

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, March 2, 2023

Time: 9:00 a.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room, First Floor
HRH King Kalakaua Building
335 Merchant Street
Honolulu, Hawaii 96813

Virtual: Virtual Videoconference Meeting – Zoom Webinar (use link below)
<https://dcca-hawaii-gov.zoom.us/j/93308661455>

Zoom Phone Number: (669) 900 6833

Meeting ID: 933 0866 1455

Agenda: The agenda was posted on the State electronic calendar as required by HRS section 92-7(b).

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

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

Guests: Laura Reichhardt, Executive Director, Hawaii State Center for Nursing
Linda Beechinor, Hawai'i American Nurses Association
Bradley Kuo, Hawai'i Association of Professional Nurses
John Tomcko, applicant
Kathy Kump
Marie D. Jean Pierre, applicant
Rhobertha Haley, Dean, Chaminade University of Honolulu
Alex McHugh
Niki Vergara
BJ Bartleson
John Tomcko

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.

Call to Order:

The Chair took roll call of the Board members.

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 the meeting was called to order at 9:05 a.m.

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.

Chair's Report:

Announcements

The Chair had no announcements.

Approval of the February 2, 2023 Meeting.

EO Teshima reported that she is still working on those minutes and that anyone wishing to listen/watch the February 2, 2023 meeting, that video is available on the Board's web page until the hard copy minutes are approved by the Board at which time the video will be removed.

Executive Officer's
Report:

2023 Legislative Session – Board will be discussing the following bills including the latest drafts

EO Teshima reported on the status of the following measures:

Nurse Licensure Compact

HB 667 Relating to the Nurse Licensure Compact/SB 670 Relating to the Nurse Licensure Compact Allows the Governor to enter the State into the multi-state Nurse Licensure Compact, which will allow a nurse who is licensed by a home state to practice under a multi-state licensure privilege in each party state.

These bills are not moving forward.

SB 321, SD1 Relating to the Advanced Practice Registered Nurse

Compact Establishes a working group to study the feasibility and effects of the State adopting the Advanced Practice Registered Nurse Compact. Requires a report to the Legislature. Effective 12/31/2050. (SD1)

This bill was heard by the Senate committees and amended to now include language to establish a task force. We will track should it cross over to the House and continue to testify in opposition as we don't believe a task force would address the concerns raised by the Board.

Temporary Permits

SB 63, SD1 Relating to Nurses Allows the Board of Nursing to issue temporary permits for six-month periods to registered nurses and practical nurses licensed in another jurisdiction under certain circumstances, and excepts from license requirements nurses who are licensed in another state, territory, or country accompanying a patient from out-of-state for a period of less than two weeks and not employed or affiliated with a health care facility in the State. Allows an out-of-state registered nurse or licensed practical nurse to simultaneously apply for a license to practice and a temporary permit, and in such circumstances, extends the validity of temporary permit to until the Board approves the application to practice. Effective 12/31/2050. (SD1)

This bill was heard by the Senate committees and we will track if it crosses over to the House and will continue to provide testimony in support.

APRN Practice

SB 442, SD1 Relating to Health Authorizes advanced practice registered nurses, in addition to physicians, to practice medical aid in dying in accordance with their scope of practice and prescribing authority. Authorizes psychiatric mental health nurse practitioners, in addition to psychiatrists, psychologists, and clinical social workers, to provide counseling to a qualified patient. Reduces the mandatory waiting period between oral requests from twenty days to five days. Waives the mandatory waiting period for those terminally ill individuals not expected to survive the mandatory waiting period, under certain conditions. Effective 12/31/2050. (SD1).

This bill was heard by the Senate committees and we will track if it crosses over to the House and will continue to provide testimony in support.

SB 899 Relating to Health/ HB 650, HD1 Relating to Health Authorizes advanced practice registered nurses to practice medical aid in dying or provide counseling to a qualified patient. Amends the mandatory waiting period between oral requests and the provision of a prescription.

This bill is not moving forward.

HB 650, HD1 Relating to Health Authorizes advanced practice registered nurses to practice medical aid in dying or provide counseling to a qualified patient. Amends the mandatory waiting period between oral requests and the provision of a prescription. Provides an expedited pathway for terminally ill qualified patients who are not expected to survive the mandatory waiting period. Effective 6/30/3000.

