

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

MINUTES OF MEETING

Date: Thursday, February 6, 2025

Time: 9:00 a.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Virtual: Virtual Videoconference Meeting – Zoom Meeting (use link below)
[https://dcca-hawaii-
gov.zoom.us/j/81358631010?pwd=IlCiNpqavaw8t93JHPo6CbJwwjSmza.1](https://dcca-hawaii.gov.zoom.us/j/81358631010?pwd=IlCiNpqavaw8t93JHPo6CbJwwjSmza.1)

Recording Link: <https://youtu.be/hCahvhtE41U?si=60Y8g8UbbyOyYgno>

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
Bradley Kuo, DNP, APRN, FNP-BC, CARN-AP, PMHNP
Rebecca Moore, RN
Sheri Shields-Hanson, MSN, RN

Members Excused: Terrence Aratani, Public Member

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

Guests: Laura Reichhardt, Executive Director,
Hawai’i State Center for Nursing
Elizabeth Kahakua, Hawai’i-American Nurses Association
Jeremy Creekmore, Hawaii Association of Professional Nurses

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, noting that Mr. Aratani was excused.

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:

The Chair announced that the National Council of State Boards of Nursing and the National Forum of State Nursing Workforce Centers were collaborating on the 2024 National Nursing Workforce Survey, a comprehensive description of the workforce in the country which would be published as a supplement to the Journal of Nursing Regulation in or around May 2025.

Approval of Minutes:

Approval of the Open and Executive Session Minutes of the December 5, 2024 Meeting

Upon a motion by the Chair, seconded by Mr. Kuo, it was voted on and unanimously carried to approve the open and executive session minutes of the December 5, 2024 meeting.

2025 Legislative Session:

EO Pang discussed the following items:

2025 Time for Triage: A Summary of Best Practices, State Requirements, and Successful Efforts to Reduce Nurse Staffing Shortages

This report was promulgated by the Legislative Reference Bureau in response to a House Concurrent Resolution from the prior year. EO Pang noted that the 2025 legislative session involved a number of bills regarding nurse staffing and nurse-patient ratios, so the report was particularly relevant to the current legislative session. EO Pang asked if the Board had any discussion on the report. Seeing none, EO Pang moved on to discuss several bills that had been introduced as part of the upcoming legislative session.

a. SB 8 RELATING TO JURY DUTY

Allows an advanced practice registered nurse to claim exemption from service as a Juror.

EO Pang noted that this bill passed out of HHS. There was no discussion on this bill.

b. SB 119 RELATING TO NURSING

Appropriates funds to establish the Bachelor of Science in Nursing degree program at the University of Hawaii Maui College. Appropriate funds.

EO Pang noted that this bill passed out of HRE. There was no discussion on this bill.

c. SB 213 RELATING TO CHILDREN

Requires medically appropriate and reasonable life-saving and life-sustaining medical care and treatment for all infants born alive.
Establishes civil and criminal penalties.

EO Pang noted that this bill had been referred to HHS. There was no discussion on this bill.

d. SB 296 RELATING TO MINORS

Authorizes a physician, upon consultation with a minor patient who indicates that the minor was the victim of a sexual offense, with the consent of the minor patient, to perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition caused by the sexual offense. Provides that the consent of the parent, parents, or legal guardian of a minor offender who has been committed to the Hawaii youth correctional facilities is not necessary in order to authorize hospital, medical, mental health, dental, emergency health, or emergency surgical care.

EO Pang noted that this bill was scheduled for hearing before HHS. There was no discussion on this bill.

e. SB 305 RELATING TO MEDICAL RECORDS

Established fees that medical providers may charge for requests for a patient's medical records from the patient's family member, caregiver, or representative. Requires medical providers to respond to requests in a timely manner. Establishes penalties.

EO Pang noted that this bill was referred to HHS. There was no discussion on this bill.

f. SB 318 RELATING TO GENETIC INFORMATION

Requires the Department of Commerce and Consumer Affairs to adopt rules establishing privacy requirements for direct-to-consumer genetic testing in the State. Requires the Department's rules to specify whether consumers' genetic information may be used for purposes of investigative genetic genealogy.

EO Pang noted that this bill had been deferred.

g. SB 368 RELATING TO MEDICAL RECORDS

Requires health care providers to provide patients with copies of billing records within ten working days of a request from the patient and provide written notice to patients if there is a credit on the patient's account. Clarifies that health care providers must respond to medical record

requests from patients in a timely manner pursuant to federal regulations, with exceptions. Establishes penalties for violations.

