

Honolulu, Hawaii

March 24, 2006

RE: S.B. No. 2343
S.D. 2
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 Health, to which was referred S.B. No. 2343, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS,"

begs leave to report as follows:

The purpose of this measure is to authorize criminal background checks of persons providing care or having access to the elderly and disabled.

Testimony in support of this measure was received from the Department of Human Services, the Department of Health, the State Council on Developmental Disabilities, the Policy Advisory Board for Elder Affairs, the Kokua Council, the Hawaii Coalition of Care Home Administrators, the Healthcare Association of Hawaii, and a private citizen. The Department of the Attorney General expressed concerns about the bill and suggested amendments.

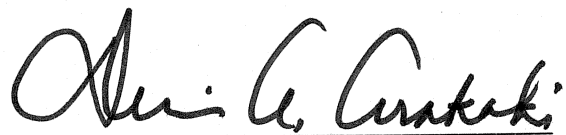
Your Committee finds that elderly and disabled persons are especially vulnerable. Many of the service providers that they come into contact with on a daily basis are complete strangers. The elderly and disabled need to live in a safe and secure environment. In order to reduce the incidents of abuse of the elderly or disabled, persons who provide care or have access to them should undergo mandatory background checks.



Your Committee notes that the bill requires applicants and prospective operators having direct patient access under the new section in chapter 321 to be subject to criminal history record checks in accordance with section 846-2.7, Hawaii Revised Statutes, which provides that a criminal history record check shall include submission of fingerprints to the Federal Bureau of Investigations. Nevertheless, in view of the testimony by the Attorney General and to ensure the safety of the elderly and disabled, your Committee has amended this measure to clarify that the Department of Health may request criminal history information from the Federal Bureau of Investigation. Your Committee has also clarified that the Department may rely in good faith on criminal history record checks authorized by this bill generally, not just state criminal history record checks. Your Committee has also corrected several obvious typographical errors made to the definition of "Criminal history record name inquiry".

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2343, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2343, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Health,


DENNIS A. ARAKAKI, Chair



State of Hawaii
House of Representatives
The Twenty-third Legislature

HSCR 1248-06

Record of Votes of the Committee on Health

Bill/Resolution No.: SRS 2343 SD 1		Date: 3/23/6		
Committee Referral: HLT, FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <input type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration </div> </div>				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. ARAKAKI, Dennis A. (C)	✓			
2. GREEN, Josh, M.D. (VC)	✓			
3. CABANILLA, Rida T.R.	✓			
4. HALE, Heléne H.	✓			
5. NISHIMOTO, Scott Y.	✓			
6. SONSON, Alex M.	✓			
7. HALFORD, Chris	✓			
TOTAL	7	0	0	0
The recommendation is: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> <p style="margin-left: 40px;">If joint referral, _____ did not support recommendation. committee acronym(s)</p>				
Vice Chair's or designee's signature: <div style="text-align: center; margin-top: 10px;"> </div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				