

STAND. COM. REP. NO.

2394

Honolulu, Hawaii

FEB 26 2010

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

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committees on Health and Commerce and Consumer Protection, to which was referred S.B. No. 2898 entitled:

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

beg leave to report as follows:

The purpose of this measure is to update and modify the Diversion Program for Chemically Dependent Nurses to allow the Board of Nursing to permit entities besides the Hawaii Nurses Association to provide services for the diversion program, to update reporting and data bank maintenance provisions to reflect current practices and federal law, and to permit disciplinary action against a nurse who is noncompliant with the diversion program.

Your Committees received testimony in support of this measure from the Hawaii Government Employees Association, AFSCME Local 125, AFL-CIO, the Hawai'i Society of Addiction Medicine, and three individuals. Testimony in support of the intent of this measure with amendments was received from the Board of Nursing. Testimony commenting on this measure was received from the Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that this measure provides the Board of Nursing with more flexibility when assigning a professional association or other entity to administer and monitor the

2010-1327 SSCR SMA.doc



diversion program. Your Committees further find that it is in the interest of public health and safety to permit disciplinary action to be taken against a chemically dependent nurse who is noncompliant with the recommendations and requirements of the diversion program.

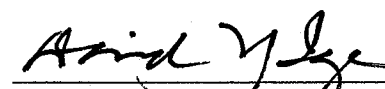
Your Committees have amended this measure by:

- (1) Expanding the functions of the diversion program to include assessment in addition to addressing rehabilitation, where appropriate;
- (2) Narrowing the exclusion from disciplinary action for nurses compliant with the diversion program to offenses relevant to chemical dependency;
- (3) Providing that records of a nurse participating in a diversion program shall be privileged and excluded from discovery or subpoena by persons or entities other than the Board of Nursing the or the Regulated Industries Complaint Office; and
- (4) Making technical, nonsubstantive changes to ensure clarity and accuracy in the language of this measure.

As affirmed by the records of votes of the members of your Committees on Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2898, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2898, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committees on Health and  
Commerce and Consumer  
Protection,

  
ROSALYN H. BAKER, Chair

  
DAVID Y. IGE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>SB2898</b>	Committee Referral: <b>HTH/CPN</b>	Date: <b>2/23/10</b>
--	---------------------------------------	-------------------------

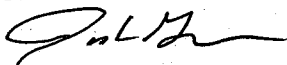
The committee is reconsidering its previous decision on this measure.  
If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
 Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.				✓
HEMMINGS, Fred				✓
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  


**Distribution:**     Original     Yellow     Pink     Goldenrod  
File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy

\*Only one measure per Record of Votes

The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>SB2898</b>	Committee Referral: <b>HTH/CPN</b>	Date: <b>2-23-10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SAKAMOTO, Norman	✓			<del>✓</del> <i>li</i>
HEMMINGS, Fred				✓
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes