

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, September 1, 2022

Time: 9:00 a.m.

In-Person Meeting Location: King Kalakaua Building, 1st Floor
Queen Lilioukalani Conference Room
335 Merchant Street
Honolulu, Hawaii 96813

Virtual: Virtual Videoconference Meeting – Zoom Webinar (use link below)
<https://dcca-hawaii-gov.zoom.us/j/97251233684>

Zoom
Phone
Number: (669) 444 9171
Meeting ID: 972 5123 3684

Members Present: Carrie Oliveira, Chair
Olivia Kim, BSN, BS, RN, LPN, NHA, Vice Chair
Karen Boyer, RN, MS, FNP
Tammie Napoleon, DNP, APRN, PPCNP-BC
Luzviminda Miguel, DNP, MSN Ed., RN
Diana Jill Riggs, RN, MSN
Amy Stone Murai, APRN

Members Excused: Benjamin Ramos, RN
Jomel Duldulao

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

Guests: Laura Reichhardt, Hawai'i State Center for Nursing
Linda Beechinor, Hawai'i American Nurses Association
Bradley Kuo, Hawai'i Association of Professional Nurses
Pamela Smith
April Beatty
Steven Farmer
Brianna A. Kuwabara, HSCN
Kris Clark

For purposes of this hybrid 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.

Virtual Meeting
Instructions:

A short video regarding virtual meetings was played for attendees.

The Chair provided information on internet and phone access for today's virtual meeting and announced that today's meeting was being recorded and that the recording will be posted on the Board's web page.

Call to Order:

The Chair took roll call of the Board members and excused Ms. Napoleon from today's meeting.

In accordance with Act 220, SLH 2021, all Board members attending virtually confirmed that they were alone in their nonpublic location.

After taking roll, quorum was established and she called the meeting to order at 9:12 a.m.

Chair's Report:

Announcements

The Chair stated there were no announcements.

Approval of the Minutes of the August 4, 2022 Meeting

The Chair stated this agenda item is deferred to the October 6, 2022 meeting.

The Chair announced that the Board will be moving 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 professional or vocational licenses cited in section 26-9 or both;"** 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 9:15 a.m., upon a motion by the Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to move into executive session.

The Board resumed the meeting at 9:38 a.m. after coming out of executive session.

Applications:

Ratification Lists

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

LPNs, license numbers 20434 – 20459 (25);
RNs, license numbers 107813 – 108243 (430); and
APRNs and APRNs with prescriptive authority

Applications

The Chair called for a motion in regard to the applications.

Licensed Practical Nurse

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

Amber Lee Ballinger

Registered Nurses

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

Garilyn G. Richardson
Jeanne C. Nolan
Summer Risley
Sean Petrash

Upon a motion by Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to approve the following application with the condition that the applicant receives an assessment and complies with all recommendations for monitoring and treatment in accordance with that assessment related to substance-use disorder from Pu'ulu Lapa'au.

Taysha Bitseedy

Request to Remove Conditions

Upon a motion by the Vice Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to approve the request to remove conditions for the following application:

Melissa Tasaki, nka Melissa R. Adams

Delegation

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

To delegate to the Executive Officer(s) to continue processing an application if:

- The nurse was disciplined for one of the reasons listed below, has complied with all sanctions and the license is reinstated/unencumbered
- The nurse was disciplined by one or more jurisdictions for which the basis of the disciplinary action was the disciplinary action taken in another state for one of the reasons below and has complied with all sanctions and the license is reinstated/unencumbered in the other jurisdiction; and
- The other disciplinary actions did or do not place any prohibitions or restrictions on the nurse's practice.

Previously approved EO delegations to continue processing for:

- Failure to file taxes/Tax evasion, provided that the license has been reinstated after they complied for failure to pay taxes.
- Failure to comply with another state's CE requirement provided that the applicant has complied with other State's order/agreement and license has been reinstated and is in good standing

- Had one prior disciplinary action for practicing with a lapsed license and have completed all requirements imposed by another board of nursing

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

To delegate to the Executive Officer(s) to continue processing an application for an applicant who has one (1) marijuana-related conviction occurring 5 or more years prior to the date of application

The Chair announced the next agenda item as Chapter 91, HRS, Adjudicatory Matters.

Chapter 91, HRS –
Adjudicatory Matters:

At 9:39 a.m. the Chair called for a recess of the meeting to discuss and deliberate on the following adjudicatory matters.