EO Pang noted that this bill had been referred to HHS. There was no discussion on this bill.

h. SB 424 RELATING TO LABOR STANDARDS AT HEALTH CARE FACILITIES

Establish certain minimum registered nurse-to-patient ratios for hospitals. Establishes a process to obtain a variance from the minimum registered nurse staffing standards. Requires hospitals to establish hospital registered nurse staffing committees by 9/1/025 to develop and adopt registered nurse staffing plans. Requires the staffing committees to submit a charter to the Department of Labor and Industrial Relations. Beginning 7/1/2026, requires hospitals to submit their registered nurse staffing plan on an annual basis, and implement the staffing plan. Establishes a complaint and appeals process and penalties. Appropriates funds.

EO Pang noted that this bill had been referred to LBT and HHS. Mr. Kuo asked if there was a companion bill. EO Pang said no.

i. SB 482 RELATING TO COGNITIVE ASSESSMENTS

Requires all health care providers who accept Medicare to provide a cognitive assessment as part of the Medicare Part B annual wellness visit for Medicare beneficiaries sixty-five years of age or older, with certain exceptions. Requires health care providers to submit certain information to the Executive Office on Aging and the Executive Office on Aging to report de-identified aggregated data to the Legislature on an annual basis. Appropriates funds. Effective 1/1/2026.

EO Pang noted that this bill was scheduled for hearing before HHS. There was no discussion on this bill.

j. SB 947 RELATING TO BIRTH CERTIFICATES (companion: HB 1452)

Expands the types of health care providers who can submit an affidavit for a new certificate of birth for certain birth registrants.

EO Pang noted that this bill had been referred to HHS. There was no discussion on this bill.

k. SB 1150 RELATING TO HEALTH CARE

Expands the protections established under Act 2, SLH 2023, to include gender-affirming health care services. Clarifies jurisdiction under the Uniform Child-Custody Jurisdiction and Enforcement Act for cases involving children who obtain gender-affirming health care services.

EO Pang noted that this bill had been referred to JDC. There was no discussion on this bill.

I. SB 1203 RELATING TO COGNITIVE ASSESSMENTS

Requires all health care providers who accept Medicare to provide a cognitive assessment as part of the Medicare Part B annual wellness visit for Medicare beneficiaries sixty-five years of age or older, with certain exceptions. Requires health care providers to submit certain information to the Executive Office on Aging and the Executive Office on Aging to report de-identified aggregated data to the Legislature on an annual basis. Appropriates funds. Effective 1/1/2026.

EO Pang noted that this bill had been referred to HHS. There was no discussion on this bill.

m. SB 1242 RELATING TO NURSES

Requires and appropriates moneys for the establishment of a 5-year nurse recertification pilot program to be administered by the Department of Health. Requires reports to the Legislature. Appropriates moneys for the Department of Health to award scholarships to eligible nursing students who agree to teach nursing in Hawai'i after graduating.

EO Pang noted that this bill had been deferred.

n. SB 1373 RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

EO Pang asked for the Board's position on this measure. He noted that this bill passed out of CPN with non-substantive amendments. The bill targeted several licensure areas where licensees had direct, intimate patient contact. He noted that this bill allowed for the immediate revocation of a license for a registered sex offender, rather than going through the normal Regulated Industries Complaints Office process for filing complaints.

Mr. Kuo asked if there was a current process to revoke licensure. EO Pang said yes, but this bill would allow for the instant revocation of a license based on sex offender registration. EO Fukunaga added that the licensee was afforded the ability to contest the Board's decision, allowing them due process.

The Chair asked if the Board was required to revoke the license of a registered sex offender. EO Fukunaga said yes. The Chair said she was concerned about this, as she believed there were degrees of offenses that could land an individual on the sex offender registry, such as urinating in public. Ms. Moore noted that she was thinking of the same example. The Chair felt that a person who was caught urinating in public at 2 a.m. a block

from an elementary school would not necessarily be considered a hazard to the public in the course of delivering nursing care. She felt that the current process was designed to look at the totality of the circumstances when deciding whether an applicant was fit to practice nursing. She noted that the Board regularly reviewed applications with convictions that were more problematic than urinating in public, such as battery and domestic violence. She did not know why the Board would necessarily single out sex offenses as an exemption to the process.

