

Honolulu, Hawaii

April 13, 2006

RE: H.C.R. No. 73
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.C.R. No. 73 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO CONSIDER EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN FOLLOWING A NATURAL DISASTER,"

begs leave to report as follows:

The purpose of this concurrent resolution is to increase Hawaii's preparedness to reconstruct in the event of a natural disaster by requesting the Director of Commerce and Consumer Affairs to establish a task force on:

- (1) Expedited, temporary, or special circumstances licensure of, or a license exemption for contractors and tradesmen; and
- (2) Establishing price controls on building materials and supplies.

The Building Industry Association supported this measure. The Contractors License Board supported the intent of this measure with amendments. The Department of Commerce and Consumer Affairs (DCCA) commented on this concurrent resolution.



Upon consideration, your Committee has amended this concurrent resolution to address the need for a sunrise review of the regulation of nurse aides. A proposed draft of the amended concurrent resolution was circulated and your Committee received testimony in support of the proposed draft from the Department of Health, Healthcare Association of Hawaii, and Hawaii Long Term Care Association. The Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs commented on the proposed draft.

Your Committee finds that nurse aides that work in facilities that receive Medicaid or Medicare funding must be certified pursuant to federal regulations. However, no comparable state requirement exists for nurse aides working in other settings. DCCA has until now been certifying this latter group, but has indicated that it will discontinue certification because no state requirement exists.

During the 2006 session, legislation was introduced to require certification of nurse aides who work in settings not funded by Medicaid or Medicare. Accordingly, this amended concurrent resolution:

- (1) Is entitled:

"REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE CERTIFICATION OF NURSE AIDES WHO WORK IN SETTINGS OTHER THAN MEDICARE- OR MEDICAID-CERTIFIED NURSING FACILITIES AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO RESCIND ITS DECISION TO END CERTIFICATION OF THESE NURSE AIDES";

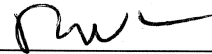
- (2) Will protect consumers and ensure the safety of patients receiving nurse aide services in facilities that do not receive Medicare or Medicaid funding, by requesting an Auditor's sunrise review of the certification of these nurse aides proposed by S.B. No. 3277, S.D. 1; and
- (3) Addresses employment concerns of currently certified nurse aides who work in facilities that do not receive Medicare or Medicaid funding by requesting DCCA to:
 - (A) Rescind its decision to end certification of these nurse aides; and



- (B) Extend the current certifications of this group until a law requiring their certification is enacted.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 73, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 73, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



