



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Judiciary and Labor
February 26, 2016 at 10:00 a.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

SB 2677 SD1 – RELATING TO NURSING

Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, thank you for this opportunity to provide testimony in strong support of this bill, SB 2677 SD1 with amendments.

In 2010, Act 57 was enacted into law as HRS 457-2.5. This 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 provided 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 SB 2677 SD1 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 SB 2677 SD1 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.
- NCSBN¹ 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 Association² and the Council of State Governments³ supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse

¹ https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.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 SONDH supports the Hawai'i Board of Nursing 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 the passage of SB 2677 SD1 with amendments. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.

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

³ https://www.ncsbn.org/CSG_Resolution.pdf

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Friday, February 26, 2016
10:00 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 2677, S.D. 1, RELATING TO NURSING.

TO THE HONORABLE GILBERT S.C. KEITH-AGARAN, 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 submit testimony on Senate Bill No. 2677, S.D. 1, Relating to Nursing, which requires all nurse licensure applicants and nurse license renewal applicants to comply with state and federal criminal history checks. This measure also authorizes the Board of Nursing to develop and adopt rules to implement the required criminal history checks.

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 requirement. 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.

The Board offers the following recommendations:

Powers and duties of the Board – On page 3, lines 15-17, be amended as follows:

“(6) License qualified applicants by examination or endorsement, including advanced practice registered nurses, and renew, reinstate, reactivate, and restore licenses[;]. The board shall conduct an investigation of the applicant’s background, character, competency, and integrity as it deems appropriate, and beginning with July 1, 2017, shall request, in accordance with section 846-2.7, Hawaii Revised Statutes, criminal history records of the applicant. The board shall request, in accordance with section 846-2.7, Hawaii Revised Statutes, the criminal history records of licensees that were issued a license by the board prior to July 1, 2017. The board shall request criminal history records required under this paragraph not less than once for each individual applicant or licensee and shall do so in accordance with a process to be established by the board; provided that all requests for criminal history records required for licensees issued a license by the board prior to July 1, 2017 shall be made by the board not later than July 1, 2023. The Hawaii criminal justice data center shall provide such information on request to the director of commerce and consumer affairs.”

It is our understanding that the Hawaii Criminal Justice Data Center’s (“HCJDC”) Rap Back Program will include not only a criminal background check for Hawaii but also the Federal Bureau of Investigation (“FBI”), which would cover other jurisdictions. Therefore, it appears there is no need for an applicant to obtain a criminal background check from each jurisdiction in which the applicant lived for any substantial period of

time. This amendment also clarifies the date on which the Board shall start requiring all new applicants to obtain a criminal history record check and also allows the Professional and Vocational Licensing Division (“PVLD”) to require renewal applicants to obtain a criminal history record check spread out over three (3) renewal periods. The number of “active” licensed nurses (LPNs, RNs and APRNs) as of the latest geographic report dated January 26, 2016 was 25,865. Processing this many renewals with the addition of a criminal background check will be a workload issue for PVLD. Allowing the PVLD to conduct criminal background checks over a period of three (3) renewal periods will address some of the workload issues for staff, however, PVLD 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 in order to implement this requirement.

Should this Committee adopt the proposed language provided above, the Board notes that the effective date provision in Section 9 of this measure would also need to be amended to have a single effective date of July 1, 2017.

Submission of full set of fingerprints – The bill, in various places¹, requires that an applicant for licensed practice nurse and registered nurse by examination, and advanced practice registered nurse, renewal applicants, and reactivation 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

¹ See S.B. No. 2677, S.D. 1 (2016) at page 5, lines 17-20; page 6, lines 18-20 to page 7, line 1; page 9, lines 14-18; page 10, lines 9-13; and page 12, lines 3-6.

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 HCJDC. 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 above, be deleted as we will be applying the electronic fingerprinting, through administrative rules, for nurse applicants and licensees.

This would allow the Board to require nurse applicants and licensees to go directly to Fieldprint, Inc. or any other fingerprinting agency approved to send electronic fingerprints to the HCJDC, pay Fieldprint, Inc. to get fingerprinted, and have the results of the fingerprint check sent to a secured server under the HCJDC where only trained and authorized PVLD staff will be able to retrieve the criminal background report. In addition, by going directly to Fieldprint, Inc., there is no need for the applicant or licensee to submit criminal history record check fee(s) as indicated in the following areas of the bill:

- Page 6, lines 6-7; and
- Page 7, lines 10-11.

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 22, lines 8-10 of the bill, the Board recommends broader

language that includes checks for restoration, reactivation and reinstatement as follows:

“The department of commerce and consumer affairs on applicants for nurse licensure, renewal, restoration, reactivation, or reinstatement under HRS chapter 457 and HAR chapter 89;”.

Thank you for the opportunity to submit written testimony on Senate Bill
No. 2677, S.D. 1.

February 26, 2016 at 10:00am
Conference Room 016

Senate Committee on Judiciary and Labor

To: Senator Gilbert Keith-Agaran, Chair
Senator Maile Shimabukuro, 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 – SB 2677, SD1

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 SB 2677, SD1 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.

**Written Testimony Presented Before the
Senate Committee on Judiciary and Labor
February 26, 2016 9:00 a.m.
by
Laura Reichhardt, NP-C, APRN, Director
Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

SB 2677 SD1 RELATING TO NURSING

Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Senate Judiciary and Labor Committee, thank you for this opportunity to provide testimony in strong support for SB 2677 SD1 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 SB 2677 SD1 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 SB 2677 SD1 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.
- NCSBN¹ 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 Association² and the Council of State Governments³ supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse

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

³ 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 SB 2677 SD1 pass amended. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.



