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# A BILL FOR AN ACT

RELATING TO NURSE AIDES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 346-46, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§346-46 Certified nurse aides; training programs and**  
4 **recertification.** (a) The director shall:

- 5           (1) Approve training programs for nurse aides and ensure  
6           that the training programs comply with all applicable  
7           federal and state requirements;
- 8           (2) Approve and arrange for the recertification process  
9           for nurse aides who work in medicare or medicaid  
10           certified nursing facilities;
- 11           (3) Approve and arrange for the recertification process  
12           for nurse aides who work in state-licensed or state-  
13           certified health care settings; and
- 14           (4) Require recertification not less than every two years.  
15           The number of continuing education hours required for  
16           recertification shall not exceed twenty-four hours,  
17           except as specified by federal law.



1        (b) To the extent that this section conflicts with other  
2 state laws relating to nurse aides, this section shall prevail."

3        SECTION 2. Section 457A-2, Hawaii Revised Statutes, is  
4 amended to read as follows:

5        "**§457A-2 Implementation.** (a) The director shall  
6 implement the provisions of this chapter, in accordance with 42  
7 United States Code [~~sections~~] Sections 1395i-3 and 1396r, that  
8 relate to:

- 9        (1) The minimum requirements and standards for  
10                certification as a nurse aide;  
11        (2) Examination requirements, including the passing score;  
12        (3) Maintenance requirements for continued certification  
13                on a biennial basis; and  
14        (4) Implementation of a certified nurse aide registry.

15        (b) The director of health shall implement this chapter in  
16 accordance with 42 United States Code [~~sections~~] Sections 1395i-3  
17 and 1396r, that relate to disciplining certified nurse aides who  
18 are employed in:

- 19        (1) Nursing facilities participating in medicare and  
20                medicaid programs; and  
21        (2) Health care settings licensed or certified by the  
22                department of health.



1 (c) The director of human services shall implement this  
2 chapter in accordance with 42 United States Code [~~sections~~]  
3 Sections 1395i-3 and 1396r, that relate to:

4 (1) Training programs for nurse aides and recertification;  
5 provided that recertification shall be required not  
6 less than every two years and the number of continuing  
7 education hours required for recertification shall not  
8 exceed twenty-four hours, except as specified by  
9 federal law; and

10 (2) Disciplining of certified nurse aides employed in  
11 health care settings licensed or certified by the  
12 department of human services.

13 (d) To the extent that this section conflicts with other  
14 state laws relating to nurse aides, this section shall prevail."

15 SECTION 3. Section 457A-7, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[+]§457A-7[+] **Medicare or medicaid nurse aide**  
18 **certification.** (a) To be certified as a medicare or medicaid  
19 nurse aide, an applicant shall successfully complete:

20 (1) Training in a training program approved by the  
21 director of human services under section 346-46; and  
22 (2) A nurse aide examination approved by the director.



1 (b) No person shall be permitted to take the examination  
2 who has not complied with the training requirements established  
3 by the director of human services in accordance with 42 United  
4 States Code [~~sections~~] Sections 1395i-3 and 1396r.

5 (c) Reciprocity shall be granted to nurse aides who have  
6 completed a state-approved program that meets both federal and  
7 state requirements.

8 (d) Nurse aides employed in medicare or medicaid certified  
9 nursing facilities shall meet both federal and state  
10 requirements.

11 (e) Maintenance requirements for the recertification  
12 process shall be on a biennial basis, and shall include an  
13 annual performance review and in-service training and employment  
14 in a medicare or medicaid facility as required by federal and  
15 state law.

16 (f) No charge shall be imposed on medicare or medicaid  
17 certified nurse aides for the maintenance of the nurse aide  
18 registry.

19 (g) To the extent that this section conflicts with other  
20 state laws relating to nurse aides, this section shall prevail."

21 SECTION 4. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on January 1, 2050.



**Report Title:**

Nurse Aides

**Description:**

Provides that certain statutes regarding nurse aides will preempt any other state law to the contrary. Effective January 1, 2050. (HB2160 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