Ms. Shields-Hanson noted that the bill allowed for the applicant to contest the revocation within 10 days. She felt that it was important for the Board to validate the findings of a court of law. DAG Wong added that the bill language kicked in only after an applicant or licensee had been convicted and deemed a sex offender under the law. She did not know if urinating in public would result in being deemed a sex offender. Either way, it would be a determination of the court whether the circumstances warranted the individual being on the sex offender registry.

Ms. Shields-Hanson said she did not feel that this would not affect the practice of a nurse. If someone was convicted of being a sex offender, the onus should be on them to use the 10-day appeal process.

EO Fukunaga noted that this bill was introduced in response to an incident in which a physical therapist was convicted and registered as a sex offender, and the process to revoke was elongated. The bill was meant to navigate a middle ground, where a person who posed a potential danger to the public could immediately be removed from practice while also being afforded the ability to contest the revocation.

DAG Wong said that the Chair's concerns would likely be addressed by the court, as she did not know if urinating in public would result in conviction and required registration as a sex offender. The individual would still be allowed to contest a revocation on the licensing side.

The Chair said she was also concerned as to why sex offenses in particular were targeted by this bill. Could the argument not be made that this bill should apply to any conviction involving a violent offense?

EO Fukunaga agreed that the argument could be made, but the bill was starting with this particular context, with room to potentially encompass other situations down the road. DAG Wong said that many bills originated from a news story, and this bill originated from a Civil Beat article. EO Fukunaga noted that this bill was meant to expediently remove registered sex offenders from practice in the name of public safety.

Ms. Moore said that because license renewal is every two years, the Board may not know that an applicant is a registered sex offender until they renew. She noted that convictions were publicly announced in the Hawaii island newspaper, whether a DUI or a sex offense. How would the Board know if a licensee was registered sex offender, or convicted of anything for that matter?

EO Fukunaga said that under HRS 436B, licensees were obligated to report all convictions to the Board. If the licensee did not tell the Board, then the public could.

Laura Reichhardt raised her hand on Zoom. The Board invited Ms. Reichhardt to speak.

Ms. Reichhardt said that while working to instate the criminal background check requirement for nurse applicants, there was a “rap back” process that would give real-time notifications of any federal or state criminal activity from a licensee.

EO Fukunaga noted that Hawaii was not currently enrolled in the rap back process because the Department lacked staffing to process rap back notifications.

Mr. Kuo, Ms. Shields-Hanson, Ms. Boyer, and Ms. Moore indicated that they supported the bill in the interest of public protection.

o. SB 1596 RELATING TO NURSING

Requires the Department of Health to identify one facility in each of the counties of Hawai'i, Kauai, and Maui that has the capability to establish a Pearson VUE Authorized Test Center as a test site to administer a NCLEX for nurses; equip each facility identified with the technical and facility requirements necessary for a Pearson VUE Authorized Test Center; and submit an application for each facility to Pearson Education, Inc. to be authorized and contracted as a Pearson VUE Authorized Test Center. Requires a report to the Legislature.

EO Pang said that HHS heard the bill yesterday and amended the bill to require the Board of Nursing to identify facilities in each of the counties rather than the Department of Health.

The Chair was concerned as to how the Board would dictate the business practices of a private entity. She understood that it was a burden for individuals on neighbor islands to travel to Oahu to test, however NCSBN was actively developing and getting ready to roll out remote proctoring for the NCLEX in the next two or so years. This would address the test availability issue for a vast majority of test takers. She felt that waiting to see how the remote NCLEX went would be prudent.

Mr. Kuo said he did not support using state resources to force a private company to do something that the private company has not deemed necessary.

EO Fukunaga asked if the issue of lack of testing centers cropped up in the mainland US.

Ms. Shields-Hanson said that in California, applicants would sometimes have to drive 3-4 hours to reach the nearest testing center. Some applicants in licensure compact states would have to cross state lines to take the test. She

noted that this had been happening for a while, without issue. She also noted that there were only 18-20 test takers from Kauai a year, so NCSBN would need to construct a test center for 18-20 students, which did not make sense.

Ms. Moore agreed. She said that she was from Kansas and she had to drive an hour across state lines to get to a testing center, so she was able to get to a test center.

The Board agreed that it opposed the bill, as it did not support using state resources to force a private company to do something that was not in its plans, based on the upcoming remote NCLEX and the small number of students who would be helped by a testing center compared to resources expended.

p. HB 62 RELATING TO HEALTHCARE FACILITY NURSE STAFFING

Implements various nurse-to-patient ratios at hospitals and care homes.
Requires the Department of Health to audit healthcare facility compliance.

