

STAND. COM. REP. NO.

1732

Honolulu, Hawaii

Aug-19, 2009

RE: S.B. No. 1137
S.D. 2
H.D. 3

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 1137, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this bill is to ensure the health and safety of the vulnerable population who are served by the Hawaii Health Systems Corporation (HHSC) by requiring HHSC to conduct criminal history record checks (record check) on persons who are employed or seeking employment, or are current or prospective contractors, providers, or volunteers in any of HHSC's health facilities.

HHSC and its Kauai Regional Health System and a concerned individual supported this bill. The Hawaii Civil Rights Commission and United Public Workers Local 646 AFL-CIO opposed this measure.

Your Committee has amended this bill by, among other things:

- (1) Authorizing HHSC to request a record check of persons who are employed or seeking employment, or are current or prospective contractors, providers, or volunteers in any of HHSC's health facilities;
- (2) Clarifying that the record check will be done by the Criminal Justice Data Center;

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- (3) Allowing HHSC to collect personal identifying information for a record check from persons who are employed or seeking employment, or are current or prospective contractors, providers, or volunteers in any of HHSC's health facilities;
- (4) Deleting HHSC's authorization to require a sworn statement regarding past convictions from persons who are employed or seeking employment, or are current or prospective contractors, providers, or volunteers in any of HHSC's health facilities;
- (5) Limiting the inquiry and consideration of the record check to the scope permissible by section 378-2.5, Hawaii Revised Statutes (HRS), that includes hiring, termination, and employment terms, and requiring a conditional offer of employment prior to performing a record check;
- (6) Deleting the authorization of HHSC to terminate or not hire an employee or employment applicant of HHSC who has been convicted of a criminal offense for which incarceration is a sentencing option;
- (7) Reinstating the applicability of the requirement of section 831-3.1, HRS, to HHSC, relating to the requirements and procedures to disqualify a person from government employment;
- (8) Including students participating in a program at any HHSC health facility within the definition of "provider"; and
- (9) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1137, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1137, S.D. 2, H.D. 3.



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


MARCUS R. OSHIRO, Chair



HSCR 1732 ✓

State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Finance

7
dm

Bill/Resolution No.: SB 1137, SD2, HD2	Committee Referral: HLT, JURD, FIN	Date: April 3, 2009 April 2, 2009
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The committee is reconsidering its previous decision on the measure.

The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold
 Pass short form bill with HD to recommit for future public hearing (recommit)

FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	✓			
2. LEE, Marilyn B. (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. AWANA, Karen Leinani	✓			
5. BROWER, Tom	✓			
6. CHOY, Isaac W.	✓			
7. COFFMAN, Denny	✓			
8. HAR, Sharon E.	✓			
9. KEITH-AGARAN, Gilbert S.C.	✓			
10. LEE, Chris	✓			
11. NISHIMOTO, Scott Y.	✓			
12. SAGUM, Roland D., III	✓			
13. TOKIOKA, James Kunane	✓			
14. WOOLEY, Jessica	✓			
15. YAMASHITA, Kyle T.	✓			
16. PINE, Kymberly Marcos				✓
17. WARD, Gene	✓			
TOTAL (17)	16.	0	0	1

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
 committee acronym(s)

Vice Chair's or designee's signature: *Marilyn B. Lee*

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