

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, June 6, 2024

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/82037570260>

Zoom Phone Number: (669) 900 6833
Meeting ID: 820 3757 0260

Recording Link: <https://youtu.be/T4nWSlj8Dk0?si=n4PYbt7Nm01xoWVM>

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: 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
Jeremy Creekmore, President, Hawai'i Association of Professional Nurses
J.P. Moses, Pu'ulu Lapa'au
Dr. Angela Gough, Pu'ulu Lapa'au
Dr. Geri Young, Pu'ulu Lapa'au
Belinda Wilson, Applicant
Aaron Lief, Applicant
Jenifer Taylor, Applicant
Shilee Jones, Applicant
Beth Amyx

Elley Dai
Shayd43
KFarrell
Alex

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 asked members attending virtually to indicate if they were alone in a non-public place.

After taking roll, quorum was established, and the meeting was called to order at 9:09 a.m.

The Chair stated that she will be taking the agenda out of order and will be taking up the approval of the minutes at this time.

Approval of Minutes:

Approval of the May 2, 2024 Open Session and Executive Session Minutes

The Chair reminded the Board members that the executive session minutes were distributed through OneDrive and that she did not have an opportunity to review so will be deferring action on the executive session minutes for the May 2, 2024 meeting.

The Chair asked if there were any comments or corrections to the open session minutes of the May 2, 2024 meeting.

Seeing none from the Board members, the Chair stated that she had some non-substantive corrections that she provided to Board staff and moved to approve the minutes with non-substantive revisions. It was seconded by Mr. Aratani, voted on and unanimously carried to approve the minutes.

The Chair stated that she will resume the order of the agenda at this time and called upon representatives from Pu'ulu Lapa'ua.

Chair's Report:

The Chair had no report or announcements and asked representatives from Pu'ulu Lapa'au to step forward.

Presentation by Pu'ulu Lapa'au

Dr. Geri Young, Executive Director, stated that:

- Pu'ulu Lapa'au is an outgrowth of what use to be the impaired physician's program; and
- Providers health program includes doctors, PAs, nurses, etc.

Dr. Gough, Medical Director, stated that:

- Pu'ulu Lapa'au is the physician's health program in the State, most states have one, however, their program is unique as they serve all licensed health care providers;

- Their main role is to provide the monitoring for providers that have any conditions that may impair their ability to practice, i.e. substance use disorders, mental health, medical issues, cognitive concerns, behavioral or boundary issues;
- Typical process is a board receives an applicant with a concern and refers them to Pu'ulu Lapa'au for an evaluation;
- Pu'ulu Lapa'au does not do the evaluations themselves as there may be a conflict of interest so individuals are referred out for an evaluation;
- The individual may be recommended to receive treatment;
- Typically, if they refer an individual for treatment who is on the mainland, they want their providers to be among peers and there is no program like that in Hawaii;
- Once their treatment is completed, they would sign on with Pu'ulu Lapa'au for monitoring
- Typical contract is 5 years, but may vary;
- Typical monitoring requirement may include drug screening, 12-step meetings, and when they are cleared to work, may be required to have a worksite monitor;
- This is an evidence-based program for the most successful substance abuse treatment structures that there is: and
- 90% of people who come to their program, by the time they complete the program are in recovery and working, which is ultimately the goal.

J.P. Moses stated:

- In the last 2-3 years, there have been significant changes in breadth of people that they care for and the degree to which they care for;
- Previously you had to be pretty sick to get the attention at work or family for the Board of Nursing to finally hear about it;
- They are trying to let employers and the public know that it doesn't cost anything to determine what you should do next;
- He has witnessed change on how we deal with colleagues who have a problem;
- We don't have sit-down interventions, we try to treat as any other illness;
- Dr. Gough mentioned that 90% of people who go to monitoring programs succeed;
- Tripod model working in addiction medicine, he looks at pharmacology, psychotherapy and mutual assistance groups as a stable platform to recovery;
- If we can get nurses into that mode, it is possible they may have the highest rate of recovery as opposed to a non-monitoring program;
- The monitoring piece that makes it effective.

The Chair asked for clarification, if someone comes to Pu'ulu Lapa'au and they need an assessment or evaluation, whether Pu'ulu Lapa'au would determine if they need treatment or monitoring.

Dr. Gough responded that she does not do the actual assessment, because it would be a conflict of interest, so they would refer the individual to an outside provider and based on the recommendations, if monitoring is recommended, Pu'ulu Lapa'au would pick up the monitoring at that point.

