

Honolulu, Hawaii

March 31, 2010

RE: S.B. No. 2898  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which  
was referred S.B. No. 2898, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR  
CHEMICALLY DEPENDANT NURSES,"

begs leave to report as follows:

The purpose of this bill is to better serve the public  
health, safety, and welfare by updating and improving the  
Diversion Program for Chemically Dependent Nurses (Program). This  
bill:

- (1) Authorizes the Board of Nursing (BON) to allow other  
entities besides a professional association to  
administer and monitor the Program;
- (2) Expands the function of the Program;
- (3) Allows disciplinary action to be taken against a nurse  
who is noncompliant with the Program;
- (4) Updates the reporting provisions; and
- (5) Provides that all records of a nurse participating in  
the Program not required by law to be reported shall be  
excluded from discovery or subpoena except by a law  
enforcement agency investigating the conduct of the



nurse, BON, or the Regulated Industries Complaints Office (RICO).

The University of Hawaii, BON, Hawaii Government Employees Association, AFSCME Local 125, AFL-CIO, and several concerned individuals testified in support of this measure. RICO offered comments.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2898, S.D. 1, H.D. 1, and recommends that it pass Third Reading.

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



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ROBERT N. HERKES, Chair



