

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 7, 2021

Time: 9:00 a.m.

Place: Virtual: ZOOM link: <https://dcca-hawaii-gov.zoom.us/j/92952975462>
ZOOM Phone Number: (253) 215 8782
Meeting ID: 929 5297 5462

Members Present: Carrie Oliveira, Chair
Katharyn Daub, MNEd, EdD, RN
Jomel Duldulao, Public Member
Judy Kodama, MSN, MBA, RN, CNML
Benjamin Ramos, RN
Amy Stone Murai, APRN

Members Excused: Olivia Kim, BSN, BS, RN, LPN, NHA, Vice Chair
Tammie Napoleon, DNP, APRN, PPCNP-BC
Karen Boyer, RN, MS, FNP

Staff Present: Lee Ann Teshima, Executive Officer (“EO Teshima”)
Chelsea Fukunaga, EO (“EO Fukunaga”)
Shari Wong, Deputy Attorney General (“DAG”)
Marc Yoshimura, Secretary
James Skizewski, Executive Officer

Guests: Linda Beechinor, Hawai'i American Nurses Association
Bradley Kuo, Legislative Coordinator, Hawai'i Association of Professional Nurses
Linda Reichhardt, Executive Director, Hawaii State Center for Nursing
Rhobertha Haley
Don Oliva
Dr. Poki'i Balaz
Julie Brestle
Ofelia Wentt
Pamela Smith
Stacey Nugent
Sonseeahray Bury
Christopher “Heath” Brown

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 August 5, 2021 Meeting

The Chair asked if there was any discussion/corrections to the minutes of the September 2, 2021 meeting.

There being none, upon a motion by Ms. Daub, seconded by Ms. Stone Murai, it was voted on and unanimously carried to approve the minutes of the September 2, 2021 meeting as circulated.

The Chair announced that the Board will be reviewing applications and asked if there was anyone attending who wanted to address the Board.

Staff reported that no one raised their hand.

The Chair asked for 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;

At 9:11 a.m. Ms. Kodama joined the meeting.

Executive Session: At 9:12 a.m., upon a motion by Ms. Stone Murai, seconded by Ms. Daub, it was voted on and unanimously carried to move into executive session.

The Board resumed the meeting at 9:53 a.m. after coming out of executive session.

Applications: **Ratification Lists**

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

LPNs, license numbers 20185 – 20211 (27);
RNs, license numbers 101916 – 102539 (624); and
APRNs and APRNs with prescriptive authority

Applications for Licensed Practical Nurses, Registered Nurses and Advanced Practice Registered Nurses

The Chair called for a motion for the applications.

Upon a motion by Mr. Duldulao, seconded by Ms. Stone Murai, it was voted on and unanimously carried to approve the following applications for LPN, RN and APRN license(s):

Julie Brestle
Ofelia Soriano Wentt
Tracey M. Romero
Jay Lee Blake
Sarah M. Clifron-Luevano
Stacey D. Nugent
Christopher Brown

Upon a motion by Mr. Duldulao, seconded by Ms. Stone Murai, it was voted on and unanimously carried to delegate to the EO to approve the following application for RN license, subject to receipt of additional information:

Sonseeahray Bury

The Chair mentioned the following application for RN license is to be deferred, pending additional information:

Amanda Balliet Brooks

Faculty Applications

The Chair recused herself from voting on the following applications.

Upon a motion by Mr. Duldulao, seconded by Ms. Stone Murai, it was voted on and unanimously carried to approve the following faculty applications:

Lee Froning
Alexandra D. Michel
Heather Postema
David Yano
Deborah Lichota
Jesse V. Tabaniag
Kimberly Pateman
Jessica Niles
Misty Lilinoe Smith
Megan Miller
Carrie Alexander
Julia Herrington
Eludrizza Tabisola-Nuesca
Uliana Kostareva
Nicole Vierra
Brittney Patterson-Lazzaro
Corazon M. Toledo
Liliuokalani Hiraide
Mona Abukhaled
Chad R.H. Godfrey

Upon a motion by Mr. Duldulao, seconded by Ms. Stone Murai, it was voted on and unanimously carried to defer the following faculty application, pending additional information:

Kellen Sumida

EO Teshima asked if anyone attending wanted to address the Board in regard to the decision of their application.

Mr. Brown raised his hand. Staff promoted him to panelist.

Mr. Brown thanked the Board for approving his application.

Mr. Brown was switched back to a guest.

There being no further discussion on the applications, the Chair asked if anyone attending wanted to address the Board on the next agenda item, adjudicatory matters.

