

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, August 3, 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/86834054124>
Zoom Phone Number: (669) 900 6833
Meeting ID: 868 3405 4124

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

Members Present: Carrie Oliveira, Chair
Benjamin Ramos, RN
Diana Jill Riggs, RN, MSN
Karen Boyer, RN, MS, FNP
Sherri Shields-Hanson, MSN, RN
Bradley Kuo, DNP, APRN, FNP-BC, PMHNP-BC, CARN-AP
Terrence Aratani, Public Member

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

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

Guests: BJ Bartleson – VM
Emily Krump
Rhiannon Caskey
Rhobertha Haley
Sara Federschmidt, DVM
Laura Reichhardt, Executive Director
Linda Beechinor, Hawai'i American Nurses Association

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 the 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.

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 9:06 a.m.

Chair's Report:

Announcements

Upon a motion by the Chair, seconded by Mr. Aratani, it was voted on and unanimously carried to make an amendment to the agenda to remove Bradley Kuo's name from agenda item 4(3).

- The Chair welcomed three new board members:
 - Terrance Aratani, Public Member
 - Bradley Kuo, APRN Member
 - Sheryl "Sheri" Shields-Hanson, Nursing Educator and Kauai Member
- Sheri Shields-Hanson will be appointed to the Education Committee with Carrie Oliveira, Karen Boyer, and Luzviminda Miguel.
- Later this month (August) the Chair and Executive Officers will be attending the National Council of State Board of Nursing's annual meeting in Chicago. Will report back on whatever happens there; voting, NCSBN board members, and any interesting news on a national level.

Approval of the May 4, 2023 Executive Meeting Minutes

The Chair asked if there were any corrections of discussion to the executive session minutes of the May 4, 2023 meeting.

The Chair provided non-substantive editorial changes.

There being no further discussion, the Chair asked for a motion to approve the executive session minutes of the May 4, 2023 meeting as amended.

Upon a motion by Mr. Kuo, seconded by Ms. Boyer, it was voted on with the Chair, Ms. Riggs, Mr. Ramos voting yes and Mr. Aratani and Ms. Shields-Hanson abstaining, to approve the executive session minutes of the May 4, 2023 meeting.

Approval of the June 1, 2023 Meeting Minutes

The Chair asked If there were any corrections of discussion to the open and executive session minutes of the June 1, 2023 meetings.

There being no further discussion, the Chair asked for a motion to approve the open and executive session minutes of the June 1, 2023 meeting.

Upon a motion by Mr. Kuo, seconded by Ms. Riggs, it was voted on with the Chair, Ms. Boyer, Ms. Shields-Hanson, Mr. Ramos voting yes and Mr. Aratani abstaining, to approve the open and executive session minutes of the June 1, 2023 meeting.

Executive Officer's Report:

2023 Legislative Session – Status Report on the following bills:

EO Fukunaga reported on the following bills:

APRN Practice

Act 43 SLH 2023 (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 signed by the Governor on June 1, 2023.

Act 102 SLH 2023 (SB 599, SD1, HD2, CD)1 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. (CD1)

This bill was signed by the Governor June 22, 2023.

Act 52, SLH 2023 (SB 1230, SD2, HD1, CD1) Relating to Firearms

Prohibits firearms in certain locations and premises. Requires possession and disclosure of a license to carry. Prohibits leaving an unsecured firearm in a vehicle unattended. Prohibits consuming or being under the influence of alcohol, an intoxicating liquor, or a controlled substance when carrying a firearm. Prohibits carrying or possessing firearms on certain private property without express authorization. Requires annual reports from the department of the attorney general on carry licenses. Amends the requirements for, and revocation of, firearms permits and licenses. Amends the disqualification of persons from owning, possessing, or controlling a firearm. Expands the qualified immunity for health care providers who provide information on firearms applicants to include physician assistants and advanced practice registered nurses. (CD1)

EO Fukunaga reported that this bill includes advanced practice registered nurses in its qualified immunity clause. The bill was signed into law by the Governor on June 2, 2023.

