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**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON HEALTH

AND

TO THE HOUSE COMMITTEE ON HUMAN SERVICES & HOUSING

TWENTY-FOURTH LEGISLATURE
REGULAR SESSION of 2008

Friday, March 28, 2008
9:00 a.m.

TESTIMONY ON HOUSE CONCURRENT RESOLUTION NO. 164, REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE IMPACT OF ACT 226, SESSION LAWS OF HAWAII 2007, ON NURSE AIDES WHO ARE EMPLOYED IN STATE-CERTIFIED OR STATE-LICENSED HEALTH CARE SETTINGS TO PROVIDE A BASIS FOR THE LEGISLATURE TO DECIDE WHETHER TO AMEND ACT 226, SESSION LAWS OF HAWAII 2007.

TO THE HONORABLE JOSH GREEN, M.D., CHAIR,
TO THE HONORABLE MAILE S.L. SHIMABUKURO, CHAIR,
AND MEMBERS OF THE COMMITTEES:

My name is Kathleen Yokouchi, Executive Officer of the Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to testify in support of House Concurrent Resolution No. 164.

This measure requests the Auditor to conduct a study on the impact of Act 226, Session Laws of Hawaii 2007 ("Act 226") on nurse aides who are employed in state-certified or state-licensed ("SC/SL") health care settings and to provide a basis for the Legislature to decide whether to amend Act 226.

Act 226 provides for nurse aides who work in SC/SL health care settings to be certified if they met requirements that are comparable to nurse aides who are employed by Medicare/Medicaid certified facilities. The intent was to safeguard consumer safety.

Upon adoption of Act 226, the departments of Commerce and Consumer Affairs; Health; and Human Services immediately worked together with the American Red Cross to implement the law. Although certification for SC/SL health care setting employed nurse aides is not mandatory, the overwhelming majority of the nurse aides have opted to be certified. However, the cost for certification and recertification, particularly for the proficiency evaluation, quickly became – and remains – a point of contention for these nurse aides.

Medicare and Medicaid absorb the certification and recertification costs for nurse aides who work in their facilities. However, nurse aides who work in SC/SL health care settings are responsible for these costs.

House Concurrent Resolution No. 164 requires the Auditor to seek the stakeholders' views on the problem and study the possibility of other sources of funding. Therefore, the Department stands in support of this measure.

Thank you for the opportunity to provide testimony.



March 28, 2008

To: Chairs Josh Green and Maile Shimabukuro and Members of the House Committees on Health and Human Services & Housing

From: Bob Ogawa, President, Hawaii Long Term Care Association

Re: H.C.R. 164, Requesting the auditor to conduct a study on the impact of Act 226, Session Laws of Hawaii 2007, on nurse aides who are employed in State-certified or State-licensed health care settings to provide a basis for the Legislature to decide whether to amend Act 226, Session Laws of Hawaii 2007.

The Hawaii Long Term Care Association (HLTCA) strongly supports H.C.R. 164.

Last year, as the result of a truly gratifying cooperative effort among the Departments of Health, Human Services, and Commerce & Consumer Affairs, along with the Healthcare Association of Hawaii, the Coalition of Care Home Administrators, the Red Cross, the HLTCA and the Legislature, a very significant health policy measure regarding certified nurse aides (CNAs) was passed and became Act 226. It was a signal example of public-private partnership and collaboration.

As is manytimes the case, however, implementation does not come without its glitches. While everyone continues to support the consumer safety and professional accreditation benefits of the new certified nurse aide law, concerns have arisen regarding the costs involved in the certification and recertification processes.

Federal statute requires that no charge shall be imposed for CNAs working in Medicare-/medicaid-certified nursing facilities. However, the same is not true for those in purely State-licensed or State-certified health care settings -- like assisted living facilities, adult residential care homes, adult foster care homes, home health agencies and so forth. Providers throughout the health care spectrum want the assurance of credentialed proficiency, and all CNAs and would-be CNAs want official endorsement of their skills. In some instances, though, financial considerations can be an impediment to achieving those worthy goals.

Therefore, we believe that a study of possible funding sources for certification and recertification of CNAs in State-licensed/-certified health care settings is essential to fully realizing the purpose of Act 226 and ask your approval of this measure.

HAWAII COALITION OF CAREGIVERS

P.O. Box 2441, Honolulu, Hawai`i 96804

March 27, 2008

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Mila Medallon

Advisor

Bryan P. Andaya

Advisor

Testimony in **Strong Support of HCR 164** – HSH/HTH - Mar. 28, 2008, 9:00 a.m., Rm. 329

Ladies and Gentlemen of the Hawai`i State Legislature:

The Hawaii Coalition of Caregivers (HCCG) **strongly supports HCR164** requesting the state auditor to conduct a study on the impact of Act 226 (2007), which imposed various requirements on Certified Nurses' Aides renewing their licenses.

While HCCG supports the intent to require continuing education for CNA's, HCCG submits that Act 226 gives insufficient credit for a caregiver prior experience in the industry. Some caregivers who have been providing excellent service for 20 years and who have no history of complaints are suddenly being forced to take 100 hours of classes with absolutely no regard for their experience.

HCCG further submits the 100-hour requirement for certain CNAs attempting to renew their licenses is much too onerous. Licensed nurses (LPNs and RNs) have less continuing education requirements.

Although Act 226 allows CNA's to test out of the 100-hour class requirement, the test consists of 24 grueling hours during which CNAs must pass all required skill areas. This 24-hour test is much more rigorous than the professional licensing tests for attorneys and real estate agents.

Finally, the cost of obtaining the required 100 hours of classes for certain CNAs is exorbitant. Certain state certified programs charge upwards of \$1,200 for these classes. CNAs earn much less than licensed nurses but bear a larger financial burden in obtaining recertification. Having to spend 100 hours in a classroom, CNAs are forced to take time off from their work or business. Caregivers who are responsible for residents on a 24-hour basis have no choice but to hire substitutes, which makes it even harder to provide care to our elderly and disabled.

This situation is exacerbated on the neighbor islands. Because of either the lack of availability of state certified programs on the neighbor islands or the exorbitant charges by the programs on the neighbor islands, many CNAs fly to Oahu to obtain the required 100 hours. Because of the length of time required to complete 100 hours of classes, the CNAs from the neighbor islands must bear the expense of overnight costs in addition to being away

In summary, HCCG reiterates its **strong support of HCR 164** requesting the state auditor to conduct a study on the impact of Act 226 (2007), which imposed various requirements on Certified Nurses' Aides renewing their licenses.

Very truly yours,

The Hawaii Coalition of Caregivers (HCCG)

By: Bryan P. Andaya

About HCCG

HCCG consists primarily of four organizations working in collaboration towards the common mission of uniting the home and community based care giving industry to improve the quality of care provided to elderly and developmentally disabled clients in various home and community based programs, as well as to improve the state of the industry. HCCG members include: The Alliance of Residential Care Administrators (ARCA), the Preferred Care Providers (TPCP), the United Group of Home Administrators (UGHO), and the Adult Foster Home Association of Hawaii (AFHA). Together, members of the four organizations have a membership of almost 1,500 and comprise about 90% of the home and community-based care givers in the State of Hawaii.