

**BOARD OF NURSING  
PRACTICE COMMITTEE**  
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, July 7, 2011

Time: 8:30 a.m.

Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Members Present: Matthew Bishop, MS, APRN, Practice Co-Chair  
Amy Stone Murai, MS, APRN, Practice Co-Chair

Member Excused: Jaeda Elvenia, RN

Staff Present: Lee Ann Teshima, Executive Officer ("EO")  
Shari Wong, Esq., Deputy Attorney General ("DAG")  
Lesley Matsumoto, Secretary

Guests: Claire Rausch, APRN-Rx

Call to Order: Co-Chair Stone Murai, called the meeting to order at 8:53 a.m. at which time quorum was established.

Approval of the Agenda: Upon a motion by Co-Chair Bishop, seconded by Co-Chair Stone Murai, it was voted on and unanimously carried to accept the agenda as circulated.

Approval of the Minutes: Co-Chair Stone Murai called for a motion in regards to the minutes of the May 5, 2011 meeting.

The DAG recommended the following changes to the minutes:

Page 3, first paragraph, delete "11" and replace with "11".

Also, under the Exclusionary Formulary, last bullet, it should read as follows:

- Medical marijuana as restricted in HRS section 329-121.

There being no further amendments, upon a motion by Co-Chair Bishop, seconded by Co-Chair Stone Murai, it was voted on and unanimously carried to accept the minutes of the May 5, 2011 meeting as amended.

Old Business:

**APRN-Rxs Prescribing Controlled Substances**

Act 110, SLH 2011 – Amendments to HAR Chapter 89

The Governor signed the bill into law on June 14, 2011. This bill requires hospitals licensed in this State to allow APRNs and APRN-Rxs to practice as a primary care provider and repeals the “working relationship” (collaborative agreement) with licensed physicians for APRN-Rx to prescribe controlled substances.

The committee discussed making amendments to HAR 89 to align it with the new law changes. Both Co-Chairs provided the EO with their recommendations to amend HAR 89.

The EO stated that she will incorporate into a draft for the committee’s review at the August meeting.

Joint Formulary Advisory Committee – Exclusionary Formulary for APRN-Rxs

The committee reviewed the amended Exclusionary Formulary for APRN-Rx for Controlled Substances and advised the EO to convene the Joint Formulary Advisory Committee to review the revised formulary. The Board will be provided a copy for ratification at the August meeting.

The DAG reminded the committee that since the exclusionary formulary is part of HAR Chapter 89, it must be included in the administrative rules and go through the rules adoption process.

Requirements

The EO informed the committee that pursuant to HAR §16-89-119 “Prescriptive authority eligibility requirements.” the “requirements” for an APRN-Rx to prescribe controlled substances are as follows:

1. RN and APRN License;
2. Education – Master’s Degree in Nursing from an accredited nursing school;
3. National Certification;
4. Continuing Education
5. Hawaii Oral Code – Shall submit proof of a current oral code issued by the Department of Public Safety, Narcotics Enforcement Division;
6. U.S. Drug Enforcement Agency No. – Shall submit proof of a current DEA number issued by the U.S. Drug Enforcement Agency; and
7. Narcotics Enforcement Division Registration No. – Shall submit proof of a current registration with the Department of Public Safety, Narcotics Enforcement Division.

The EO informed the committee some applicants will have difficulty obtaining their DEA registration because according to the DEA web site, they do not recognize Hawaii NPs as being able to prescribe controlled substances. She stated that she had written to the DEA twice but has not received a response, but in the meantime she will attempt to contact the DEA again.

After some discussion, it was the consensus of the committee to delete the requirements 5-7 listed above as they should not be considered “licensing” requirements. As primary care providers and practitioners, it is the APRN-Rx’s responsibility to comply with other state or federal laws, regulations and requirements to prescribe controlled substances. The committee also recommends the deletion of the continuing education related to controlled substances since APRN-Rx were already required to take continuing education.