Staff reported that no one raised their hand.

Chapter 91, HRS –
Adjudicatory Matters:

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

In the Matter of the License to Practice Nursing of **Kris N. Szelag; RNS 2021-371-L;** Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1" – "2"

In the Matter of the License to Practice Nursing of **Margaret K. Houk; RNS 2021-300-L;** Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Executive Officer's
Report:

APRN Exclusionary Formulary – Status Report

EO Teshima reported that she is currently working on a draft, and hopes to have a draft ready for the upcoming November 2, 2021 meeting, which will also be forwarded to Ms. Stone Murai for review.

Scope of Practice Decision Making Model -- Update

EO Teshima stated she received feedback from the Vice Chair and Mr. Ramos. She thanked them for taking time to review the current model. She mentioned that the Vice Chair sent her the Texas decision making model.

EO Teshima mentioned she will compile feedback and work on a draft for the Board to review at the November meeting.

CE Broker MOU

The Chair acknowledged Mr. Oliva is in attendance to discuss the CE Broker MOU, and its potential integration for the Board of Nursing.

Mr. Oliva was promoted to panelist.

Mr. Oliva shared a presentation providing a recap on how the CE Broker works:

- The CE Broker is a unique software company that partners with licensing boards to simplify and automate the process of continuing education and enforcement. This is accomplished by working with the three main stakeholders:
 - License holders (individual nurses);
 - Educational providers and course instructors; and,
 - Licensing board or regulatory agency
- Key tools are provided for each of the three stakeholders:
 - License holders
 - Able to sign on to CE Broker to see outline of requirements;
 - Find approved continuing education (courses directly approved by Board or satisfy Board requirements (ie ANCC accreditation);
 - CEU's can be reported and uploaded, giving the Board immediate access.
 - Could be utilized as a tool to approve CE audits
 - Educational providers
 - Able to submit application directly to a Board for approval
 - Certain Boards, for example Florida, will do direct approvals for certain subject areas
 - System can also be programmed to do approvals based on criteria
 - Example: If Hawaii accepts any courses that are ANCC accredited or approved by another nursing board, CE Broker can be programmed to include specific criteria which would provide a helpful course search for license holders (nurses) to browse for approved courses
 - CE Broker does not create any CE courses
 - License board
 - Staff members have ability to sign in to website to check on CE records for any licensee under their jurisdiction, as well as generate audits and pull compliance reports
 - Example: Ability to pull detailed information on status of overall population of nurses to view number of licensees who are meeting their competency requirements
- CE Broker does not require any private, confidential information of license holders
 - Essential information includes:
 - License name
 - License number
 - Issue date of license
 - Expiration date of license
- Funding model behind CE Broker
 - No cost to state, as CE Broker operates on a “zero dollar SLA or MLU agreements” with various boards
 - No cost applies to:
 - Implementation
 - On-going support

- Customization
- Upload, report documents
- Access to detailed course history
 - Includes courses which are self-reported, or by an educational provider
- Majority of revenue is through voluntary subscriptions with license holders, which account for 10-15% of current users
 - About 80-85% of current 2 million licensees using CE Broker are utilizing the free, basic account
- Professional Account - \$29/year; Concierge Account - \$99/year
 - Benefits:
 - CE Broker can handle the entire compliance process
 - Upload and report documentation
 - Provide access to a detailed, individualized transcript which will look through different subcategories and recommend a missing course
- 24 hour assistance is available for inquiries regarding state specific requirements, update on upcoming deadlines and changes

Mr. Oliva asked the Board if there are any questions.

Ms. Stone Murai had the following questions:

- *What is "heart card" tracking?*
 - Mr. Oliva responded this is a certification which can be tracked through ACLS and American Heart Association. This certification can be entered into CE Broker account and can monitor alongside information for state license requirements. This is an added benefit, separate from state licensure
- *Does CE Broker have agreements with all of the national certifying agencies, which may require taking "x" number of credits in certain categories? And, can this be automatically fed into the free account or solely to paid accounts?*
 - Mr. Oliva responded there are many organizations which offer credentials that would allow a nurse to distinguish themselves as beyond that of state licensure. He mentions NCSBN and ANCC as having many certifications available for nurses. Good thing is that if these certifications have CE requirements, licensee can export, for free, all CEUs from CE Broker, and transfer to transcript. This is at no cost. They are currently trying to work with more partnerships, national associations, so they can start checking CE directly through CE Broker.
- *As there is no cost to Board for data uploads, is there staff time involved in preparing these uploads?*
 - Mr. Oliva responded the only information CE Broker requires from the Board is a roster of all licensed nurses. When signing up for free account, the system will ask for basic information (name, license number) which is checked against roster provided by the Board. In regards to time from the Board, this can not be controlled, but CE Broker does their best to assist. If there is an IT person, or staff member who can pull the reports and submit to CE Broker, there are guides that can be created on process to submit data files. CE Broker can also work with a third party vendor to automate process.
- *Where are [CE Broker's] servers located?*
 - Mr. Olivia responded locations are in Louisville, Colorado and Jacksonville, Florida. They do have geo redundant servers and SLA's specifies a 99.8% uptime guarantee, but otherwise do not have unplanned downtime of servers. They really pride themselves in maintaining a reliable service for clients, especially when it comes to CE requirements for state licensure.

