

Honolulu, Hawaii

March 4, 2016

RE: H.B. No. 1756
H.D. 3

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1756, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO NURSING,"

begs leave to report as follows:

The purpose of this measure is to protect public safety by ensuring that licensed nurses are safe to practice and care for patients. Specifically, this measure:

- (1) Requires the Board of Nursing to conduct an investigation of the applicant's background, character, competency, and integrity, and request criminal history records of nurse applicants and licensees;
- (2) Authorizes the Board of Nursing to develop and adopt rules to implement the required criminal history record checks; and
- (3) Requires all applicants for licensing, license renewal, license reinstatement, and license restoration to comply with state and federal criminal history record checks.

The University of Hawaii at Manoa School of Nursing and Dental Hygiene, Hawaii Pacific Health, Hawaii State Center for Nursing, Bradley Kuo, LLC, Prime Care Services Hawaii, Inc., and several concerned individuals testified in support of the measure. The Board of Nursing provided comments.



Your Committee notes that of the fifty-five boards of nursing in the nation, currently Hawaii is one of only twelve states that do not conduct federal and state criminal history background checks. The Board of Nursing and employers need the criminal history information to protect the public's safety by ensuring that a nurse is safe and unlikely to harm patients.

Your Committee has amended this measure by:

- (1) Deleting the provision relating to criminal history record checks from each jurisdiction in which the applicant lived for any substantial period of time. The deleted provision duplicates the information that is already provided by the Hawaii and national criminal history record checks that are conducted by the Hawaii Criminal Justice Data Center;
- (2) Specifying that fingerprints shall be electronic fingerprints; and
- (3) Clarifying that criminal history record checks shall also be required for applicants for the reactivation or restoration of a nursing license.

It is the intent of your Committee that this measure should require the Board of Nursing to conduct criminal history background checks and the applicant to submit electronic fingerprints at each phase of the licensing process: nurse license issuance, renewal, restoration, and reactivation. If this measure should receive further consideration during the legislative process, your Committee respectfully requests that this intent be realized.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1756, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1756, H.D. 3.



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

Karl Rhoads

KARL RHOADS, Chair