EO Pang said that this bill was referred to HLT. There was no discussion on this bill.

q. HB 248 RELATING TO MEDICAL RECORDS

Establishes fees that medical providers may charge for requests for a patient's medical records from the patient's family member, caregiver, or representative. Requires medical providers to respond to requests in a timely manner. Establishes penalties.

EO Pang said that this bill was referred to HLT. There was no discussion on this bill.

r. HB 303 RELATING TO HEALTHCARE PRECEPTORS

Expands the definitions of "preceptor" and "volunteer-based supervised clinical training rotation" to improve accessibility for providers to receive income tax credits for acting as preceptors, including removing "primary care" from the criteria to qualify as a preceptor. Adds dietitians, physician assistants, and social workers to the list of preceptors and eligible students. Expands eligibility for the tax credit to include accredited residency programs that require preceptor support. Adds the Director of Health and residency programs with eligible students to the Preceptor Credit Assurance Committee. Applies to taxable years beginning after 12/31/2025.

EO Pang said that this bill was referred to HHS. Mr. Kuo asked if the Board would be providing testimony on this bill. EO Pang said no, the intention was just to track this bill for the time being. Mr. Kuo said that seemed fair.

s. HB 311 RELATING TO GENERAL EXCISE TAX EXEMPTION

Establishes general excise tax exemptions for various medical services, including dental services.

EO Pang said that this bill was referred to HLT. The Chair recalled that there was a bill in 2024 relating to a GET exemption. Mr. Kuo said that bill was confined to Tricare, Medicare, and Medicaid, and would not become active until January 1, 2026. The current GET bill would get rid of GET for all medical services, no matter who the insurer is. Mr. Kuo noted that Hawaii and New Mexico are the only states that tax medical services.

t. HB 897 RELATING TO THE NURSE LICENSURE COMPACT

Authorizes the Governor to enter the State into a multistate Nurse Licensure Compact that will allow a nurse who is licensed by a home state to practice under a multistate licensure privilege in each party state. Beginning 7/1/20 , requires each person who holds a multistate nurse license issued by another state and is employed by a health care facility to complete annual demographic data surveys. Authorizes the State Board of Nursing to charge different fees for registered nurses and licensed practical nurses who hold a multistate license issued by the State. Provides that the Nurse Licensure Compact shall become effective and binding in the State two years after the Act takes effect.

EO Pang said that this bill was referred to HLT.

Mr. Kuo opposed this bill. Per the Board's discussion on the Compact in the previous year, there was an instance of a home state that disciplined a licensee's single state license but never applied that encumbrance to their multistate license, allowing that licensee to still use their "clean" multistate license to practice in any other Compact state. Because Hawaii was not part of the Compact, this licensee was caught through Hawaii's application review process.

EO Pang noted that Hawaii now had a temporary nurse licensure permit available. In July, the Department would also roll out the option to obtain a temporary permit while simultaneously applying for a full license, allowing for a licensee to obtain a temporary permit and seamlessly transition to practicing under a full license. DAG Wong said that this option acted as an expedient pathway to licensure.

The Chair observed that according to the 2024 geographical report of licenses, there was an oddly high spike in the number of individuals who reside out of the state and were licensed as LPNs or RNs. She had a conversation with the Director of Research at NCSBN, who said that while NCSBN would love to study the research of the Compact on the nursing workforce, NCSBN lacked a mechanism to study workforce impact. As such, the presupposition that the Compact could be implemented as a workforce solution was not evidenced per NCSBN itself. EO Fukunaga added that she did not know how NCSBN would be able to track workforce impact, as the Compact did not have any data collection.

Ms. Shields-Hanson noted the holes in reporting from state to state under the Compact.

Mr. Kuo was very concerned that if Hawaii did enter the Compact, fees would increase for all Hawaii licenses.

The Chair said that to summarize the conversation thus far: Hawaii's single state licensure process was more stringent than the multistate licensure process, the temporary licensure permit created a pathway for expedient licensure that the Compact was intended to assist with, license fees for Hawaii nurses would likely increase by joining the Compact, and per NCSBN there was no way to study the workforce impact by joining the Compact.

Ms. Boyer asked if the Vice Chair and Ms. Moore felt similarly about the Compact.

Ms. Moore agreed with the opposition to the bill. She felt it was noteworthy that NCSBN lacked a mechanism to track the workforce impact of the Compact. The Chair said that NCSBN's rules were written without a way to capture that data, and now with over 40 states in the Compact, there was no way to go back and obtain baseline data.

