

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, May 4, 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/97570051169>

Zoom Phone Number: (669) 900 6833
Meeting ID: 975 7005 1169

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
Tammie Napoleon, DNP, APRN, PPCNP-BC
Benjamin Ramos, RN
Diana Jill Riggs, RN, MSN
Amy Stone Murai, APRN

Member Excused: Luzviminda Miguel, DNP, MSN Ed., RN

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

Guests: Linda Beechinor, Hawai'i American Nurses Association
Bradley Kuo, Hawai'i Association of Professional Nurses
Bessie Dragan
Karen-Ann Zaragoza
Ludnie Mede
Moses Odua
Rachel Shuttsa

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 9:08 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 and March 2, 2023 Meeting Minutes

The Chair asked if there were any corrections or discussion to the open and executive session minutes of the February 2, 2023 and March 2, 2023 meetings.

Dr. Napoleon stated that she has some technical and non-substantive amendments to the minutes of the February 2, 2023 meeting and moved to approve the minutes of the February 2, 2023 meeting with non-substantive changes.

The Chair asked for a second.

The motion was seconded by Ms. Riggs, voted on and unanimously carried to approve the minutes with non-substantive amendments.

The Chair asked if there were any corrections or discussion in regard to the March 2, 2023 meeting.

There was none.

Upon a motion by Ms. Boyer, seconded by Dr. Napoleon, it was voted on and unanimously carried to approve the minutes of the March 2, 2023 meeting as circulated.

20 for the Next 20: Laura Reichhardt, Director, Hawaii State Center for Nursing

EO Teshima shared that this agenda item is FYI only and congratulated Director Reichhardt for this recognition.

Report on Attendance at the NCSBN Mid-Year Meeting

The Chair stated both she and Ms. Boyer attend the 2023 NCSBN Mid-Year Meeting.

The Chair shared the following 3 topics she found most interesting:

- 1) Next Generation NCLEX which went live on April 1, 2023 mentioning that educators have worries on how this will affect their students. Phil Dickerson, who is in charge of the Next Generation NCLEX, assured the passing standard has not changed, along with pass rates for first time test-takers; the beta version (trial) was live for the previous year of which provided a lot of positive data on passing rates;
- 2) Artificial intelligence with regard to both nursing education and regulation. She feels it is too early for this conversation to be conducted as there was a panel that discussed implications for AI in nursing regulation which did not provide good insight into its implementation, although NCSBN expressed interest to see how AI could change practice and regulatory implications down the road; and,
- 3) Legislation that NCSBN is working on, as they are interested in scopes of practice, compact legislation. She shared that Washington state joined the compact this year, and Alaska expressed interest in joining. In addition, Washington state and Mexico, is wanting to change what is our Chapter 92, the law that affects Boards, though they could not pass these laws as they are part of the compact, of which deviations cannot be made to the compact. The upshot is that a state's autonomy to change laws, not related to the nurse practice act, is impacted by compact membership.

Ms. Boyer shared the following:

- 1) The National Licensure Compact indicated that the Department of Commerce and Consumer Affairs, the Hawaii State Center for Nursing and the Healthcare Association of Hawaii agreed to study the possible implications and impact;
- 2) Regulation on telehealth discussion was geared more towards APRNs, though an individual would need to be licensed in Hawaii to provide care in the state; and,
- 3) Found Phil Dickerson to be fascinating and adding that NCLEX pass rates will not be available to release until the end of May 2023, as they want a total months' worth of data. She indicated that the national passing rate dropped below 80% relating to U.S. educated first-time takers. In spite of reassurances provided by Mr. Dickerson, the nursing community still has worries.

Ms. Boyer also shared the following "off record" conversations:

- In North Dakota, their Board currently has 5 cases where nurses in the compact are being investigated in other states;
- California has a goal of completing investigations in 380 days which encompasses the day the complaint is received and the day the investigation begins. California is also interested in the compact though their EO indicated 2 concerns with regard to confidentiality in fingerprinting across states, and if a nurse fails to report move from one state to another of where they have obtained a state license. California also expressed concerns about independently run APRN clinics and trying to navigate these situations.