The Chair asked if there was any discussion by the Board members on the following adjudicatory matters.

Seeing none, upon a motion by the Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to approve the following adjudicatory matters:

In the Matter of the License to Practice Nursing of **William H. Cordell; RNS 2021-235-L (Act 38, SLH 2016)**; Notice of Prohibiting Practice in Hawaii Pending Entry of a Final order, Intent to Enter a Final order Imposing Disciplinary Action, and Respondent's Right to Request a Hearing; Certificate of Service, Proof of Delivery, and Board's Final Order

In the Matter of the License to Practice Nursing of **Tania L. Cheng; RNS 2021-415-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 **Michelle C. Austin, fka Michelle C. Seeman; RNS 2021-295-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 **Kimberly E. Johnson, fka Kimberly E. Welch; RNS 2021-404-L**; Settlement Agreement After Filing of Petition for Disciplinary Action and Board's Final Order; Petition for Disciplinary Action Against License to Practice Nursing; Demand for Disclosure

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

In the Matter of the License to Practice Nursing of **April A. Beatty; RNS 2020-3-L**, Request for Reconsideration of Board's Decision to Deny Modification of the Suspension Period

Scope of Practice
Inquiries:

RNs Performing PDO

The Chair stated Ms. Riggs was appointed to conduct the discussion.

Ms. Riggs shared that PDO is a type of implant that is put into the subcutaneous tissue to perform a minimally invasive face lift. According to her research, RNs in other states are

able to perform this procedure under the supervision of a licensed physician. Ms. Riggs was unsure whether APRNs can perform and/or supervise this procedure similar to a licensed physician. Ms. Riggs commented that the RN must be properly trained, competent, have a doctor's order, and that proper supervision should be on-site in case of any complications.

The Chair asked the Board if there were any questions or comments.

Bradley Kuo, a public attendee, raised his hand and was promoted to panelist.

Mr. Kuo stated this procedure has been performed at his med-spa over the last year and a half. He added that all of the nurses who perform this procedure have gone through the proper training and are certified. The nurses at his med-spa have been performing this procedure under his supervision as an APRN. This procedure helps to develop collagen and regrow hair.

The Chair asked Mr. Kuo to clarify the type of certification his nurses received.

Mr. Kuo stated that the companies that manufacture these items conduct trainings. His staff completed an 8-hour training course which included the procedures being performed on models. A physician trainer flew to Oahu to conduct the training and observed their placement on the model. A training certificate was provided to each nurse at the end of the training.

Mr. Kuo stated it must be made clear that this procedure requires a licensed APRN or physician to supervise.

The Vice-Chair suggested that the definition of scope of practice of a registered nurse in HRS §457-2(a) could be included with language to approve this procedure.

The Chair asked EO Teshima what the Board needs to determine their decision.

EO Teshima advised that if the Board is inclined to approve, they will need to include that pursuant to the definition of "scope of practice for registered nurse" HRS §457-2(a), documentation of appropriate education and training and proof that they are directly supervised by a licensed APRN or physician must be provided.

The Chair stated she finds it is the Board's opinion that RNs are acceptable to perform a PDO pursuant to the definition of scope of practice for registered nurse HRS §457-2(a), provide documentation of appropriate education and training and they are directly supervised by a licensed APRN or physician.

The Chair added that this decision is an informal interpretation based solely on the information provided. It is not an official opinion or decision and therefore not binding on the Board.

The Chair asked if any of the Board members had any additional questions or comments.

There were none.

APRN Perform/Interpret/Generate Report for Procedures for Upper GI and Shoulder Arthrogram

The Chair stated Ms. Stone Murai was appointed to conduct the discussion.

Ms. Stone Murai reported that the email inquirer indicated that they employ a few nurse practitioners. One of these practitioners is currently more hospital based and their interventional radiologists asked whether nurse practitioners are allowed to perform and interpret/generate the report for procedures such as upper GI, shoulder arthrograms. The inquirer also asked if fluoroscopy is involved, whether this would continue to be performed by a certified technician.

The interventional radiologists also queried whether one of the following could occur for these types of procedures: 1) The NP does the study and dictates it; 2) The NP does the study and the radiologist dictates in consultation with the NP (would the radiologist be the only signing physician on the study?); and 3) The NP does the study and dictates it after going over the case with the radiologist, would the NP be the signing provider?