HR 107, HD2 Requesting the Legislative Reference Bureau to Conduct an Analysis Regarding the Scope of Practice for Advanced Practice Registered Nurses and Physician Assistants

EO Fukunaga reported that to date, the Legislative Reference Bureau has not yet contacted the Board.

SCR 112 Requesting the Hawaii State Center for Nursing to Convene a Working Group to Study the Feasibility and Impact of the State Adopting the Nurse Licensure Compact

EO Fukunaga reported that the Hawaii State Center for Nursing has already held two meetings led and organized by Laura Reichhardt.

The Chair has confirmed that she had received copies of HR 107 and SCR 112.

Acts (New Laws) Posted on the Board's Webpage

EO Fukunaga announced that links to the newly signed acts (New Laws) have been posted on the Board's webpage.

Office of Information Practices

EO Fukunaga stated that the Office of Information Practices regularly publishes a newsletter which provides highlights of recent opinions and determinations from their office. The newsletter provided to the Board has a brief overview of the New Sunshine Law Requirements and also includes an article that highlights the importance of adhering to these laws and the repercussion of not following these laws.

2023 Renewal – Status Report

EO Teshima reported that 27,836 RNs, 1,658 LPNs, 2,301 APRNs have renewed on time.

EO Teshima stated that for the 2021 renewal, 5% of renewal applications for RNs, LPNs, & APRNs were audited for proof of completion of their continuing competency courses. As a result, the total of audited nurses had come out to over 2,000; which was nearly impossible to process. This renewal year EO Teshima requested that the Board reduce the audit percentage to 1% or 2%.

Upon a motion by the Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to approve EO Teshima's request to reduce the percentage of nurses audited from 5% to 2% of the renewal applications for continuing competency compliance.

Status on April 4, 2023 Emergency Rules

EO Teshima reported that the April 4, 2023 Emergency Rules permit issuance period

ended on August 2, 2023. She stated that currently there were no plans to issue new rules at this time. Any Applicant that had submitted an application before midnight on August 3, 2023 and also meets the criteria set forth in the Emergency Rules, will get approval to work for 90 days even though the emergency rules expired at midnight.

“Hawaii Tackles Nursing Workforce Shortage” – Article from State Reform, featuring Laura Reichhardt, Executive Director, Hawaii Center for Nursing

EO Fukunaga reported that a recent article, featuring Laura Reichhardt, regarding the nursing workforce shortage in Hawaii was published. EO Fukunaga recommended that everyone read the article which highlights the challenges specific to Hawaii and current initiatives to tackle some of the issues facing the nursing workforce.

Report on July 26, 2023 Food and Drug Administration Webinar on *Intravenous Hydration Clinics: Federal and State Regulatory Perspectives*”

EO Teshima reported that the Board previously received inquiries regarding the running of a mobile IV clinic and whether nurses could add vitamin packets to IV's. At first, the Board had informally opined that RNs were able to add vitamin packets to an IV. However, upon speaking with the Pharmacy board, EO Teshima was found that an IV bag is a prescription and needs to be prescribed by a physician; noting that an RN does not have prescriptive authority. EO Teshima also found that adding anything to an IV is considered to be compounding. Compounding is adding vitamins (which is not a prescription) to an IV (which is a prescription).

The Board subsequently rescinded their previous opinion, noting that RNs do not have the prescriptive authority to prescribe and do not have authority to compound. It is unclear whether APRNs are included as an entity that can compound. The Board recommended contacting the FDA for further guidance on whether they consider APRNs as a healthcare professional that is authorized to add things (vitamins) to an IV bag.

The FDA webinar confirmed that the Board's most recent discussion was correct. A policy statement will be created and posted to the Board's website.