- *You do provide a fully staffed support center, but due to time zone differences, we would have a much shorter access period in a normal day than those on the mainland. How busy are those support centers, and are nurses licensed in Hawaii going to be constantly be placed in a queue?*
 - Mr. Oliva responded that CE Broker would be more than willing to accommodate the Board by employing additional agents as needed for a time zone request. Mr. Oliva added that agents in their support centers are not outsourced and that CE Broker trains and manages their entire support center through phone calls, online chat, and email.

The Chair posed the following questions:

- *Is the culling together of available CE's something that only happens if there is an MOU between CE Broker and the Hawaii Board of Nursing? Of is this something the individual user could have access to the library of available CE's the third parties are offering?*
 - Mr. Oliva responded that the course search on CE Broker is available to individuals without even having to create an account. Courses can be searched by state, license type, and can be broken down by subject area. The challenge is that Hawaii's list will need to be created, but only after there is a working MOU or relationship is built with the Board. Course list for Hawaii would be customized based on state requirements.
- *With respect to the audit side, the value of this tool would be contingent on percentage of individual nurses who choose to sign up for CE Broker. If there is a low percentage, is it accurate that this would not be a helpful audit tool?*
 - Mr. Oliva states this is a fair assessment, though it really depends on the language that the Board chooses when they introduce CE Broker. For example, when the Kentucky Board of Nursing rolled out their platform, they told their licensees that outside of an audit, they are able to store CEU's however they wish. The Kentucky Board of Nursing conducts a random audit for 2% of licensees, from a list that CE Broker generates. The platform will be the official to upload documents, where CE broker will check if requirements are met.

EO Teshima shared that based on the latest MOU provided, which Mr. Oliva also mentioned, requires the Board will have to submit daily, weekly, or monthly submissions of license data. We are currently unable to provide this service and asked if this would be a deal breaker. The EO also discussed the "list builder" site that is available on our Professional and Vocational Licensing webpage. The "list builder" site allows anyone to order a list of licensees that includes: the licensee's name, license number, issued date, and expiration date. In addition, the renewal of a Hawaii nurse license it is not solely based on CE completion. We have a continuing competency requirement, which includes other learning activity options and also identifies exemptions to continuing competency requirement.

Mr. Oliva mentioned there are other state boards who operate with similar continuing competency requirements. Georgia has five different options, which includes working a certain number of practice hours for their employer or maintaining a national certification. CE Broker allows for these various requirements to be uploaded.

EO Teshima inquired about the data submission requirement.

Mr. Oliva responded that he would love to start a conversation with an IT member, or department, or loop in his operations team to see if there is possibility to create the least amount of work in regard to data submission. New Mexico has a system set-up that automatically transfers data nightly. In turn, licensees are able to create a CE Broker account the following day.

EO Teshima stated that the current database utilized by the Hawaii Board of Nursing is capable of producing an audit list for each respective renewal. EO Teshima inquired whether CE Broker would be able to produce a report indicating which nurses reported to CE Broker if the audit list was provided.

Mr. Oliva shared that this is possible by exporting list and importing to CE Broker or can build an audit from scratch through CE Broker. Provided audit list can be matched to those individuals who do have a CE Broker account. In addition, CE Broker can adjust system to enable individuals to self-report and upload CE's that may not be listed, while also collecting necessary information which Board requires.

Ms. Stone Murai asked if system is able to identify if continuing competency required is met or not.

Mr. Oliva answered that the system can prevent individuals from uploading document if course does not meet requirement of Board.

The Chair asked EO Teshima if CE Broker functions as well as explained, would this be helpful to staff in conducting audits.

