



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Written Testimony Presented Before the  
House Committee on Consumer Protection & Commerce  
February 11, 2016 at 5:00 p.m.

by  
Robert Bley-Vroman, Chancellor  
and  
Mary G. Boland, DrPH, RN, FAAN  
Dean and Professor  
School of Nursing & Dental Hygiene  
University of Hawai'i at Mānoa

### HB 1756 HD1 – RELATING TO NURSING

Chair McKelvey, Vice Chair Woodson, and members of the House Committee on Consumer Protection and Commerce, thank you for this opportunity to provide testimony in strong support of this bill, HB 1756 HD1, with amendments.

In 2010, Act 57 was enacted into law as HRS 457-2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories.

The University of Hawai'i at Mānoa School of Nursing and Dental Hygiene (SONDH) supports HB 1756 HD1 in the interest of continuing to uphold nurses in Hawai'i to the national standards established by the NCSBN and its delegates. Further, the SONDH supports HB 1756 HD1 because:

- Hawai'i leads in ensuring optimal regulation for nursing yet Hawai'i is one of the last 12 states to adopt state and federal criminal background check verification for all nurse licenses.
- It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State.
- Establishing criminal background checks is one means to enhancing public safety in Hawai'i by increasing the accuracy of the information the Hawai'i Board of Nursing (HBON) uses in their review of applicants and HBON activities related to HRS 457- 12 Discipline; grounds; proceedings; hearings.
- NCSBN<sup>1</sup> proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.

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<sup>1</sup> [https://www.ncsbn.org/NCSBN\\_Approved\\_Standard\\_CBC.pdf](https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf)

- The American Nurses Association<sup>2</sup> and the Council of State Governments<sup>3</sup> supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

Additionally, SONDH supports the BON in their recommendation regarding SECTION 2 referring to HRS §457-5 (Page 3 lines 9-11) and its related content and SECTION 7 referring to HRS §846-2.7 (Page 21 lines 16-19).

Therefore, the SONDH respectfully requests that HB 1756 HD1 pass amended. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.

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<sup>2</sup> <http://www.nursingworld.org/DocumentVault/Position-Statements/Practice/Criminal-BackgroundChecks-for-Nurse-Licensure.pdf>

<sup>3</sup> [https://www.ncsbn.org/CSG\\_Resolution.pdf](https://www.ncsbn.org/CSG_Resolution.pdf)

**PRESENTATION OF THE  
BOARD OF NURSING**

TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Thursday, February 11, 2016  
5:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 1756, H.D. 1, RELATING TO NURSING.**

TO THE HONORABLE ANGUS L. K. MCKELVEY, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Lee Ann Teshima, Executive Officer for the Board of Nursing (“Board”). I appreciate the opportunity to testify on House Bill No. 1756, H.D. 1, Relating to Nursing, which establishes criminal history record check requirements for all nurse licensure applicants and for license renewals. This bill also authorizes the Board to develop rules necessary to implement the required criminal history record checks for nurses.

The Board supports the intent of the bill to require criminal background checks (“CBC”) for all nurses, however, we do have some concerns with implementing this program. The Board would like to ensure that the processes proposed in this measure can be adopted in a manner that will not compromise timely processing of license applications and renewals.

**Submission of full set of fingerprints** – The bill, in various places<sup>1</sup>, requires that an applicant for licensure by examination, renewal applicants, and reactivation

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<sup>1</sup> See H.B. No. 1756, H.D. 1 (2016) at page 5, lines 12-15; page 6, lines 12-15; page 9, lines 6-8; page 9, lines 20-21 to page 10, line 1-2; and page 11, lines 13-15.

applicants, submit a full set of fingerprints for the purpose of obtaining federal and state criminal history record checks. The submission of fingerprints to the Board is not reliable as the Board will not be able to confirm if the fingerprints are legitimate as well as legible enough for processing. Currently, the Board of Private Detectives and Guards requires an applicant to be fingerprinted electronically at Fieldprint Inc., which has locations nationwide or any other fingerprinting agency approved, to send electronic fingerprints to the Hawaii Criminal Justice Data Center. For consistency purposes, we would recommend that the language in the current bill that requires submission of fingerprints in sections as noted in the footnote below, be deleted and that the Committee consider the language from Chapter 463, Hawaii Revised Statutes, Relating to Private Detectives and Guards, be applied to nurse licensees and applicants by including the following language in the nurse practice act, HRS §457-5 to read, “(6) License qualified applicants by examination or endorsement, including advanced practice registered nurses, and renew, reinstate, and restore licenses[;]. The board shall conduct an investigation of the applicant’s background, character, competency, and integrity as it deems appropriate, and shall request, in accordance with HRS §847-2.7, criminal history records of the applicant or licensee, from each jurisdiction in which the application form indicates the applicant lived for any substantial period of time. The Hawaii criminal justice data center shall provide such information on request to the director of commerce and consumer affairs.”