The Chair asked the Board members one by one as to their positions on the bill. Ms. Moore, Mr. Kuo, Ms. Boyer, Ms. Shields-Hanson, the Vice Chair, and the Chair opposed the bill.

u. **HB 1244 RELATING TO LABOR STANDARDS AT HEALTH CARE FACILITIES**

Establishes certain minimum registered nurse-to-patient staffing requirements for hospitals. No later than 9/1/2025, requires hospitals to create hospital registered nurse staffing committees. Beginning 7/1/2026, requires hospitals to implement registered nurse staffing plans. Appropriates funds.

EO Pang said that this bill was deferred.

EO Pang took the agenda out of order and asked whether a member of the Board would volunteer to provide a position on behalf of the Board and possibly testify to provide nuance to the Board's position or address an amendment that the Board had not had the chance to discuss prior. Ms. Boyer volunteered. There was consensus among the Board as to Ms. Boyer's appointment to the task.

The Chair asked if there were any members from the public wishing to testify on this agenda item. Seeing none, the Board moved on to the next item.

Reports:

Hawaii State Center for Nursing – Laura Reichhardt, Executive Director

Ms. Reichhardt reported:

- HSCN was convening a Community Conversation on February 19. Topics included AI and technology, leadership and mentorship, professional development, and the entry to practice pipeline
- Nursing Workforce Projections would be presented to the public on April 4
- Fielding the Nursing Workforce Supply Survey
- Ms. Reichhardt was travelling to New Zealand to study their approaches to the nursing workforce

Hawaii American Nurses Association – Elizabeth Kahakua

Ms. Kahakua reported:

- HANA currently has 456 members
- In December 2024, ANA had the Leadership Summit with presidents and executive directors for ANA
 - Lot of discussion about the Secretary for Health and Human Services
 - Signed a statement with roughly a dozen states supporting a candidate that is for science and evidence-based practice
- HANA went to the opening day at the Capitol, met several representatives
- Provided testimony on HB1244, HB617, HB303, HB903, HB756, and some other bills related to firearms
- Sponsored State of Reform Conference in January 2025
- Collaborating with Institute of Violence, Abuse, and Trauma at the Convention Center, April 7-10
- New board of directors that started in January

Mr. Kuo asked if the new Board makeup was posted on the HANA website.
Ms. Kahakua said yes.

Hawaii Association of Professional Nurses – Jeremy Creekmore

Mr. Creekmore reported:

- New president-elect Patricia Burrell
- Focused on bills increasing access to care, maintaining APRN scope and provider-neutral language; opposed to Compact bill
- Mr. Creekmore learned that morning that Google crafted an AI called “Nurse Avery.” Mr. Creekmore was concerned about the implications of this AI and would discuss it with HAPN

The Chair asked if any member of the public wished to testify on this agenda item. Seeing none, the Board move on to the next item.

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 cited in section 29-6 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 Ms. Boyer, voted on and unanimously carried to move into executive session at 10:01 a.m.

Upon a motion the Chair, seconded by Mr. Kuo, it was voted on and unanimously carried to move out of executive session at 10:26 a.m.

Applications:

Ratification Lists

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

LPNs, license numbers 21242 - 21286
RNs, license number 122610 - 123490; and
APRNs and APRNs with prescriptive authority

Applications

The Chair called for a motion regarding the applications.

The Board deferred the following applications for further information:

Linette De Los Reyes
Carline Guillaume

Upon a motion by the Vice Chair, seconded by Ms. Boyer, it was voted on and unanimously carried to remove all conditions on the following licensee:

Caressa Barth

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

Stephanie Williams

Upon a motion by the Vice Chair, seconded by Ms. Boyer, it was voted on to approve the following application, with the Chair, Vice Chair, Ms. Boyer, Ms. Shields-Hanson, and Ms. Moore voting yes, Mr. Kuo voting no, and the motion carrying:

Lori Miller

The Chair asked if any member of the public wished to testify on this agenda item. Seeing none, the Board move on to the next item.

Next Meeting:

Date: Thursday, April 3, 2025
Time: 9:00 a.m.
In-Person: PVL Exam Room
King Kalakaua Building, 3rd Floor
335 Merchant Street
Honolulu, Hawaii 96813

Virtual: Zoom Meeting

Adjournment: The meeting was adjourned at 10:30 a.m.

Taken by:

/s/ Alexander Pang
Alexander Pang
Executive Officer

[x] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____

4/3/25