



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 16, 2016

TO: The Honorable Dee Morikawa, Chair
House Committee on Human Services

The Honorable Della Au Belatti, Chair
House Committee on Health

FROM: Rachael Wong, DrPH, Director

SUBJECT: **HB 2345 – RELATING TO CERTIFIED NURSE AIDES**

Hearing: Monday, February 16, 2016, 9:15 a.m.
Conference Room 329, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administrative measure.

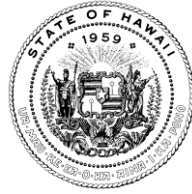
PURPOSE: The purpose of this measure is to update sections 457A-1.5, 457A-2, and 457A-3, Hawaii Revised Statutes (HRS), to reflect that the Department of Human Services no longer licenses or certifies health care settings. The measure repeals section 346-47, HRS, as it is duplicative as sections 346-224 and 346-227, HRS, require DHS to investigate reports of vulnerable adult abuse and neglect by individuals in health related occupations as well as individuals employed by agencies or institutions providing social, medical, hospital, and mental health services.

Act 93, Session Laws of Hawaii (SLH) 2012 consolidated the licensing and certifying of health care settings under the Department of Health. The provisions of Act 93, SLH 2012, became effective July 1, 2014. Because DHS no longer licenses or certifies health care settings, the statutory references to DHS licensing or certifying health care settings and DHS disciplining certified nurse aides employed in health care settings are obsolete and should be deleted from these sections.

As mentioned above, section 346-47, HRS, is duplicative as the investigation of abuse or neglect by a certified nurse aide is covered by sections 346-224 and 346-227, HRS. Section 346-47, HRS, should be repealed.

Similarly, the proposed amendments to section 457A-3(b), HRS, are necessary to clarify that because DHS no longer licenses or certifies health care settings, DHS is not required under federal law to report substantiated findings on certified nurse aides to the Department of Commerce and Consumer Affairs (DCCA). Substantiated findings resulting from a DHS Adult Protective Services investigation of certified nurse aides are being reported to DCCA pursuant to section 346-225, HRS, and section 17-1401.1-6, Hawaii Administrative Rules.

Thank you for the opportunity to provide testimony on this bill.



DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
335 MERCHANT STREET, ROOM 310
P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov/pvl

CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON
HUMAN SERVICES

AND

TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Tuesday, February 16, 2016
9:15 a.m.

TESTIMONY ON HOUSE BILL NO. 2345, RELATING TO CERTIFIED NURSE AIDES.

TO THE HONORABLE DEE MORIKAWA, CHAIR,
TO THE HONORABLE DELLA AU BELATTI, CHAIR,
AND MEMBERS OF THE COMMITTEES:

My name is Lee Ann Teshima, Executive Officer for the Nurse Aide Program, Professional and Vocational Licensing Division. I appreciate the opportunity to testify on House Bill No. 2345, Relating to Certified Nurse Aides, that repeals section 346-47 and amends sections 457A-1.5, 457A-2, and 457A-3, Hawaii Revised Statutes, to delete references to the Department of Human Services as licensing or certifying health care settings; and deletes references to the Department of Human Services investigating and disciplining certified nurse aides employed in health care settings.

We support this housekeeping measure that would delete obsolete statutory provisions. Act 93, Session Laws of Hawaii 2012, consolidated the authority, duties, and responsibilities and jurisdiction of the Department of Human Services and Department of Health, as they relate to various health care services by transferring to the Department of Health, Office of Health Care Assurance, programs relating to the licensing and certifying of home and community-based case management; community care foster family homes; and adult day cares. Consequently, effective July 1, 2014, the Office of Health Care Assurance became the regulatory authority over these programs.

Thank you for the opportunity to testify on House Bill No. 2345.