This would allow the Board to require nurse applicants and licensees to go directly to Fieldprint, Inc., pay Fieldprint to get fingerprinted, and have the results of the fingerprint check sent to a secured server under the Criminal Justice Data Center where

only trained and authorized staff will be able to retrieve the criminal background report. By going directly to Fieldprint, there is no need for the applicant or licensee to submit a criminal history record check fee(s) as indicated in the following areas of the bill:

- Section 3, page 5, line 21 and page 6, line 1; and
- Section 4, page 7, lines 3 – 4.

**Section 7. Amendment to section 846-2.7, Hawaii Revised Statutes -**

Regarding the inclusion of the Department of Commerce and Consumer Affairs under HRS §846-2.7 on page 21, lines 16-19 of the bill, the Board recommends broader language that includes checks for restoration and reinstatement as follows: “The department of commerce and consumer affairs on applicants for nurse licensure, renewal, restoration or reinstatement under HRS chapter 457 and HAR chapter 89;”.

**Implementation and Effective date** – When a similar bill was introduced during the 2010 Legislative Session for security guards, the Board of Private Detectives and Guards requested a delayed implementation of three years in order to address cost and staffing implications, to promulgate rules to set forth the standards for training, and to provide time for employers and licensees to meet the renewal requirements. Although no additional training for nurses would be involved, we are also asking for a delayed implementation date to be effective July 1, 2019, to address workload issues for our staff and to implement after a renewal period so that we can apply the additional requirement to new applicants which may be more manageable than having to do so in addition to the heavy volume of work during a renewal period. In their testimony, the Board of Private Detectives and Guards estimated a total of 10,700 security guards

would need to meet these additional requirements, including the criminal background check. The number of “active” licensed nurses (LPNs, RNs and APRNs) as of the latest geographic report dated January 26, 2016 was 25,865. This is twice as many individuals and will require twice as many staff to timely process the criminal background checks for nurses. In addition, the security guards only require a criminal background check for initial licensure, whereas nursing licensees will also be required to obtain a criminal background check to renew their nurse license every two years. The Professional and Vocational Licensing Division (“Division”) will need the authority to establish four Office Assistant (“OA”) positions (two OA IV positions and two OA V positions) and an increase to its budget ceiling by \$188,128. The Division will likely seek this through legislation next year.

Thank you for the opportunity to testify on House Bill No. 1756, H. D. 1.

**Written Testimony Presented Before the  
House Committee on Consumer Protection & Commerce  
February 11, 2016 5:00 p.m.  
by  
Laura Reichhardt, NP-C, APRN, Director  
Hawai'i State Center for Nursing  
University of Hawai'i at Mānoa**

**HB 1756 HD1 RELATING TO NURSING**

Chair McKelvey, Vice Chair Woodson, and members of the House Committee on Consumer Protection & Commerce, thank you for this opportunity to provide testimony in strong support for HB 1756 HD1 Relating to Nursing, with amendments.

In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457-2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories. The Hawai'i State Center for Nursing (HSCN) supports HB 1756 HD1 in the interest of continuing to hold nurses in Hawai'i to the national standards established by the NCSBN and its delegates.