This bill was heard by the House committees and we will track if it crosses over to the House and will continue to provide testimony in support.

SB 599, SD1 Relating to Health/HB 664, HD1 Relating to Health Allows certain physician assistants to sign orders for respiratory therapy and plans of care. Expands the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses. Effective 12/31/2050. (SD1)

The senate bill was heard by the Senate committees and we will track if it crosses over to the House and will continue to provide testimony in support. The House bill is not moving

forward.

HB 664, HD1 Relating to Health Authorizes physician assistants to sign orders for respiratory therapy and plans of care. Expands the class of health care providers under whom respiratory therapists may practice respiratory care to include physician assistants and advanced practice registered nurses. Effective 6/30/3000. (HD1)

This bill is not moving forward.

SB 896, SD1 Relating to Reproductive Health Care/ HB 1427 Relating to Reproductive Health Care

Prohibits a covered entity from disclosing communication or information relating to reproductive health care services. Prohibits the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State. Prohibits agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services. Prohibits the State from penalizing, prosecuting, or otherwise taking adverse action based on pregnancy outcomes or aiding or assisting a pregnant individual with accessing reproductive health care services. Requires the governor to deny any demand for surrender of a person charged with a crime involving reproductive health care services unless the conduct constitutes a crime in the State. Enumerates laws contrary to public policy and prohibits their application as rules of decision in the courts. Prohibits the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services. Clarifies under various licensing statutes that the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services related to the human reproductive system cannot form a basis for disciplinary action. Prohibits the enforcement of a judgment or order arising from a foreign penal civil action or other penal law with respect to reproductive health care services. Effective 12/31/2050. (SD1).

We are tracking this bill to see if it is heard before the deadline or it will not move forward.

HB 1427 Relating to Reproductive Health Care Prohibits a covered entity from disclosing communication or information relating to reproductive health care services. Prohibits the issuance of a subpoena in connection with an out-of-state proceeding relating to reproductive health care services legally performed in the State. Prohibits agencies from providing information or expending resources in the furtherance of interstate investigations or proceedings relating to reproductive health care services. Prohibits the State from penalizing, prosecuting, or otherwise taking adverse action based on pregnancy outcomes or aiding or assisting a pregnant individual with accessing reproductive health care services. Requires the governor to deny any demand for surrender of a person charged with a crime involving reproductive health care services unless the conduct constitutes a crime in the State. Enumerates laws contrary to public policy and prohibits their application as rules of decision in the courts. Prohibits the issuance of a summons for persons to testify in another state with regard to lawful reproductive health care services. Clarifies under various licensing statutes that the provision or assistance in receipt or provision of medical, surgical, pharmaceutical, counseling, or referral services related to the human reproductive system cannot form a basis for disciplinary action. Prohibits the enforcement of a judgment or order arising from a foreign penal civil action or other penal law with respect to reproductive health care

services.

This bill was not heard and not moving forward.

Ms. Reichhardt stated that the language in these bill were rolled into SB1, Relating to Health Care that includes “shield” language for health care professionals who perform or assist in abortions that is moving and should cross over to the House.

General

SB 1015 Relating to Health Care Education Appropriates funds for the expansion of the certified nurse aide to practical nurse bridge program at the University of Hawaii Maui college, including funding for instructional costs and student aid.

We are tracking if/when it crosses over to the House.

SB 438 Relating to Professional and Vocational Licensing

Reduces the period for which an application shall be considered abandoned from two years to one year. Specifies the conditions under which applications for licenses and examinations will be deemed abandoned. Provides that the one- year period after which an application is considered abandoned cannot be extended. Provides that a licensing authority shall not be required to act on any abandoned application and that the licensing authority may destroy abandoned applications. Clarifies that an application submitted after an abandoned application shall be treated as a new application and that the applicant shall comply with any new licensing requirements in effect at the time of the new application.

We are tracking to if/when crosses over to the House.

EO Teshima asked if the Board's position has changed on any of the bills.

It was the consensus of the Board to maintain their original positions in regard to the bills.

EO Teshima also wanted to thank EO Fukunaga for testifying on behalf of the Board. In some instances, she has been asked questions by the Legislators and confidently respond to those questions.