The Chair announced that NCSBN's mid-year meeting is in August and that they will be celebrating their 45th sapphire anniversary.

Article, ‘Nurse Practitioner Role Named ‘Best Job That Helps People’’

EO Teshima shared this article from HealthLeaders in which the article reported that:

- Nurse practitioners rank No. 1 on the U.S. News & World Report’s ‘2023 Best Jobs That Help People’ List;
- This ranking is the latest in which NPs have been among the top professions; and
- NP’s focus on preventive healthcare is one reason it ranks highly in helping people.

Education Committee: **Report on Recommendations from March 2, 2023 Meeting**

Ms. Boyer, Chair of the Education Committee, reported on the following recommendations of the Education Committee’s March 2, 2023 meeting:

Hawaii Nursing Programs

Faculty Applications – Recommend approval of the following faculty applications:

- | | |
|-----------------|--|
| ✓ NAWSON | Jenely R. Urbshot
Taryn T. Achong
Ray Morikawa
Jaime A Westlund
Christi Robell |
| ✓ Kapi’olani CC | Patricia Campbell
Jason Eala
Malia Howard
Jennifer Kanelos
Cori-lyn Miyasato |

The Chair called for a motion to accept the recommendations of the Education Committee’s March 2, 2023 meeting.

Upon a motion by Ms. Riggs, seconded by Ms. Boyer, it was voted on and unanimously carried to accept the recommendations of the Education Committee’s March 2, 2023 meeting.

The Chair announced the next agenda item as the Executive Officer’s Report.

Executive Officer’s Report:

2023 Legislative Session – Status Report on the following bills:

EO Teshima announced today was the last day of the 2023 Legislative session and reported on the statuses of the following measures:

Nurse Licensure Compact

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)

After crossing over to the House committee, this bill was not scheduled for hearing.

Temporary Permits

SB 63, SD2, HD3 Relating to Nurses

Authorizes the board of nursing to issue temporary permits for six-month periods to out-of-state licensed practical nurses and registered nurses or who hold a multistate license issued by another state, territory, or foreign country, under certain circumstances. Provides an exception from licensing requirements to nurses who are licensed in another state, territory, or foreign country and accompanying a patient from out-of-state for a period of less than two weeks and who are not employed or affiliated with a health care entity in the State. Appropriates funds. Effective 6/30/3000. (HD3)

This bill did not pass out of the conference committee hearing on Friday, April 28, 2023.

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).

After crossing over to the House committee, this bill was not scheduled for hearing.

HB 650, HD2, SD1 Relating to Health

Authorizes advanced practice registered nurses to practice medical-aid-in-dying. Authorizes licensed advanced practice registered nurses and clinical nurse specialists with psychiatric or mental health training and licensed marriage and family therapists to provide counseling to a qualified patient. Reduces from twenty to five days, the mandatory waiting period between the two oral requests required for a qualified patient to obtain a prescription for medication. Waives the mandatory waiting period for terminally ill qualified patients who are not expected to survive the mandatory waiting period. (SD1)

This bill was transmitted to the Governor on April 28, 2023.

SB 599, SD1, HD2 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 6/30/3000. (HD2)

The bill passed out of the conference committee with CD1 amending the effective date to "upon approval".

SB 1, SD2, Relating to Health Care (Act 2)

Allows licensed physician assistants to perform certain abortions. Repeals the requirement that abortions be performed at certain locations. Clarifies that the State shall not deny or interfere with a pregnant person's right to choose to (1) obtain an abortion or (2) if necessary to protect the life or health of the patient terminate the pregnancy. Defines "abortion" and "nonviable fetus". Prohibits a covered entity from disclosing information relating to reproductive health care services. Prohibits the issuance of a subpoena in connection with an out-of-state or interstate proceeding relating to reproductive health care services legally performed in the State. Prohibits agencies from providing information or expending resources in the furtherance of out-of-state or interstate investigations or proceedings relating to reproductive health care services. Prohibits the State from taking adverse action based on pregnancy outcomes or for 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 or is made under Article IV, section 2, of the U.S. Constitution. Enumerates laws contrary to public policy and prohibits their application. 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 certain 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. Amends the definition of "medical care and services" so that a minor may...(see document for full description) (SD2)

General

SB 1015, SD1 Relating to Health Care Education

Appropriates funds for the expansion of the certified nurse aide to practical nurse bridge program at the University of Hawai'i Maui college, including funding for instructional costs and student aid. Effective 7/1/2050. (SD1)

This bill crossed over to the House committee but was not scheduled for hearing.