The Chair stated that when the Board sends someone to Pu'ulu Lapa'au for an assessment, part of what the Board is looking for is if the nurse is safe to practice nursing or not and what kind of information would the Board receive from Pu'ulu Lapa'au of the nurse's suitability to practice safely.

Dr. Gough, said that that is something that would be clearly stated, so potential responses would be:

- There's no problem at all safe to practice, no involvement from Pu'ulu Lapa'ua needed;
- There might be a problem, let's keep an eye on them for a little while but safe to practice; or
- Up to not safe to practice until x, y or z are met.

The Chair asked if the recommendation from Pu'ulu Lapa'au is that this person is not safe to practice, will the Board receive an explanation if not safe to practice to help the Board to understand what the risk to the public is and how much information can we expect to receive and if there are any HIPAA concerns.

Dr. Gough responded that they would typically inform us of the category of the substance use issue, mental health issue, or cognitive issue and the recommendations and timeline and for how long and keep posted on checkmarks.

Mr. Kuo asked if this is for all licensed providers, therapists, massage therapists, and veterinarians.

Dr. Gough clarified their program is for health care providers.

Mr. Moses stated that Pu'ulu Lapa'au is their best and only advocate for this situation because the alternative is not to work. They are the "monitoring people" on your team and as long as they follow guidelines agreed to, then the individual will succeed. He stated that the hard part is to get the individuals to understand that Pu'ulu Lapa'au is the best advocate for their situation.

The Chair asked if there were any further questions from the Board members or Board staff. There was none.

Dr. Young wanted to add that there are 47 PhDs in the U.S. and District of Columbia and three states that currently do not have this monitoring ability, California, Nebraska and Wisconsin.

The Chair thanked the Pu'ulu Lapa'au representatives.

The Chair announced the next agenda item.

Education Committee
Report/Recommendations
from May 2, 2024 Meeting:

Ms. Boyer provided the following report:

Hawaii Nursing Programs

Faculty Applications - University of Hawaii (Manoa) NAWSON – Recommend Approval
Sondra Lee Leiggi Brandon

Catherine Pena
Kira Nakamura
Julia L. Katz
Kathy X. DeGuzman
Kevin Ray Matsumoto
Christine A. Johnston
Barbie Lee McCumber
Nancy Rosales

Puanani Schiller – Deferred for official transcripts confirming nursing degree

Foreign Educated RN Applicant - Heidie Cabero Molina – Recommend approval

Foreign Educated APRN Applicant - Catherine M. Nguyen-Huy – Not accept therapeutics course(s) from Canada

Request from International Education Evaluators, LLC for Board approval as a credentials evaluator of foreign educated nurses – Recommend Approval/Recognition as a Board-approved credentials evaluator

The Chair called for a motion regarding the recommendations from the Education Committee.

Upon a motion by Mr. Kuo, seconded by the Vice Chair, it was voted on and unanimously carried to accept the recommendations from the Education Committee's May 2, 2024 meeting.

The Chair announced the next agenda item.

Executive Officer's Report:

Amendments to Hawaii Administrative Rules ("HAR") Chapter 89, Relating to Nurses – Proposed Amendments to HAR §16-89-22, Pertaining to Temporary Permits – Status Report

EO Teshima reported that the rules are still on hold until we can confirm the final disposition of SB 63 that was transmitted to the Governor's Office.

Random Audit – Status Report

EO Teshima reported on the following:
Approximately 544 RNs were audited of which so far 221 are either deficient or we have not received a submission.

Approximately 32 LPNs were audited of which so far 19 are either deficient or we have not received a submission.

Approximately 46 APRNs were audited of which so far 21 are either deficient or we have not received a submission.

She will provide another report at the July meeting.

2024 Legislative Session – Final Report

EO Pang reported on the status of the following legislative measures:

SB 1035, SD2, HD1 Relating to the General Excise Tax

Exempts medical and dental services provided by health care providers to patients who receive Medicaid, Medicare, or TRICARE benefits from the general excise tax. Applies to taxable years beginning after 12/31/2023. Effective 6/30/3000. (HD1)

The CD1 that exempts from the general excise tax those medical and dental services provided by health care providers to patients who receive Medicaid, Medicare, or TRICARE benefits, was signed into law by the Governor on June 3, 2024 (Act 47, SLH 2024).