EO Teshima responded that if CE Broker can match up our audit lists with those who have created an account, it would ease paperwork currently required to audit documents. This would be contingent on whether our IT staff can upload weekly reports and whether CE Broker is able to deliver on what it promises.

Mr. Oliva notes a Client Success Manager will be assigned, who will be familiar with Hawaii rules. He reiterates importance of working with our IT staff to ease the transfer of reports without creating more work for the Board. This is part of their MOU, as they try to keep these agreements as lean as possible for the Board. Mr. Oliva added that even if the Board enters into an agreement with CE Broker, the Board has the right to walk away at any time. However, CE Broker requests that the Board a 30-day notice prior to terminating the agreement. Mr. Oliva reiterated that the two main expectations for the Board are: 1) That they provide a roster of non-confidential licensee data

which allows them to create the accounts that licensees can claim and; 2) That the Board provide initial clarification of CE rules and regulations. An Implementation Specialist is provided. Test accounts would be created from information provided. The Board will have the ability to assess the functionality prior to approval.

EO Teshima followed up asking if CE Broker is the only company that offers this service.

Mr. Oliva responded that in the space of nursing, yes. They are unaware of other audit systems or CE trackers available for nurses.

EO Teshima asked if Mr. Oliva has approached NCSBN to have some kind of agreement as they oversee all of the boards of nursing in the United States, of whom are all members.

Mr. Oliva says their leadership team has spoken to NCSBN and ORBS product team. NCSBN is worried about the political risks of trying to force anything on the boards.

EO Teshima said that Mr. Oliva provided a lot of great information. If the Board wants admin to look into CE Broker more closely, she is willing to follow-through to obtain information required.

The Chair shared that if CE Broker operates as is described, this would be a wonderful tool for the Board and nurses. Barring the possible drawbacks of data uploads, she views no downsides of implementation.

Mr. Oliva reiterated the free accounts are viewable to the Board, with the licensees able to upload their own documents. The paid accounts include the same, with the inclusion of CE Broker being able to upload documents automatically for the licensees. If licensees take courses, whether listed on CE Broker, or outside of CE Broker, licensees pay the cost attached to that course, even for the paid accounts.

The Chair asked if any Board members would be inclined to not endorse CE Broker.

Ms. Kodama asked should they not endorse, can individual still sign up for an account and utilize CE Broker to export from certification providers.

Mr. Oliva responded that without any kind of relationship with the state, individuals will be unable to claim a CE Broker account. When registering, even for a free account, they would be unable to verify license number, name to a roster, as the roster would be unavailable.

EO Teshima clarified with Mr. Oliva whether individuals licensed in Hawaii, have the ability to search CE Broker for CE courses. If the individual does not have an account, will CE Broker still be able to keep track of the individual's continuing education.

Mr. Oliva answered yes, individuals can still search for courses provided by other states boards. If they choose Hawaii, no courses would not be present.

Mr. Ramos inquired if a beginner's tutorial is available on CE Broker.

Mr. Oliva responded yes, and provided the following link: help.cebroker.com, which includes a full knowledge base including how to link multiple licenses, how to report CE's, how to find course search.

The Chair asked the Board that should they feel okay with the use of CE Broker, and if entered into an agreement that they ultimately feel comfortable, provided it works for EO Teshima.

It was the consensus of the Board that the final decision be made by the EO and administration.

Mr. Oliva thanked the Board for their time and stated he is looking forward to the possibility of working with the Hawaii Board of Nursing.

There being no further discussion, the Chair announced the next agenda item.

University of Hawaii at Manoa Acting Dean – Clementina D. Ceria-Ulep, PhD, MS, RN

The Chair recused herself, and appointed Ms. Daub for discussion.

Ms. Daub shared that due to the retirement of Dean Mary Boland, the Board received notice of Dr. Ceria-Ulep as the acting Dean.

Upon a motion by Ms. Daub, seconded by Ms. Stone Murai, it was voted on and unanimously carried to accept. Dr. Ceria-Ulep as the acting Dean for the University of Hawaii at Manoa's nursing program.

Ms. Daub asked if anyone attending wanted to address the Board on this agenda item.

Staff reported that no one raised their hand.

Animal Ivermectin – Advisory from the Food and Drug Administration (“FDA”)

EO Fukunaga noted this agenda item acts as an FYI.

EO Fukunaga shared the FDA issued a notice to all veterinarians and retailers of animal health care products regarding dangers of using ivermectin. There were reports of people using animal ivermectin for human use in high amounts considered dangerous. EO Teshima drafted notice that is posted on Professional and Vocational Licensing webpages for Veterinary Board, Hawaii Medical Board, Board of Nursing, and Board of Pharmacy, advising individuals to avoid using animal ivermectin.

