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

TO THE SENATE COMMITTEE ON HEALTH

AND

TO THE SENATE COMMITTEE ON COMMERCE,  
CONSUMER PROTECTION, AND AFFORDABLE HOUSING

TWENTY-FOURTH LEGISLATURE  
REGULAR SESSION of 2008

Monday, March 24, 2008  
1:45 p.m.

**TESTIMONY ON SENATE CONCURRENT RESOLUTION NO. 103, 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 DAVID Y. IGE, CHAIR,  
TO THE HONORABLE RUSSELL S. KOKUBUN, 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 Senate Concurrent Resolution No. 103.

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.

Senate Concurrent Resolution No. 103 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.