SB 63, SD2, HD3 (Carryover from 2023 Legislative Session) 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)

The CD2 that takes effect on 1/1/2025, allows the Board of Nursing to issue temporary permits to out-of-state licensed registered nurses and practical nurses and nurses who hold a multistate license issued by another state, territory, or country, under certain circumstances. Beginning 7/1/2025, allows an out-of-state licensed practical nurse or registered nurse to apply for a temporary permit simultaneously with an application for a license to practice in the State. Exempts 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 entity in the State, was transmitted to the Governor on May 3, 2024 and no update on the status of this measure was available as of June 5, 2024.

HCR 187/HR 167, HD1 (or latest version of the resolution) Requesting the Department of Health to Convene and Health Care Facilities Labor standards Working Group to Research, Assess, and Make Recommendations on Best Practices in Labor Standards that Can Be Implemented at Hospitals, Care Homes, and Dialysis Facilities in the State – Names the Chair of the Board of Nursing or designee, to Chair this Working Group

The SD1 that amended the resolution to a nursing staffing study by the Legislative Reference Bureau was adopted by the House and no update on the status of this measure was available as of June 5, 2024.

The Chair asked if there was any further discussion on this agenda item or is there anyone wishing to provide testimony on this agenda item.

There was none.

Application policy regarding fraudulent transcripts

EO Teshima reported that the EOs discussed the applicants who submitted transcripts that were deemed fraudulent either by the Federal Bureau of Investigation (FBI)/Office of Inspector General (OIG), by another board of nursing, or directly by the nursing school. She asked that the Board, based on their past decisions on these applications, recognize or acknowledge that a transcript could be deemed fraudulent based on the FBI/OIG affidavits, notification by another board of nursing or confirmation directly from the nursing school. The reason for this affirmation was to allow staff to deficient the application and allow the applicant to submit a transcript that was not considered fraudulent without the penalty of a denial reported to both Nursys and the National Practitioners Data Bank.

EO Teshima also clarified that upon receipt of any subsequent transcript from the applicant, those transcripts would be reviewed for any “transferred” credits and if applicable, Board staff would require transcripts from the other nursing program(s) where the transfer credits originated from.

The Chair asked the Board members if they had any questions or discussion on this matter.

Mr. Kuo stated that he agreed with this plan on how to handle these types of applications.

Board members expressed that this process is an improvement to the process and would be fair for the applicant and allow them to pursue their nursing career.

Upon a motion by the Chair, seconded by Ms. Shields-Hanson, it was voted on and unanimously carried to:

- Acknowledge/recognize the FBI/OIG affidavits, notification by another board of nursing or confirmation directly from the nursing school that certain transcripts are considered fraudulent;
- Consider such applications “deficient” until the applicant submits a transcript that is not considered fraudulent by the FBI/OIG, another board of nursing or a nursing program; and
- Allow the applicant to provide new education information within the one-year abandonment period for that application.

The Chair announced the next agenda item.

Reports:

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

Ms. Reichhardt reported:

- Released 2023 Nursing Workforce Supply report. The report is different from the data tables as it has a narrative and provides information from the county perspective by license group and for each of the current topics asked;
- Webinar of nursing workforce supply data;
- Podcast comparing national research to what we're seeing in our own State;
- When comparing how many licenses are issued each month for nurses by the Board, they looked at data in the workforce supply, of nurses who live in Hawaii, 97% are in a nursing related field;

- One study relating overtime and staffing, in April 2024, new study entitled “Diverse perspective on unit-level nurse staffing ratios in medical-surgical units: A Delphi policy analysis”, that she forwarded to LRB;
- Continuing efforts to work on nursing transition to practice program for both new grads, residencies, supporting nurses to become preceptors, as well as supporting nurses in long-term care, post-acute care and developing nurses into specialty roles care in order to address all the “gaps” that we have known from a practice environment;
- Continue to assist the nursing programs in finding clinical placements and faculty training;
- Continue to move forward on leadership development, transition to practice, highlighting the work of local nurses doing research; an
- Request for proposals to conduct nursing workforce projections.

EO Teshima asked for clarification on the 97% nurses who are working.

The Chair clarified that the 97% consisted of nurses who are residents of Hawaii and are in the labor force.

EO Teshima asked if there was a follow up question to address the 3% who may not be working as a nurse.

The Chair stated that the data is still being analyzed.

Ms. Reichhardt explained that it's not like we have vacancies with people to work, we have vacancies but there is also a labor demand, empty positions, nurses are all working, nurses are in a nursing job so 3% is not that many.