Ms. Stone Murai advised that after further research she came across a table on the American College of Radiologists website which includes all States and their corresponding statutes and scopes of practice. Ms. Stone Murai found that 23 states have language within their statutes that address this question.

She added she believes there are a few issues with these procedures with regard to the questions which relate to NPs performing the studies. Her interpretation is that NPs are unable to perform the studies, despite of the fact that the procedures are within the NP scope of practice. This is because Hawaii has a requirement that anyone dealing with radiation must be licensed as a radiology technician.

The Chair asked the Board to clarify procedures involving radiation.

Ms. Stone Murai shared that fluoroscopy is a continuous x-ray image displayed on a monitor that allows for real-time monitoring of a procedure that requires x-ray passage through the body. This can result in relatively high radiation doses; especially for complex interventional procedures such as: placing stents or other devices in the body which require fluoroscopy to be administered for long periods of time. She advised that this procedure is considered radiography unlike radiation treatment for cancer.

The Chair clarified with Ms. Stone Murai that the inquiry indicates that if fluoroscopy is involved then it would be performed by a clinical technician, to which Ms. Stone Murai indicated that she was confused as to what the inquirer is advising the NPs are doing.

The Chair asked if an upper GI imaging necessarily involves the use of fluoroscopy is it then necessary to ask exactly what the NPs are doing.

Ms. Stone Murai responded that this is the reason why she was confused with the set of questions provided by the inquirer. Ms. Stone Murai requested that the Board defer the question until more clarity can be provided.

EO Teshima suggested this scope of question be deferred to the October 6, 2022 meeting, requesting that the inquirer attend and respond to the Boards inquiries.

The Chair asked if any of the Board members had any additional questions or comments.

There were none.

Executive Officer's
Report:

Report on Attendance at NCSBN NLC and Annual Meeting(s)

EO Fukunaga reported both she and EO Teshima attended the National Council of State Board of Nursing ("NCSBN") Nurse Licensure Compact ("NLC") and Annual Meetings from August 16-19, 2022, in Chicago, Illinois.

The NLC meeting was held on August 16th which covered the NLC Strategic Plan for FY23-35 and provided updates to NLC and APRN Compact legislations in the United States.

The first day of the NCSBN Annual meeting was on August 17th when voting occurred in regard to adjudicative initiatives, appointment individuals to committees, and approving the test plans for both the NCLEX-PN and NCLEX-RN.

The second day addressed the following:

- Workforce issues pertaining to nurses and identifying the nursing shortage in the U.S. and there are specific regions that are more exacerbated than others;
- Nursing supply decreased by 100,00 in 2021 due to baby boomers dropping out of the workforce, also identifying the work population under 55 years old as being burnt out due to COVID-19 and other factors such as the aging population throughout the U.S. due to the number of this population being admitted into hospitals;
- In 2022, there was an increase in RN and baccalaureate programs, an increase in DNP by 4%, though a decrease in enrollment in Masters programs, RN to BSN and RN-MSN programs. The decreases are attributed to burnout due to existing nurses not wanting to take additional schooling for further improvement;
- The high rate of nursing faculty resignations were mentioned as a barrier to increasing the enrollment of students in nursing programs in addition to clinical site restrictions;
- There may be a hidden nursing shortage that has not have yet been addressed. It was mentioned that the number of nurses actively licensed in a state may not accurately reflect the number of nurses actually working within the state;
- Nurses may be leaving the workforce due to stressful workplace settings stemming from physical and verbal violence, fatigue, mental stress, lateral violence and racism.

The solutions shared were:

- For faculty vacancies, they proposed faculty practice integrative academia to allow faculty to practice and stay current with their licensing requirements and to share resources between programs;
 - The NLC was recommended as a solution to curb nursing shortages;
 - Expanding the LPN scope of practice;
- The National Nursing Workforce Study is in the process of studying the effects of COVID-19 and the Dobbs v. Jackson ruling;
- Possible solutions to these issues included: defining "workplace violence" (you cannot study what is not defined or quantified)
- Provide opportunities for nurses without requiring them to step away from positions related to patient care, recognizing the importance of

nurses so they can better address well-being in self and other co-workers;

- Keynote speaker, Daniel Burus, spoke on how to increase relevancy, influence and outcomes, and the transformations that are needed;

EO's Fukunaga and Teshima also attended an Executive Officer Leadership Council Networking Session that discussed changing the stigma of ADA issues associated with licensure application questions. EO's Fukunaga and Teshima learned about alternative ways to word disciplinary documents related to mental health and substance abuse disorders.