She also wanted to thank Mr. Yoshimura for all his work in ensuring that the Board's testimony is filed even among his additional duties and responsibilities.

The Chair announced the next agenda.

Reports:

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

Ms. Reichhardt reported on the following:

- Leadership & Action Conference – concluded last week, focusing on solutions to address short staffing challenges, patient population needing more care, confluent that is happening with the workforce with travelers, new grads and preceptors.
- Workforce survey for upcoming renewal. They also created an Instagram reel. Wellness and retention questions added to the workforce survey.
- Grant for a Trans-Pacific Simulation Conference.
- Grant with the Department of Health for UH & HAH upscaling nurse residency.
- NLC - NCSBN article from Brookings Institute: when a state joins the compact,

they see an 11% shift in the workforce, that “movement” in or out of state or both and referenced a study that included the Chair.

- This legislative session multiple bills requesting funding for nursing education initiatives.

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

Ms. Beechinor reported on the following:

- Leadership & Action Conference – opportunity to add new members.
- 400+ joint members with ANA.
- Nancy Walsh new Board President.
- Neighbor island board members.
- Issuing 7 - \$500 scholarship, not include Kauai CC.
- Nurses month activities and annual conference in October.
- Legislation tracking and supporting.

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

Mr. Kuo reported on the following:

- Joint planning conference in Italy.
- Planning a multi-professional conference for the fall.
- Legislation this year very busy, SB 1215 preceptor tax credit amendment

At this time, the Chair announced that the Board will be reviewing applications for Hawaii nurse license and asked if any applicants were in attendance to please raise your hand now and informed them that the Board will be discussing their application and if should the Board have any questions, we will call on you so that you can address the Board.

Executive Session:

At 9:33 a.m., upon a motion by the Chair, seconded by Ms. Stone Murai, it was voted on and unanimously carried 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 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;”, and that the Board will vote on the applications after coming out of executive session.

At 11:52 a.m., upon a motion by the Chair, seconded by Ms. Stone Murai, it was voted on to move out of executive session.

Applications:

Ratification Lists

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

LPNs, license numbers 20576-20596;
RNs, license numbers 110601-110096; and
APRNs and APRNs with prescriptive authority

Applications

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

Licensed Practical Nurses

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

Barrie Fatmata

Upon a motion by the Vice Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to deny the following application based on section 457-12(a)(3):

Marie D. Jean Pierre – Reconsideration

The Chair wanted to clarify that the decision is based on the testimony the applicant provided to the Board.

Registered Nurses

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

**John M. Tomcko
Tarlene Hill
Carline Jean
Latrese Lesane
Lisa McDuffie
Paula Quick
Patricia Sabol
Michaela Watson
Latoya Wilson**

Upon a motion by the Vice Chair, seconded by Dr. Napoleon, it was voted on with the Vice Chair, Ms. Miguel, Dr. Napoleon, Ms. Riggs and the Chair voting yes to deny the request to complete a Hawaii nursing program and retake the NCLEX-RN to obtain a license and Ms. Boyer, Mr. Ramos and Ms. Stone Murai voting no. The motion carried.

Kelly Miyasato – Request for Recommendations by the Board

Advanced Practice Registered Nurse

Upon a motion by the Vice Chair, seconded by Ms. Miguel, it was voted on with the Chair, Vice Chair, Ms. Miguel, Mr. Riggs, and Dr. Napoleon voting yes to approve the following application. Ms. Boyer and Ms. Stone Murai abstained. The motion carried.

Ms. Boyer and Ms. Stone Murai stated they were abstaining because they either want more information from the applicant or want her to appear to respond to questions.

April Beatty

Chapter 91, HRS – Adjudicatory Matters: In the Matter of the License to Practice Nursing of **Caroline Koley Stoner, RNS 2019-31-L**; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1” and “2”

Upon a motion by the Chair, seconded by Ms. Stone Murai, it was voted on and unanimously carried to approve the above-mentioned Board’s Final Order.

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

Next Meeting: Date: Thursday, April 6, 2023
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 12:00 p.m.

Taken by:

Reviewed by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

/s/ Chelsea Fukunaga
Chelsea Fukunaga
Executive Officer

LAT

02/30/2023

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____