Mr. Kuo wanted clarification that those 97% reside here.

Ms. Reichhardt said yes and that when we see how many licenses are issued monthly and in this State, for example, if she, as a Hawaii license nurse decided to obtain a license in Colorado, Colorado and Nevada license each of those states would be counting her. She also referred to NCSBN that shows that there are way too many “licenses” than there are people because of this situation where an individual may hold more than one license so we cannot rely on this information.

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

No report.

Hawai'i Association of Professional Nurses – Jeremy Creekmore

No report.

The Chair announced the next agenda item. She explained that the Board will be moving into executive session and that if they have any questions for an applicant in attendance, that we will call you in to join the Board. She asked if any applicants attending, to please raise your hand now so that we know that you are in attendance and the Board will call you on the number indicated on your application if they have any questions.

The following applicants raised their hands:
Aaron Lief – In person
Belinda Wilson
Shilee Jones

The Chair stated that before we move into executive session she wanted to note that there is a request for reconsideration and in the interest of transparency and to discuss and consider new and the contents of that application, she would like to motion to grant the request for reconsideration for Nicole Belony. It was seconded by the Vice Chair, voted on and unanimously carried.

Executive
Session:

The Chair motioned 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”.

It was seconded by Mr. Kuo, voted on and unanimously carried to move into executive session at 9:47 a.m.

Upon a motion by the Chair, seconded by Mr. Kuo, it was voted on and unanimously carried to move out of executive session at 11:34 a.m.

Applications:

Ratification Lists

The Chair moved to accept/approve the ratification list for:

LPNs – 21031 – 21063 (32)
RNs – 118637 - 119052 (415)
APRNs

The Board expressed their appreciation for the Licensing Branch staff who process nurse license applications by exam and endorsement.

The motion was seconded by the Vice Chair, voted on and unanimously carried to accept/approve the ratification lists for LPNs, RNs and APRNs.

Applications

Licensed Practical Nurses

The Chair called for a motion for the following application:

Jennifer Barker

Upon a motion by the Vice Chair, seconded by Mr. Kuo, it was voted on and unanimously carried to approve the LPN application for license for Jennifer Barker subject to her passing the NCLEX-PN since she does not hold a current license in another state.

Registered Nurses

The Chair called for a motion regarding the following application:

Shayla Pequet

Ms. Shields-Hanson recused herself.

Upon a motion by the Vice Chair, seconded by Ms. Boyer, it was voted on with the Chair, Vice Chair, Ms. Boyer, Mr. Kuo, and Mr. Aratani to approve the application for Ms. Pequet.

The Chair called for a motion regarding the following applications:

Alison McGannon
Belinda Wilson
Synedra Coleman
Beth Amyx
Janice Thomas
Shilee Jones

Upon a motion by the Vice Chair, seconded by Mr. Kuo, it was voted on and unanimously carried to approve the aforementioned applications for RN licensure.

The Chair called for a motion regarding the application for the following application:

Jennifer Taylor

Upon a motion by the Vice Chair, seconded by Mr. Kuo, it was voted on with the Chair, Vice Chair, Ms. Shields-Hanson, Mr. Kuo and Mr. Aratani voting yes and Ms. Boyer voting no to approve the application for Ms. Taylor. The motion carried.

The Chair stated that the Board will be deferring the following application for additional information:

Amy Smith

The Chair called for a motion regarding the reconsideration of the application for the following application:

Nicole Belony

Upon a motion by the Vice Chair, seconded by Mr. Kuo, it was voted on and unanimously carried that based on the Board's decision to acknowledge/recognize the FBI/OIG affidavits, notification by another board of nursing or confirmation directly from the nursing school that certain transcripts issued are considered fraudulent, which was the basis for the Board's previous denial of Ms. Belony's application, the Board's previous decision to

deny Ms. Belony's application for license by exam is rescinded and her application is deferred for one year at which time Ms. Belony may provide a transcript from another nursing program, that is not considered fraudulent, in order to sit for the NCLEX.

The Chair stated that the following application will be deferred to the July board meeting:

Aaron Lief

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

Next Meeting: Date: Thursday, July 11, 2024
 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: The meeting was adjourned at 11:42 a.m.

Taken by:

Reviewed by:

/s/ Lee Ann Teshima
Lee Ann Teshima
Executive Officer

/s/ Alexander Pang
Alexander Pang
Executive Officer

[X] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____

6/24/24