California Emotional Support Animal Law – FYI

EO Fukunaga reported a bill is going through the California legislature regarding emotional support animals. A nurse practitioner's license could be in jeopardy if they falsely certify a need for an emotional support animal and do not clearly identify that an emotional support animal is not a trained service animal.

EO Fukunaga stated we may receive a similar bill in the upcoming Legislative Session, which is the reason sharing this.

Nurses and COVID-19

EO Fukunaga mentioned misleading information regarding COVID-19 cures, that are not scientifically based, being circulated in Hawaii.

The Chair asked if there were any discussion.

There being no discussion, the Chair moved onto the next agenda item.

Reports:

Hawai'i State Center for Nursing – Laura Reichhardt, Executive Director

Ms. Reichhardt reported that recently released GEO reports on the Professional and Vocational website confirm shrinking of the nursing workforce in Hawaii. Over several months, they have noted there are job applications and postings, but individuals are not applying for jobs.

- There is a 39% loss of LPN's from previous license cycle to the current license cycle, according to the data released on September 24, 2021; of which 29% loss is among LPN's who reside in Hawaii.
- This is alarming news as schools across the state have experienced shrinking of nurse faculty, and a large exodus of nurse faculty – a double digit loss. This will lead to less ability to train future nurses. A policy or information brief regarding this situation is forthcoming.
- . Kapiolani Community College filled up only 25% of their total enrollment capacity for the Fall 2021 semester. This will also require action by the state. In years past, the state has funded nursing faculty positions, via the state budget line for the University of Hawaii system.
- Results for the Workforce Survey are starting to be released with infographics, that can be found on the HSCN website. The first two are related to life-long learning and wellness. Ms. Reichhardt will send links for both infographics to EO Teshima to possibly share during next board meeting.
- The Center is working on a bill that has been approved by their advisory board, and has been sent to the Director of DCCA, PVL Licensing Administrator, and EO Teshima.
 - This bill aims to increase the HSCN license fee, for the first time, from \$40 to \$60.
 - This bill also aims to make the nursing license survey a requirement. They looked at the Department of Education requirements for vaccines, for public education as an example, which is established in state law. This survey will not be punitive to the student, or to nurses. They do not want to remove nurses from the workforce if they do not submit the survey. However, they have learned through the COVID pandemic that this data is critical to addressing and ensuring there are enough nurses in our state, to maintain public safety, and safety of the nursing workforce.

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

Ms. Beechinor reported:

- Approaching 312 members OIANA, with an additional 124 members who are Hawaii nurses who reside in Hawaii but are not part of the state association. Additional staff may be hired if membership reaches 500 members.
- Annual Conference is being held Saturday, October 9, 2021, with Mary Boland and Laura Reichhardt as speakers, and includes 8 CE hours. 43 people are currently registered to attend, with an additional 21 students.
 - Creating new by-laws and electing new board of directors are on the agenda.
- In regards to upcoming legislative session, HIANA is part of a coalition looking to introduce a bill regarding mandatory overtime, Nurses view this as a major issue in being able to tolerate working conditions. Coalition includes Ms. Reichhardt and two Philippine nurses organizations

EO Teshima requested that HNA inform the Board about the measures they are planning to propose during the next legislative session. EO Teshima indicated that they should present their plans prior to the beginning of the January 2022 legislative session.

Ms. Beechinor indicated that she had a couple of meetings with HNA, but noted that their leadership team are full-time nurses at Queens, and is unable to speak as to their availability to meet. Ms. Beechinor also approached HNA to work with Ms. Reichhardt to form a coalition for further assistance with creating bills.

- The issue of mandatory overtime for nurses is being directed to the Department of Labor.

EO Teshima expressed that possibly the Board and/or EO may be interested in participating in this coalition.

There being no further agenda items, the Chair announced the next meeting.

Next Meeting: The Chair asked if everyone is able to attend the next meeting:

Thursday, November 4, 2021
9:00 a.m.

Ms. Napoleon may not be able to attend next months meeting.

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 11:41 a.m.

Taken by:

 /s/ Marc Yoshimura
Marc Yoshimura
Secretary

Reviewed by:

 /s/ Chelsea Fukunaga
Chelsea Fukunaga
Executive Officer

10/19/21

Minutes approved as is.

Minutes approved with changes; see minutes of _____