

BOARD OF NURSING
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF PUBLIC HEARING

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, April 4, 2024
- Time: 9:00 a.m.
- Location: Queen Liliuokalani Conference Room, First Floor
HRH King Kalakaua Building
335 Merchant Street
Honolulu, Hawaii 96813
- Agenda: The agenda was posted on the State electronic calendar as required by HRS section 92-7(b).
- Members Present: Carrie Oliveira, Chair
Diana Jill Riggs, RN, MSN, Vice Chair
Karen Boyer, RN, MS, FNP
Sheri Shields-Hanson, MSN, RN
Bradley Kuo, DNP, APRN, FNP-BC, CARN-AP, PMHNP
Terrence Aratani, Public Member
- Staff Present: Chelsea Fukunaga, Executive Officer (“EO Fukunaga”)
Alexander Pang, Executive Officer (“EO Pang”)
Lee Ann Teshima, Executive Officer (“EO Teshima”)
Shari Wong, Deputy Attorney General (“DAG Wong”)
Marc Yoshimura, Secretary
- Guests: Laura Reichhardt, Executive Director, Hawai‘i State Center for Nursing
Paige Heckathorn Choy, Associate Vice President, Government Affairs, Healthcare Association of Hawaii
Rise Doi, Executive Officer
Rochelle Araki, Executive Officer
- Call to Order: The Chair took roll call of the Board members.
- After taking roll, quorum was established, and the public hearing was called to order at 9:00 a.m.
- The Chair introduced herself as well as the Board members and staff.

Purpose and Notice
of Public Hearing:

The Chair stated that the purpose of this public hearing is to afford all interested persons an opportunity to submit data, views, or arguments, orally or in writing, to the proposed amendments to the Rules of the Board of Nursing and that on Monday, March 4, 2024, a notice of public hearing was published in the Garden Island, Maui News, West Hawaii Today, Hawaii Tribune-Herald, and Star Advertiser newspapers. The notice states as follows:

NOTICE OF PUBLIC HEARING

Pursuant to Hawaii Revised Statutes ("HRS") section 457-5 and Chapter 91, notice is hereby given that the Board of Nursing ("Board") will hold a public hearing on Thursday, April 4, 2024 at 9:00 a.m. in the Queen Liliuokalani Conference Room, 1st Floor, King Kalakaua Building, Department of Commerce and Consumer Affairs, 335 Merchant Street, Honolulu, Hawaii, 96813, to hear all persons interested in the proposed amendments to Hawaii Administrative Rules ("HAR') Chapter 16-89, pertaining to Nurses. The purpose of the proposed amendments is to clarify the requirements for temporary nurse permit by:

(1) Eliminating the fingerprinting requirement for purposes of a criminal background check; (2) Eliminating the submission of a National Practitioner Data Bank self-query report for the purposes of checking prior disciplinary action(s) as this information will be indicated on the license verification; (3) Recognizing a nurse who holds a multistate license issued by another state that authorizes the nurse to practice in all party states under the multistate licensure privilege; (4) Requiring that a temporary permit shall only be issued to an applicant who has been appointed or accepted employment with a single health care entity listed in section 321-11(1), HRS or a State agency such as the Department of Education or Department of Corrections and Rehabilitation; (5) Extending the period the temporary permit is valid for from 3 months to 6 months; and (6) Making other non- substantive changes for the purposes of style and clarity.

All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing, at the time of hearing. All persons wishing to submit written testimony are requested to submit 10 copies of their written testimony by, March 25, 2024, to the Professional and Vocational Licensing Division at the address printed below.

A copy of the proposed rules will be mailed to any person who requests a copy upon receipt of \$21.83 for the copy and postage. Please submit your request to the Professional and Vocational Licensing Division at the address noted below or contact the Board's office by email at nursing@dcca.hawaii.gov.

Copies may be picked up at the following address between 7:45 a.m. and 4:30 p.m., Monday through Friday, excluding holidays: Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division , 335 Merchant Street, Room 329, Honolulu, Hawaii 96813. The cost of a copy, \$19.00, is due and payable at the time of pick up.

Further, the proposed rules may be reviewed in person free of charge at the Professional and Vocational Licensing Division at the address and hours of operation printed above. In addition , the full text of the proposed rules is available and can be downloaded free of charge from the web site of the Department of Commerce and Consumer Affairs:

[https:// cca.hawaii.gov/pvl/boa rds/ nursing/statute rules/](https://cca.hawaii.gov/pvl/boards/nursing/statute_rules/) .

Individuals who require special needs accommodations are invited to call Chelsea Fukunaga at (808) 586-2698 at least four (4) working days prior to the hearing.

Testimony:

The Chair briefly described the procedures to be followed for this public hearing and asked if anyone present have not signed up to present oral testimony at this hearing, please do so at this time. She stated that if you have written testimony to submit, but do not wish to present any oral testimony, please submit your written testimony to the Executive Officer, Lee Ann Teshima before you leave the public hearing today.

She asked that when called upon to present oral testimony, please state your name and address, and if you represent a group or organization, and/or the name of the person whom you represent.

