership Assembly, ending of October or early November, which is open to all nurses
 - This will support CE's, free for members, networking, business meeting to discuss bylaws, revisions and election of Board of Directors and officers.

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

Mr. Kuo was elevated to panelist:

- HAPN continues involvement with the Hawaii vaccine distribution group that is headed by the Department of Health, with Board members participating in different vaccine groups;
- Continues to be involved with the Hawaii Leadership Nursing Consortium, working with Linda Beechinor
- On July 17th at 9:00 a.m. the Hawaii Association of Professional Nurses, which is the first year participating with this committee will be presenting a program that is in part sponsored by the Watson Caring Science Institute, with presentation titled "Grief Connects Us" hosted by Dr. Joseph Stern, a Neurosurgeon, with conversations of love, loss and compassion
- Registration is on HAPN Facebook page

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 applicant Peter Uluave is in attendance and will provide testimony in executive session.

The Chair announced that the Board will be moving into executive session to discuss individuals applying for a nurse license and asked for a motion.

Executive Session:

At 10:34 a.m., upon a motion by Ms. Boyer, 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".

The Board resumed the meeting at 11:04 a.m. after coming out of executive session.

Applications:

Ratification Lists

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

LPNs, license numbers 20133 – 20143 (11);
RNs, license numbers 100925 – 101106 (177); and
APRNs and APRNs with prescriptive authority

Registered Nurses

The Chair called for a motion for the RN applications.

Upon a motion by Ms. Daub, seconded by Ms. Boyer, 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:

Bridget McGriff
Peter Uluave
Charlene M. Herrero

The Chair announced that the next agenda item, the Board will be discussing adjudicatory matters and asked if anyone attending wanted to provide testimony or address the Board on any of the adjudicatory matters.

Staff reported that no one raised their hand.

At 11.05 a.m., the Chair called for a recess of the meeting pursuant to Chapter 91, HRS to discuss adjudicatory matters.

Chapter 91, HRS –
Adjudicatory Matters:

Upon a motion by the Chair, seconded by Ms. Napoleon, it was voted on and unanimously carried to approve the following adjudicatory matters:

In the Matter of the License to Practice Nursing of **Brandy M. Pousson-Bertrand, L.P.N., RNS 2021-27-L**: Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order, Exhibit "1"

In the Matter of the License to Practice Nursing of **Lynda A. C. Hirakami, APRN; RNS 2019-50-L**; 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 **Kimberly M. Cutler; RNS 2021-37-L**; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "A" to "B"

In the Matter of the License to Practice Nursing of **Aniebiet I. Ekpri, aka Aniebiet I. Udom, aka Aniebiet I. Ekpri-Udom; RNS 2021-238-L**; 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 **Pamela I. Carriaga, L.P.N.; RNS 2020-54-L**; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Upon a motion by the Chair, seconded by Ms. Stone Murai, it was voted on and unanimously carried to inform respondent Nicole-Marie B. Duarte, R.N. fka Nicole-Marie B. Bonilla to complete the following NCSBN-approved continuing education courses and to provide submission of certificates of completion pursuant to the Board's Final Order for RNS 2020-24-L:

- Professional Accountability
- Righting a Wrong
- Professional Boundaries

In the Matter of the License to Practice Nursing of **Nicole-Marie B. Duarte, R.N., fka Nicole-Marie B. Bonilla; RNS 2020-24-L**; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final order; Declaration of Nicole-Marie B. Duarte, R.N. fka Nicole-Marie B. Bonilla, R.N. –Compliance with CE Courses

Upon a motion by the Chair, seconded by Ms. Stone Murai, it was voted on and unanimously carried to request that the respondent, Malia P. Asing, submit proof of compliance with the employer notification pursuant to RNS 2018-39-L:

In the Matter of the License to Practice Nursing of **Malia P. Asing, R.N.; RNS 2018-39-L**; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final order; Exhibit "1" – Compliance with Monitoring and Employer Notification

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 12:03 p.m.

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, August 5, 2021
8:30 a.m.
Virtual

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 12:04 p.m.

Taken by:

/s/ Marc Yoshimura
Marc Yoshimura
Secretary

Reviewed by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

LAT

7/27/21

Minutes approved as is.

Minutes approved with changes; see minutes of _____