The Chair stated that she had also attended the webinar. The Chair found the discussion interesting, noting that this was a complaint driven policy establishment. The Chair commented that it would be prudent for the Board to look at the guidance from the FDA, Pharmacy Boards, and other States who are also trying to regulate this area of practice to keep our people safe before this goes array in Hawaii.

Registered Nurses Medicating with Range Orders – Inquiry from Debra Drew

EO Fukunaga read the following email to the Board:

“Dear Clinical Director,

As a member of the American Society for Pain Management Nursing, I am inquiring as to whether the Hawaii Board of Nursing has an official position about registered nurses

administering analgesics using range orders. (E.g. 1-2 oxycodone po q 4 hrs PRN or 1-2 ibuprofen po q 4 hrs PRN.)

If range orders are prohibited: when was this decision implemented and why?

I will be presenting findings from the states' Boards of nursing on this topic at our national conference in September.

Thank you for your attention to this question.”

EO Fukunaga stated that the Board discussed a similar topic in 2014. The Board at that time had concluded that range orders were “not stated in the practice act”. EO Fukunaga inquired whether the Board’s position has changed since 2014.

EO Teshima wanted more clarification on range orders and what it entails. Ms. Boyer and Ms. Riggs had explained that it has to do with a patient’s level of pain, if they rate their pain between 7-10 a nurse has the ability to decide whether the patient will receive one or two doses; if the patient rates their pain between 3-6 qualifies, they are given one dose. Ms. Riggs noted that agencies have their own procedures for range orders. EO Teshima stated that she would like verbiage added to include facility policy and procedures or written orders.

Mr. Ramos compared this range order to insulin on a sliding scale in the same aspects of following: a facility’s procedures, a written order, and nurse’s judgment.

Ms. Shields-Hanson had also mentioned that she would rather leave it to a respective agency’s policy rather than it being in the nurses’ practice act.

Upon motion by the Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to informally opine that on the matter of administering drugs according to range orders, the Nurse Practice Act neither permits nor prohibits the administering of medication using range orders. However, in accordance with general accepted practice in nursing, it is reasonable and appropriate for a nurse to administer medications in accordance with their assessment, clinical judgment, provider’s orders, judgment orders, facility policy, and written orders.

In accordance with Hawaii Administrative Rules (“HAR”) §16-201-90, the above interpretation is for informational and explanatory purposes only and 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 there was any guest present that would like to address the board on any of the previous agenda items.

Sarah Federschmidt, attending virtually, raised her hand and introduced herself as a veterinarian with the Pilina Vet. She stated that she wanted to discuss with the Board, an item that is not on the agenda. She was advised that the Board would not be able to hear her testimony or discussion due to her topic not being an agenda item.

The Chair asked if there were any other guests present that would like to address the Board on any of the previous agenda items. No hands raised.

The Chair announced the next agenda.

Reports:

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

Ms. Reichhardt reported on the following:

- **DCCA nursing workforce supply survey.** Response rate was far higher than ever before and would like to thank the DCCA staff and Board of Nursing.
- Two reports will be coming out this fall relating to nursing work force related efforts: education capacity and the nursing work force supply survey. Also, the Health Care Association of Hawaii workforce demand study gives a good picture as how we are doing as a state. Our data as we suspect will validate that we do not have enough nurses. We are doing a lot of work related to that. We are continuing to make headway in improving retention through nurse residency programs. We are working on getting a grant to support transition to specialty practice training. So, nurses do not need to leave the State to be come ICU Nurse, ER Nurse. Having the ability to train at their employer's site will help keep nurses at the state and employer which will hopefully benefit the organization and communities.
- SimHuddle Trans-Pacific conference on October 19-20th at the Alohilani Hotel.
 - Preconference actives starting October 17th.
 - Collaborative of simulation with experts and educators from Hawaii, California, and Australia.
 - Will have international speakers attending as well.
 - In person conference.
- The Hawaii State Center for Nursing is also studying the compact license as a response to SCR 112 with articles and videos posted on their website. They are currently surviving nurses about how they feel about the nursing compact, if it was available what would they do with it and the finding from that survey will be presented at a later nurse compact license meeting on August 7, 2023.