The Chair also stated that the purpose of this public hearing is to hear views and arguments regarding the proposed amendments to the Rules and that the Board will not be discussing your testimony during the public hearing or answering any questions which might be raised by your testimony at this time. The Board will be meeting, after this public hearing, and at that time, the Board will fully consider your testimony, and any written testimony, which is submitted regarding the proposed amendments to the Rules. The Board intends to make its decision during the regular meeting. The meeting is open to the public.

The Chair asked if there was anyone present who wished to testify on the proposed rules.

No one stepped forward (*At this time, Ms. Heckathorn Choy and Ms. Reichhardt had not yet arrived*).

EO Teshima reported that testimony was received from the following individuals/organizations:

- Healthcare Association of Hawaii – Paige Heckathorn Choy, Associate Vice President, Government Affairs
- Queens' Health System – Jacce Mikulanec, Director, Government Relations
- Hawaii Pacific Health – Amy Thomas, System Chief Nurse Executive
- Hawaii State Center for Nursing – Laura Reichhardt, Director
- Hawaii Association of Professional Nurses (HAPN) – Jeremy Creekmore, HAPN President

EO Teshima reported that although there was no testimony in clear "opposition", the main and common concerns and recommendations from the Healthcare Association of Hawaii, Queens' Health System and Hawaii Pacific Health were:

1. That the updated rules would decouple the temporary license application from a full licensure application. Under the current rules, any licensure application submitted for a temporary license is granted as a step towards full licensure. By decoupling these two processes, it will add expense and time to individual nurses and healthcare organizations—especially smaller organizations such as home health agencies or clinics.

And recommended that any temporary licensure process continue to provide an option by which a nurse could also apply for full licensure at the same time, creating a more efficient process by which a nurse would only have to apply for a license one time.

2. The license will only be valid for six months. This means that a nurse could have to apply for a temporary license multiple times, which would increase costs to the individual nurse or healthcare organization.

And recommended allowing an option so that any temporary licensure process would lead directly into a full licensure process so that only one application has to be completed would be ideal.

3. That any proposed rules must contain a deadline by which a temporary process is approved. Without any type of deadline, there will be no material improvement to the issuance of temporary permits in a timely fashion.

And recommend that a deadline of ten days be inserted into the proposed rules to ensure the issuance of a temporary license in a timely fashion.

The testimony from these individuals/organizations also stated, "Many of the suggestions that we are making above would reflect language that made it through both the **State Senate and State House in SB 63, Relating to Nurses**. This legislation represented a consensus position between agencies, providers, health plans, and other key stakeholders because it addressed the core issues related to the temporary nurse licensure process. We would support the adoption of the key changes outlined above that are included in SB 63 in order to ensure an efficient, expeditious temporary licensure program that will support nurses and organizations big and small in the healthcare industry."

EO Teshima stated that in regard to the language in SB 63, she compared the language in SB 63, SD2, HD3 to the language in the proposed rules and the requirements are either the same or very similar except for the 10-day processing deadline and further added that prior to COVID, when an individual applied for a temporary nurse permit, because the temporary permit was under the "endorsement" requirements, i.e. Nursys verification, CBC & NPDB, so applicants were submitting both the temporary permit and permanent license application even though they were not required to do so, it's just that the requirements were the same.

Nothing prohibits an individual from applying for a temporary nurse permit to also apply for a permanent license.

With the proposed amendments, the requirements for a temporary nurse permit and permanent license will be different. The only "common" requirement for the temporary nurse permit and a permanent license requirement is the Nursys license verification. The application for the permanent license will still require the NPDB and CBC in addition to the Nursys license verification.

The proposed rules also recognizes a multistate license, which was also included in SB 63.

Understanding the concern regarding the processing time of nurse applications, including temporary Nurse permits, due to a severe staffing shortage, pandemic, natural disaster or other issues beyond our control that would prevent us from issuing a temporary nurse permit, we would not be able to guarantee a specific processing time due to these variables however, based on the proposed amendments in which some requirements have been deleted, i.e. National Practitioner Databank – Self Query Report and Criminal Background Check, we are hoping that the process for the issuance of a temporary nurse permit will be more efficient and streamlined.

She provided some numbers regarding temporary permits issued prior to COVID, but that when staff was working in the office and remotely, we were unable to process temporary permits as the demand for nurse licenses took precedence.

Prior to the COVID pandemic, the number of temporary permits issued:

2017 (December only)	35
2018 (Jan-Dec)	360
2019 (Jan-Dec)	209
2020 (Jan-Mar)	36

Ms. Heckathorn Choy asked if she could address the Board.

Ms. Heckathorn Choy thanked the Board for their efforts and stated that the issuance of the temporary permit will not only help hospitals but other healthcare entities such as post-acute care facilities.

Ms. Reichhardt also asked if she could address the Board.

Ms. Reichhardt stated that she appreciates the expedited process while still maintaining patient safety and public protection.

There being no further testifiers, the Chair announced that the Board intends to make a decision on the proposed rules at the Board's regular meeting that is scheduled to start at 10:00 a.m., following this public hearing.

Being no further testifiers, the Chair thanked everyone for attending and participating in today's public hearing.

Adjournment: The public hearing was adjourned at 9:25 a.m.

Taken by:

Reviewed by:

/s/ Lee Ann Teshima

Lee Ann Teshima
Executive Officer

/s/ Alexander Pang

Alexander Pang
Executive Officer

[] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____

4/22/24

DRAFT