

Hygiene (SON) in support of the BOR's request to designate 29 positions as essential within the meaning of Hawaii Revised Statutes (HRS) § 89-12.

2. Dr. Cecilia M. Shikuma, Assistant Professor, PBRC, is the principal investigator of 25 clinical trials involving 50 - 300 AIDS patients who are taking potentially dangerous drugs with enormous side effects. She is responsible for prescribing medication and evaluating and monitoring the condition of those patients under her direct control. Pursuant to patient consent forms, she is obligated to be available for any health problems for patients arising during the trials and must be available to respond immediately to medical emergencies.
3. Dr. Brian F. Issel, Professor, CRCH, is the only oncologist who treats patients at the Queen Emma Clinic as well as serves as the principal investigator responsible for overseeing the treatment of cancer patients in several clinical trials. He oversees the treatment of approximately 50 cancer patients.
4. Dr. Carolyn Gotay, Associate Professor, CRCH, is a principal investigator of clinical trials and is involved in direct patient care relating to psychosocial counseling of cancer patients. She oversees the care of over 200 local patients on a full-time basis and is required to be available for 200 patients enrolled in protocols nationally.
5. Dr. Randal K. Wada, Associate Researcher and Associate Professor of Pediatrics, CRCH, heads the pediatric bone marrow transplantation program and the cord blood bank at the Kapiolani Medical Center for Women and Children. As such, he provides 20% direct care supervision for 12 transplant patients and must be present to oversee adverse effects in six different clinical trials and also supervises pediatric staff.
6. Anne Verderber, Professor, SON, provides direct patient care for approximately 25-30 patients daily at the Queen's Medical Center. She performs wound care, skin care, infection control, and mobility management and participates in assessment, diagnosis, planning, implementation, and evaluation which are critical to patient well-being. She is also involved with consented patients in a research protocol and in providing treatment and medication.
7. Jillian Inouye, Professor, SON, provides treatment to 20-30 patients daily in a research clinical protocol.
8. Chen-Yen Wang, Associate Professor, SON, provides direct patient care to consented patients with diabetes as part of a clinical trial. As Clinical Trials

Coordinator, she sees patients at Queen's Medical Center and St. Francis Medical Center-West. She participates in assessment, responding to medication side-effects, physical examination, and analyzing liver and kidney functions.

9. Victoria Niederhauser, Assistant Professor, SON, provides counseling and assessments for the risk reduction program at Tripler Army Medical Center. She runs a clinical research health risk reduction program that involves nursing assessment, diagnosis, planning and treatment (including prescription of medication and therapy) and evaluation. She is also engaged with consented patients.
10. Janice Haley, Instructor, SON, to be designated at .66 FTE. She is the case manager for medically fragile children with multiple and complex health care needs and is responsible for the patients who have legally consented to participate. She provides support, treatment and counseling to the families, visits them at least every two weeks and is available by pager 24 hours a day to deal with any problem or illness that may arise. The children are in areas over the state without pediatric nursing support or pediatricians willing to provide care and Ms. Haley provides the link between the families and Kapiolani Medical Center for Women and Children.
11. Tammy Wheeler, Instructor, Recruitment and Retention Project/Hawaii State Hospital (HSH), is a primary care provider, providing consultation and direct psychiatric patient care at a clinic located in Puna on the Island of Hawaii.
12. Based on the testimony presented, the Board finds that the BOR has shown by a preponderance of evidence the individuals listed below perform direct patient care at various health care hospitals and clinics throughout the State including, but not limited to the Queen Emma Clinic, Kapiolani Medical Center for Women and Children, Queen's Medical Center, Tripler Army Medical Center, St. Francis Medical Center-West, and the Queen's Medical Center. The withholding of services by these individuals during a Unit 07 strike would place the patients under their care at serious risk to their health.

CONCLUSION OF LAW

1. To the extent the medical doctors and nurses designated below perform direct patient care, the Board finds the withholding of services performed would present an imminent or present danger to the public health and safety within the meaning of HRS § 89-12.

ORDER

Accordingly, pursuant to HRS § 89-12 the Board hereby designates the following positions as essential positions insofar as they perform direct patient care:

- A. Pacific Biomedical Research Center (PBRC)
Dr. Cecilia M. Shikuma, Associate Professor, involved in the AIDS clinical trials as identified in Petitioner's Exhibit B (Exhibit B).

- B. Cancer Research Center of Hawaii (CRCH)
Dr. Brian F. Issel, Professor, Dr. Carolyn Gotay, Associate Professor, and Dr. Randal K. Wada, Associate Researcher and Associate Professor as identified in Exhibit B.

- C. School of Nursing and Dental Hygiene (SON)
Anne Verderber, Professor; Jillian Inouye, Professor; Chen-Yen Wang, Associate Professor; Victoria Niederhauser, Assistant Professor; Janice Haley, Instructor; and Tammy Wheeler, Instructor as identified in Exhibit B.

The Board retains jurisdiction over the petition and may amend this Interim Order.

DATED: Honolulu, Hawaii, April 11, 2001

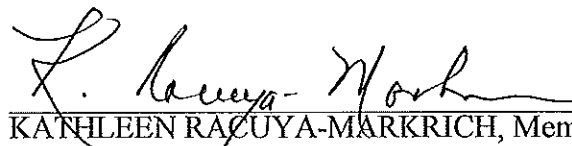
HAWAII LABOR RELATIONS BOARD



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CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

BOARD OF REGENTS, University of Hawaii and UNIVERSITY OF HAWAII PROFESSIONAL
ASSEMBLY
CASE NO. S-07-78
ORDER NO. 2005
INTERIM ORDER DESIGNATING ESSENTIAL WORKERS

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