AONE Hawaii

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



THE AMERICAN ORGANIZATION OF NURSE EXECUTIVES, **HAWAII CHAPTER**

**Written Testimony Presented Before the
Senate Committee on Judiciary and Labor
February 26, 2016 9:00 a.m.**

by

Kate Woodard, RN, MPH
Secretary, AONE Hawai'i Board

SB 2677 SD1 RELATING TO NURSING

Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Senate Judiciary and Labor Committee, thank you for this opportunity to provide testimony in strong support for SB 2677 SD1 Relating to Nursing, with amendments.

This letter is written in support of SB 2677 SD1 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. AONE Hawai'i supports SB 2677 SD1 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 SB 2677 SD1 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.

- NCSBN¹ 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 Governments² 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.

Therefore, AONE Hawai'i respectfully requests that SB 2677 SD1 pass without amendments. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.

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² https://www.ncsbn.org/CSG_Resolution.pdf

**Written Testimony Presented Before the
Senate Committee on Judiciary and Labor
February 26, 2016 9:00 a.m.
by
Dr. Linda Beechinor, APRN**

SB 2677 SD1 RELATING TO NURSING

Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Senate Judiciary and Labor Committee, thank you for this opportunity to provide testimony in strong support for SB 2677 SD1 Relating to Nursing, with amendments.

I support **SB2677 SD1**. 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. Criminal background checks are one means of enhancing public safety in Hawai'i by increasing the accuracy of the information the Hawai'i Board of Nursing uses in their review of applicants and activities related to discipline, grounds, proceedings and hearings. The American Nurses Association supports the use of criminal background checks as part of the nursing licensure process.

Since the bill authorizes the state board of nursing to develop rules necessary to implement the required criminal history record checks, I would suggest consideration at the time of rule promulgation be given to working with the states' employers of nurses who already pay for and acquire a criminal background check on every nurse they hire. It would be duplicative to have both entities paying fees for the same background reports, and that is a possible source of shared funding for this activity. Possibly with the consent of the nurse, these background reports could be shared between the state and the employer.

I, Dr. Linda Beechinor, respectfully request that **SB2677 SD1** pass with amendments. I appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.

**Written Testimony Presented Before the
Senate Committee on Judiciary and Labor
February 26, 2016 9:00 a.m.**

**Laura Westphal, RN, MBA, CPHQ
Chief Nursing Officer
Castle Medical Center**

SB 2677 SD1 RELATING TO NURSING

Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Senate Judiciary and Labor Committee, thank you for this opportunity to provide testimony in strong support for SB 2677 SD1 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 support SB 2677 SD1 in the interest of continuing to hold nurses in Hawai'i to the national standards established by the NCSBN and its delegates.

I supports SB 2677 SD1 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.

NCSBN¹ 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 Association² and the Council of State Governments³ 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

Thank you for the opportunity to testify.

**Written Testimony Presented Before the
Senate Committee on Judiciary and Labor
February 26, 2016 9:00 a.m.
by
Susan Lee, BSN, RN, WCC**

SB 2677 SD1 RELATING TO NURSING

Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Senate Judiciary and Labor Committee, thank you for this opportunity to provide testimony in strong support for SB 2677 SD1 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 support SB 2677 SD1 in the interest of continuing to hold nurses in Hawai'i to the national standards established by the NCSBN and its delegates.

I support SB 2677 SD1 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.
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positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

1 https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf

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

3 https://www.ncsbn.org/CSG_Resolution.pdf

Additionally, **[INDIVIDUAL OR ORGANIZATION]** 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, **[INDIVIDUAL OR ORGANIZATION]** respectfully requests that SB 2677 SD1 pass amended. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 9:50 AM
To: JDLTestimony
Cc:
Subject: Submitted testimony for SB2677 on Feb 26, 2016 10:00AM

SB2677

Submitted on: 2/24/2016

Testimony for JDL on Feb 26, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Denise Cohen	Individual	Support	No

Comments: This is important legislation as Hawaii moves toward have nursing licensure within the compact states

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: Thursday, February 25, 2016 7:19 AM
To: JDLTestimony
Cc:
Subject: Submitted testimony for SB2677 on Feb 26, 2016 10:00AM

SB2677

Submitted on: 2/25/2016

Testimony for JDL on Feb 26, 2016 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kathleen Yokouchi	Individual	Support	No

Comments: My name is Kathy Yokouchi and am in very strong support of this extremely important measure for the safety and protection of Hawaii consumers of health care including nursing care. The Legislature in its wisdom is one of the Nation's leaders in adopting progressive nurse education and practice laws based on nationally recognized nursing education and certification standards. Hawaii is among a handful of states in the Nation which have met the high standards of the National Council of State Boards of Nursing's APRN Consensus Model due to the Hawaii's Legislature's passing enabling laws. However, of the nation's 55 boards of nursing (excluding U.S. territories), 40 boards conduct state and federal CBCs, Hawaii remains among the last few states without a thorough criminal background check which is also a requirement of the NCSBN. The current honor system is unsafe. A coordinated criminal background check including both federal and state checks is urgently needed to protect stakeholders and consumers. I hope that this Committee will move this measure out to eventually become law to protect the people of Hawaii. Much aloha, Kathy Yokouchi

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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