SB 438 Relating to Professional and Vocational Licensing (Act 21)

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.

This bill was enacted into law on April 19, 2023.

EO Teshima recognized EO Fukunaga for all of her hard work during the Legislative session, in addition to tracking hearings, writing testimony and testifying at hearings, she also had to keep up with assignments and other boards and programs.

EO Teshima also wanted to recognize Mr. Yoshimura for his assistance in reviewing and preparing the Board's testimonies in addition to his additional workload as the Board's

secretary and acting division secretary. She stated that both EO Fukunaga and Mr. Yoshimura worked tirelessly and even on the weekends and she appreciates their work ethics.

April 4, 2023 Emergency Rules for Nurses to Practice in the State

EO Teshima reported that EO Fukunaga drafted another emergency rule that took effect on April 4, 2023 that would allow out-of-state LPNs, RNs and APRNs to temporarily practice in this State provided certain requirements have been met. The emergency rules shall remain effective for 120 days, ending on August 2, 2023 and that it is unclear if another emergency rules will be issued as initially, with the introduction of SB 63, this was going to take the place and be more permanent than the emergency rules, however, since this bill did not pass out of a schedule conference committee hearing, it is unclear how we will be dealing with the nursing shortage.

Article, “Temp Nurses Cost Hospitals Big During Pandemic. Lawmakers Are Now Mulling Limits”

EO Teshima shared that this article with the Board on how some states’ lawmakers are proposing legislation to crack down on price gouging against health care staffing agencies that substantially raised their prices during a declared emergency.

2023 Renewal – Status Report

EO Teshima reported that 10,872 nurses have renewed as of May 3, 2023. Based on the September 2022 geographic report, there were a total of 36,751 licensees eligible to renew. With the additional assistance in Licensing Branch, we added approximately 400 more licenses per month, as reflected on the ratification lists, which accounts for an additional 2,800, at the very least, which totals an estimated 40,000 nurses that are eligible to renew this year.

The Chair shared that the completion of this renewal cycle’s Hawaii State Center for Nursing survey has been extraordinary, as they currently have 133% of completions compared to last year, which accounts to almost 1,000 more surveys completed compared to around the same time last year.

The Chair announced the next agenda.

Reports:

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

Ms. Reichhardt was not available to provide report.

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

Ms. Beechinor reported on the following:

- In the midst of forming a foundation that will be eligible for fundraising and grant applications;
- Currently has 412 members with ANA, with goal of 500 members by end of the year;
- May is Nurses month – the Honolulu Star Advertiser will publish a section in the newspaper on May 7th in celebration of Nurses month, with several organizations

- participating;
- On May 17th, a celebration of nursing will be conducted which will offer free CEs
- On October 8th, annual conference and membership assembly will be held at the Honolulu Country Club. The American Nurses Association president will be the keynote speaker; and,
- Following up with the Hawaii Nurses Association, OPEIU Local 50 with regard to SB 1580, of which there was an opinion piece published in this week's Honolulu Star-Advertiser by Dan Ross in relation to this bill

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

Mr. Kuo reported on the following:

