

**LATE**

**PRESENTATION OF THE  
BOARD OF NURSING**

TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010

Tuesday, March 9, 2010  
10:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2898, S.D. 1, RELATING TO DIVERSION PROGRAM  
FOR CHEMICALLY DEPENDANT NURSES.**

TO THE HONORABLE RYAN I. YAMANE, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Kathy Yokouchi and I am the Executive Officer of the Board of Nursing ("Board"). I thank you for the opportunity to present testimony in strong support of Senate Bill No. 2898, S.D. 1, Relating to Diversion Program for Chemically Dependant Nurses.

This bill amends the requirements for diversion programs for chemically dependent nurses to allow the Board to recognize alternative program sponsors. It clarifies disciplinary and report requirements.

The Board is in support of Senate Bill No. 2898, S.D. 1 because:

- In Section 1, page 1 (lines 1-16) and page 2 (lines 1-16), the Board agrees with the Legislature that consumers would be better served if the third party sponsor of the diversion program be open to other sponsors and not limited to the Hawaii Nurses' Association;
- Other sponsors available such as First Lab which have the resources, expertise and experience would increase the viability of the diversion program;
- In Section 2, page 2 (lines 19-22) and page 3 (lines 1-12) the 1995 legislative findings which justified the establishment of a diversion program are deleted;
- In Section 2, page 3 (lines 16-20) the provision is deleted which currently precludes the Board from taking further disciplinary action on nurses who abide

by the terms and conditions of the program, but who may still be in the diversion program. The Board feels that this preclusion should only apply **after** a nurse has successfully completed the conditions set forth in Section 3, page 5 (lines 12-22);

- The new intent of the diversion program as provided in Section 2, page 3 (lines 20-22) and page 4 (lines 1-2) is to give impaired nurses the opportunity to be rehabilitated and to protect the consumer (unlike the current intent which is to ensure that further disciplinary action will not be taken);
- Section 3, page 4 (lines 8-9) allows for other types of sponsors to assume the third party role of the diversion program besides a professional association;
- The function of the program in Section 3, page 4 (lines 9-14) further clarifies the intent of the program;
- Updating the title to Executive Officer in Section 3, page 5 (line 6) which is the title recognized by the other 49 states and territories for decades;
- In Section 3, page 5 (line 10), replacing "professional association" with "monitoring entity" is consistent with the intent of this measure;
- The conditions set forth in Section 3, page 5 (lines 12-17) before further disciplinary action can be waived (lines 18-22) would provide increase consumer safety; and
- The penalty for a noncompliant nurse is added in Section 3, page 6 (lines 1-5).

The Board also supports the amendments proposed by the DCCA Regulated Industries Complaints Office when this bill was heard by the Senate Committee on Commerce and Consumer Protection and which are included in this bill.

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For these reasons, the Board of Nursing strongly supports Senate Bill No. 2898, S.D. 1.

Thank you for the opportunity to testify.



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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**The Twenty-Fifth Legislature, State of Hawaii  
Hawaii State House of Representatives  
Committee on Health**

**Testimony by  
Hawaii Government Employees Association  
March 9, 2010**

**S.B. 2898, S.D. 1 – RELATING TO  
DIVERSION PROGRAM FOR  
CHEMICALLY DEPENDENT NURSES**

The Hawaii Government Employees Association, AFSCME Local 125, AFL-CIO supports the purpose and intent of S.B. 2898, S.D. 1 – Relating to Diversion Program for Chemically Dependent Nurses. In 1993 Session Laws of Hawaii, the legislature established a diversion program for nurses with chemical dependency problems and placed the program under the oversight of the Board of Nursing. Under existing law, only nurses who have been reported by the Hawaii Nurses Association (HNA) are able to participate in the diversion program. Allowing the Board of Nursing to recognize programs provided by additional sponsors that meet the board's requirements would better serve the public.

The current law precludes the Board of Nursing from disciplining nurses who abide by the terms and conditions of the diversion program. Continuing this policy of no disciplinary action against a nurse who has successfully complied with the diversion program and has been rehabilitated would be encouraging to nurses rather than nurses considering rehabilitation to be negative.

The intent of the diversion program established by this bill is to develop a voluntary alternative to traditional disciplinary actions that provides adequate protections for the health, safety and welfare of the public. The function of the diversion program to rehabilitate nurses whose competencies become impaired due to abuse of drugs or alcohol would provide treatment so nurses are able to return to or continue the practice of nursing that would be beneficial to the public.

The field of nursing is always in demand, and having the diversion program would encourage nurses who have a chemical dependency problem to seek help and allow this state to retain our nurses in continuing service to the public.

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Hawaii State House of Representatives - Committee on Health  
Re: S.B. 2898, S.D. 1 – Relating to Diversion Program for Chemically Dependent  
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Thank you for allowing us to provide testimony in support of S.B. 2898, S.D. 1.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "N.A. Nomura", with a long horizontal flourish extending to the right.

Nora A. Nomura  
Deputy Executive Director