In addition, EO Fukunaga reported that the Nebraska Hospital Association created a taskforce in response to COVID-19 to examine ways for licensing boards to consider changes with non-licensed positions. Anesthesiologists have introduced a credentialing review for Anesthesiologist Assistants (non-nurse role). This is similar to the "Registered Care Technician" ("RCT") that was introduced by the AMA in 1988. The nursing boards were advised to identify similar challenges that any other states are facing due to the knee jerk reactions of the MDs, Hospital Associations, & Employers to ramp up efforts to add non-nurses and potentially change the nurse's scope of practice.

On the last day, there was a keynote speaker, John Foley, a former lead solo pilot of the Blue Angels; 'Guru of Gratitude' and bestselling author of Fearless Success: Beyond High Performance. Mr. Foley spoke about teamwork and the importance of being humble, acknowledging one's mistakes and how to improve oneself through gratitude.

Reports:

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

Ms. Reichhardt reported on the following:

- The HSCN is working on projections for clinical education demands for schools of nursing. This is due to the current workforce shortage and their estimates that Hawaii will need to double the amount of nursing students to meet the needs. Preparation is being made by asking Hawaii's schools of nursing how many students they plan to enroll over the next couple of years and by clinical education type, and how many placement they need. They also invited online schools that have a local presence as well to engage in this survey.
 - 8 out of 9 schools of nursing reported expected enrollment growth of greater than 20% by AY 2025/2026;
 - Overall approximately 40% projected increase in Hawaii nursing program enrollment by 2025/2026 for graduate and for undergraduate education;
 - Overall, by 2025/2026, we are expecting an 74% increase in unique clinical placement demands (a combination of cohorts and preceptor placements);
 - For pre-licensure nursing education, more than 11,000 clinical hours, equaling nearly 600 new placements will be needed by 2026 to meet these demands, using our current cohort and preceptor placement strategy and projected growth as reported to HSCN;
 - Locating preceptors is one of the most difficult components of clinical placement, today, resulting in delays in learning and graduation for students. Preceptor demand compounds over years,

- leading to a faster growth in preceptor demand than overall student enrollment; and,
- Next steps will be to convene clinical partners and academic institutions to ensure that enrollment growth plans match future workforce needs by employers and that clinical education strategies are approached collaboratively to ensure high quality education and an adequate future workforce

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

Ms. Beechinor reported on the following:

- HANA currently has 453 members with a goal of 500 members by 2023;
- Currently working with student nurses committees to reach out to become ANA subscribers and be involved in state events;
- Still active in reaching out to all nursing programs and this year also reached out to DNP programs in Hilo;
- The Hawaii student nurses association is holding a conference on October 9, 2022 which will include a few Oahu nursing schools to discuss with them to become involved in their student professional association; and,
- HANA is holding a conference at the Hilton Hawaiian Village which is open to all RNs through the state and reached out to all nursing organizations to provide member registration fees, offering 4 CE's, with Lieutenant Governor Josh Green as the speaker who will speak on policies, healthcare system and work done in the legislature which impacts on practice. Representative Mizuno will also be a speaker.

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

Mr. Kuo reported on the following:

- Continue to work on social events;
- Continue to prepare for the next legislative session where HSCN and HANA participated in panels the previous week in regard to orientation for APRN students at the various universities within the state; and,
- He is the current American Association of Nurse Practitioners (“AANP”) Hawaii state liaison which has a deadline of September 9, 2022 in regard to nominations for state awards in excellence for a deserving nurse practitioner and nurse practitioner advocates and anyone who is registered with AANP is eligible to submit nominations.

The Chair asked if any of the Board members had questions.

There were none.

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

Next Meeting:

Thursday, October 6, 2022

Time: 9:00 a.m.

In-Person: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Virtual: Zoom Webinar

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 10:52 a.m.

Taken by:

Reviewed and Approved by:

/s/ Chelsea Fukunaga
Chelsea Fukunaga
Executive Officer

/s/ Marc Yoshimura
Marc Yoshimura
Secretary

LAT

09/30/202

Minutes approved as is.

Minutes approved with changes; see minutes of _____