

Honolulu, Hawaii

APR 24 2006

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

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Housing,
to which was referred H.C.R. No. 73, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION 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,"

begs leave to report as follows:

The purpose of this measure is to protect consumers and
ensure the safety of patients receiving nurse aide services in
facilities that do not receive Medicare or Medicaid funding.

Specifically, this measure requests that:

- (1) The Auditor conduct a sunrise review of the
certification of these nurse aides who work in non-
Medicare or non-Medicaid settings as proposed by S.B.
No. 3277, S.D. 1;
- (2) The Department of Commerce and Consumer Affairs (DCCA)
rescind its decision to end certification of these nurse
aides who work in non-Medicare or non-Medicaid settings;
and
- (3) The DCCA extend the current certifications of these
nurse aides who work in non-Medicare or non-Medicaid



settings until a law requiring their certification is enacted.

Testimony in support of this measure was submitted by the Department of Health, the Hawaii Long Term Care Association, the Healthcare Association of Hawaii, and nine certified nurse aides. Comments were submitted by the Professional and Vocational Licensing Division of the DCCA.

Your Committee finds that nurse aides who work in facilities that receive Medicaid or Medicare funding must be certified pursuant to Chapter 457A, Hawaii Revised Statutes, and federal regulations. No comparable state requirement exists for nurse aides working in facilities that do not receive Medicare or Medicaid funding.

Until 2005, the DCCA has certified and recertified nurse aides who have worked in non-Medicare or non-Medicaid facilities. The DCCA, however, has indicated in 2005 that it will discontinue certification because no state requirement exists. By requesting the DCCA to rescind its decision to end certification of these nurse aides and to extend the current certifications, your Committee further finds this measure ensures the continuation of high standards of quality care for patients in Hawaii.

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

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



RON MENOR, Chair