Hawai'i American Nurses Association – Linda Beechinor

Ms. Beechinor reported on the following:

- ANA membership Assembly in June.
 - Five Hawaii representatives attended and visited all 4 concretional offices for Lobby Day.
 - Discussed nursing issues on position and policy discussion reported on safe staffing laws and gun control. Direction was given to the ANA board that they were going to develop an incitive a roll out from nurses regarding gun safety.
- Hawaii ANA Conference on October 28th at the Hawaii Country Club to be live streamed.
 - 5 CEU available.
 - Keynote speaker is Dr. Kennedy, the ANA President.
 - VIP Reception with nursing leaders and legislative leaders to get together to meet and greet the ANA president.
- ANA is pursuing multiple bills: safe staffing, temporary licensure, NLC.
 - Supporting temporary licensing and safe staffing bills.

- Opposing NLC it does not benefit nurses in Hawaii.
- Meeting with legislators is scheduled.

Hawai'i Association of Professional Nurses –

No representative was in attendance. No report was provided.

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 licensed 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 9:52 a.m., upon a motion by the Chair, seconded by Mr. Aratani, it was voted on and unanimously carried to move into executive session.

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

Applications:

Ratification Lists

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

LPNs, license numbers 20679-20745;
RNs, license numbers 112452-113647; 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 Ms. Riggs, seconded by Mr. Aratani, it was voted on and unanimously carried to deny the following applications pursuant to section 457-12(a)(1), HRS:

**Ketty Jean Dimanche
Ginette Laurent**

Registered Nurses

Upon a motion by Ms. Riggs, seconded by Mr. Aratani, it was voted on and unanimously carried to deny the following applications pursuant to section 457-12(a)(1), HRS:

**Polly St. Louis Noel
Asnel Joseph
Jean A. Verlen
Guerline Lony**

Request for Reconsideration

Upon a motion by Ms. Riggs, seconded by Mr. Kuo, it was voted on and unanimously carried to grant the reconsideration request for the following applicant:

Marie Denise Jean Pierre

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

**Bryan Rice
Lakeisha Lillian Wortham
Marc Tanciuo Montecillo
Carrie Ann Munson
Rhiannon Caskey
Beverle Reiss Rudin
Mary Frances Mullen
Nicole Crystal Moctezuma
Todd Krasinsky
Nancy Ellen Axtell Fink**

Advanced Practice Registered Nurse

Upon a motion by Ms. Riggs, seconded by Mr. Aratani, it was voted on and unanimously carried to approve the following application:

Andrea C. Letham

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

Chapter 91, HRS –
Adjudicatory Matters:

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

Seeing none, upon a motion by the Chair, seconded by Mr. Aratani, it was voted on and unanimously carried to approve the Board's Final Order.

In the Matter of the License to Practice Nursing of **Stephanie L. Taylor; RNS 2022-10-L;** Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Election of Chair and
Vice Chair (Pursuant to
HRS §436B-6):

Ms. Boyer nominated Ms. Oliveira for Chair. The Chair asked if there were any other nominations for Chair. There were no further nominations.

Upon a motion by Mr. Aratani, seconded by Ms. Boyer, it was voted on and unanimously carried to elect Ms. Oliveira as Chair.

Ms. Boyer and the Chair nominated Ms. Riggs for Vice Chair. The Chair asked if there any other nominations for Vice Chair. There were no further nominations.

Upon a motion by the Chair, seconded by Mr. Kuo, it was voted on and unanimously carried to elect Ms. Riggs as Vice Chair.

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

Next Meeting: Date: Thursday, September 7, 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 11:20 a.m.

Taken by:

Reviewed by:

/s/ Marc Yoshimura

/s/ Chelsea Fukunaga

Marc Yoshimura
Secretary

Chelsea Fukunaga
Executive Officer

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____