The HSCN supports HB 1756 HD1 because:

- Hawai'i leads in ensuring optimal regulation for nursing yet Hawai'i is one of the last 12 states to adopt state and federal criminal background check verification for all nurse licenses.
- It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State.
- Establishing criminal background checks is one means of enhancing public safety in Hawai'i by increasing the accuracy of the information the Hawai'i Board of Nursing (HBON) uses in their review of applicants and HBON activities related to HRS 457-12 Discipline; grounds; proceedings; hearings.
- NCSBN<sup>1</sup> proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.
- The American Nurses Association<sup>2</sup> and the Council of State Governments<sup>3</sup> supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse

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<sup>1</sup> [https://www.ncsbn.org/NCSBN\\_Approved\\_Standard\\_CBC.pdf](https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf)

<sup>2</sup> <http://www.nursingworld.org/DocumentVault/Position-Statements/Practice/Criminal-Background-Checks-for-Nurse-Licensure.pdf>

<sup>3</sup> [https://www.ncsbn.org/CSG\\_Resolution.pdf](https://www.ncsbn.org/CSG_Resolution.pdf)

licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

Additionally, the HSCN supports the BON in their recommendation regarding SECTION 2 referring to HRS §457-5 (Page 3 lines 9-11) and its related content and SECTION 7 referring to HRS §846-2.7 (Page 21 lines 16-19).

Therefore, the HSCN respectfully requests that HB 1756 HD1 pass amended. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.



**February 11, 2016 at 5:00pm  
Conference Room 325**

**House Committee on Consumer Protection and Commerce**

To: Representative Angus McKelvey, Chair  
Representative Justin Woodson, Vice Chair

From: Art Gladstone  
Chief Nurse Executive, Hawaii Pacific Health  
Chief Executive Officer, Pali Momi Medical Center and Straub Clinic & Hospital

**Re: Testimony in Support – HB 1756**

My name is Art Gladstone and I am the Chief Nurse Executive at Hawai'i Pacific Health (HPH), and the Chief Executive Officer of Pali Momi Medical Center and Straub Clinic and Hospital. Hawai'i Pacific Health is a not-for-profit health care system, and the state's largest health care provider and non-governmental employer. Hawai'i Pacific Health is committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four hospitals, more than 50 outpatient clinics and service sites, and over 1,600 affiliated physicians. Hawai'i Pacific Health's hospitals are Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital.

HPH is writing in **support** of HB 1756 which establishes criminal history records checks for all nurse licensure, including license renewals. In 2010, the Legislature enacted Act 057 which defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice in all state boards across the United States and its territories. The bill would continue to hold nurses in Hawaii to the national standards established by the NCSBN.

Furthermore, it is in the interest of the nursing workforce to ensure safe and quality nursing services to patients. Establishing criminal background checks is one means of enhancing public safety in Hawaii. While the American Nurses Association and the Council of State Governments support the use of criminal background checks as part of the licensing process for nurses, Hawaii is one of the few remaining states in the nation that has yet to adopt this requirement. We, therefore, urge this committee to pass this measure.

Thank you for the opportunity to testify.



*Medicare-certified home health agency*

## **Prime Care Services Hawaii, Incorporated**

**Written Testimony Presented Before the House Committee on Consumer Protection & Commerce  
February 11, 2016 5:00 p.m.**

**by Beth Hoban  
President, Prime Care Services Hawaii**

### **HB 1756 HD1 RELATING TO NURSING**

Chair McKelvey, Vice Chair Woodson, and Members of the House Committee on Consumer Protection & Commerce:

Thank you for this opportunity to provide testimony in strong support for HB 1756 HD1 Relating to Nursing, with amendments.

In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457-2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories. I, Beth Hoban, supports HB 1756 HD1 in the interest of continuing to hold nurses in Hawai'i to the national standards established by the NCSBN and its delegates.

I, Beth Hoban, support HB 1756 HD1 because:

- It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State.
- Establishing criminal background checks is one means of enhancing public safety in Hawai'i by increasing the accuracy of the information the Hawai'i Board of Nursing (HBON) uses in their review of applicants and HBON activities related to HRS 457-12 Discipline; grounds; proceedings; hearings.
- NCSBN<sup>1</sup> proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.
- The American Nurses Association<sup>2</sup> and the Council of State Governments<sup>3</sup> supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

Mahalo,  
Beth Hoban

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AONE Hawaii

AONE Hawaii  
c/o PO Box 2774  
Honolulu, Hawaii 96803



THE AMERICAN ORGANIZATION OF NURSE EXECUTIVES, HAWAII CHAPTER

Thursday — February 11, 2016 — 5:00pm  
Conference Room 325

The House Committee on Consumer Protection & Commerce

To: Representative Angus L.K. McKelvey, Chair  
Representative Justin H. Woodson, Vice Chair

Re: Testimony in Support  
HB 1756 Relating to Nursing

Chair McKelvey, Vice Chair Woodson, and members of the House Committee on Consumer Protection & Commerce, thank you for this opportunity to provide testimony in strong support for HB 1756 HD1 Relating to Nursing, with amendments.

