

Honolulu, Hawaii

March 18, 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 Health, to which was referred S.B. No. 2898, S.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 update and modify the Diversion Program for Chemically Dependent Nurses to:

- (1) Allow the Board of Nursing (BON) to permit entities besides the Hawaii Nurses Association to provide services for the diversion program;
- (2) Update reporting and data bank maintenance provisions to reflect current practices and federal law; and
- (3) Permit disciplinary action against a nurse who is noncompliant with the diversion program.

The BON and Hawaii Government Employees Association supported this bill. The Department of Commerce and Consumer Affairs submitted comments.




Your Committee has amended this bill by:

- (1) Providing that records of a nurse participating in a diversion program will not be excluded from discovery or subpoena by a law enforcement agency investigating the conduct of the nurse, BON, or Regulated Industries Complaints Office; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

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

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

  
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RYAN I. YAMANE, Chair