- Continue to work on their joint planning conference in Italy towards the end of June;
- Planning an intra-professional conference in the Fall, with APRNs, PAs as the focused target audience;
- Constantly providing free CEs;
- HAPN Board will hold their annual retreat to continue solidify HAPN's vision and pathway;
- Continue to work on legislation with regard to education for APRNs, advanced degree nurses; and,
- HAPN is a nurse practitioner organizational member of AANP, of which HAPN is signing onto the I CAN Act that is currently in the federal legislature. This act would essentially ask the government to require the Centers for Medicare & Medicaid Services to allow the following services/equipment: to be the main provider of hospice, being able to order certain type of medical equipment (i.e. diabetic shoes);
- Hopeful that the Governor will sign the Our Care, Our Choice amendments. They have not heard updates from Compassionate Choices, with is the community organization, whether OCOC will be an issue, but are thankful that this bill did not die as it did last year, which died at the final minute;
- The respiratory therapy bill moved forward;
- From a HAPN/APRN perspective, they are happy that the APRN compact bill failed; and,
- SB 397, the Medicaid reimbursement bill does have a conference committee set but has not yet been posted. Mr. Kuo is not entirely happy with this bill as it equates the reimbursement to medicare, of which APRNs are currently reimbursed 15% less for the same services from medicare. This also means that APRNs will continue to operate their clinics at a deficit. Testimony has been submitted to amend this particular piece of the bill.

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 should the Board have any questions, we will call on you so that you can address the Board.

Executive Session: At 9:50 a.m., upon a motion by the Chair, seconded by Dr. Napoleon, 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 12:18 p.m., upon a motion by the Chair, seconded by Dr. Napoleon, it was voted on to move out of executive session.

Applications:

Ratification Lists

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

LPNs, license numbers 20597-20654;
RNs, license numbers 110097-112122; 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. Stone Murai, it was voted on and unanimously carried to approve the following applications:

**Rachel Shutsa
Amber King
Jamahl Lucas**

Registered Nurses

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

**Jennifer Cramer
Marilou Daigle
Andrew Devries
Emily Lemon
Nicole Navarre
Tania Peraza
Amy Stoner**

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

Meaghan Nagaji

Upon a motion by the Chair, seconded by Ms. Stone Murai, it was voted on with the Vice Chair, Dr. Napoleon, Ms. Riggs, Mr. Ramos voting yes to approve the RN application for the following applicant, with Ms. Boyer voting no. The motion carried.

Camilo Murillo

Upon a motion by the Vice Chair, seconded by Dr. Napoleon, it was voted on and unanimously carried to approve the application with condition of passing the NCLEX or completion of a board-approved refresher course for the following applicant:

Jennifer Mansell

The Board deferred application requesting appearance at the next Board meeting for the following applicant:

Kristi Warner

The Board deferred the following applications for additional information:

**Ludnie Mede
Moses Odua**

Advanced Practice Registered Nurse

Upon a motion by Dr. Napoleon, seconded by Ms. Riggs, it was voted on and unanimously carried to approve the APRN application for the following applicant:

Nicole Navarre

Upon a motion by the Chair, seconded by Ms. Stone Murai, it was voted on with the Vice Chair, Dr. Napoleon, Ms. Riggs, Mr. Ramos voting yes to approve the APRN application for the following applicant, with Ms. Boyer voting no. The motion carried.

Camilo Murillo

Upon a motion by the Vice Chair, seconded by Dr. Napoleon, it was voted on and unanimously carried to deny recognition of pharmacology credits for some of the DNP courses to count towards the prescriptive authority requirement:

Jenny J. Nakano

The Chair announced the next agenda item and asked if there was any discussion.

There was none.

Chapter 91, HRS –
Adjudicatory Matters:

Upon a motion by the Chair, seconded by Dr. Napoleon, it was voted on and unanimously carried to approve the following Board's Final Orders:

In the Matter of the License to Practice Nursing of **Debra L. Kilkenny; RNS 2022-972-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 **Michael J. Bush; RNS 2022-17-L;**
Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final
Order

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

Next Meeting: Date: Thursday, June 1, 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

Ms. Boyer stated she would not be able to attend.

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 12:26 p.m.

Taken by:

Reviewed by:

/s/ Marc Yoshimura

/s/ Lee Ann Teshima

Marc Yoshimura
Secretary

Lee Ann Teshima
Executive Officer

LAT:my

5/31/23

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____