The American Organization of Nurse Executives (AONE) is a national organization of nurses who design, facilitate, and manage care. AONE provides leadership, professional development, advocacy and research in its effort to advance the nursing profession and patient care, promotes nursing leadership excellence, and shapes health care public policy. AONE Hawai'i is the local chapter of the American Organization of Nurse Executives. Founded in 1991, AONE Hawai'i has approximately 130 members from various facilities and hospitals across the state.

This letter is written in support of HB 1756 which requires all nurse licensure applicants and nurse license renewal applicants to comply with state and federal criminal history record checks, and authorizes the Board of Nursing to develop and adopt rules to implement required criminal history record checks.

In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457- 2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories. The [INDIVIDUAL OR ORGANIZATION] supports HB 1756 HD1 in the interest of continuing to hold nurses in Hawai'i to the national standards established by the NCSBN and its delegates. AONE Hawai'i supports HB 1756 HD1 because:

- Hawai'i leads in ensuring optimal regulation for nursing yet Hawai'i is one of the last 12 states to adopt state and federal criminal background check verification for all nurse licenses.
- It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State.
- Establishing criminal background checks is one means of enhancing public safety in Hawai'i by increasing the accuracy of the information the Hawai'i Board of Nursing (HBON) uses in their review of applicants and HBON activities related to HRS 457-12 Discipline; grounds; proceedings; hearings.
- NCSBN<sup>1</sup> proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.
- The Council of State Governments<sup>2</sup> supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

Additionally, AONE Hawai'i supports the BON in their recommendation regarding SECTION 2 referring to HRS §457-5 (Page 3 lines 9-11) and its related content and SECTION 7 referring to HRS §846-2.7 (Page 21 lines 16-19). Therefore, AONE Hawai'i respectfully requests that HB 1756 HD1 pass amended. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.

We ask for your help and support in passing HB 1756 from this committee. Thank you.

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<sup>1</sup> [https://www.ncsbn.org/NCSBN\\_Approved\\_Standard\\_CBC.pdf](https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf)

<sup>2</sup> [https://www.ncsbn.org/CSG\\_Resolution.pdf](https://www.ncsbn.org/CSG_Resolution.pdf)

From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 10, 2016 1:21 PM  
To: CPCtestimony  
Cc: bishopmattj@gmail.com  
Subject: Submitted testimony for HB1756 on Feb 11, 2016 17:00PM

**HB1756**

Submitted on: 2/10/2016

Testimony for CPC on Feb 11, 2016 17:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matt Bishop	Individual	Oppose	No

Comments: I am in opposition to this measure as currently written. I am in support of any measure to increase safety and background checks are a great tool. What concerns me is that there is no language to deal with the cost of this program and do not feel it is fair to pass on this cost to the licensee. If there is a way to pay for this service without increasing licensee fees than I am in support of using this tool!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, February 10, 2016 3:49 PM  
To: CPCtestimony  
Cc: lenora@hawaii.edu  
Subject: Submitted testimony for HB1756 on Feb 11, 2016 17:00PM

**HB1756**

Submitted on: 2/10/2016

Testimony for CPC on Feb 11, 2016 17:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Lenora Lorenzo	Individual	Support	No

Comments: Aloha Rep. Angus L.K. McKelvey, Chair, Rep. Justin H. Woodson, Vice Chair & members of CPC. Mahalo for this opportunity to testify REGARDING HB1756 (Criminal Background Checks) that establishes criminal history record check requirements for all nurse licensure, including licensure renewal, applicants. Authorizes the state board of nursing to develop rules necessary to implement the required criminal history record checks. I support the philosophy and importance for criminal background checks to assure safety of nurse providers, but was initially unsure if this bill represents the best process to assure safety and maintain discretion of my nursing colleagues. The American Association of Nurse Practitioners legislative team and nursing colleagues have voiced support for this measure. We are one of 12 states that has not adopted the NSBN consensus model for criminal checks. This measure is important for protection of public safety. Respectfully, Lenora Lorenzo DNP, APRN, FAANP, American Association of Nurse Practitioners Hawaii State Representative and HAPN Treasurer

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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