

# SB2874

Measure Title:	RELATING TO CERTIFIED NURSE AIDES.
Report Title:	Certified Nurse Aides
Description:	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.
Companion:	<a href="#">HB2345</a>
Package:	Governor
Current Referral:	CPH
Introducer(s):	KOUCHI (Introduced by request of another party)



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

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION AND HEALTH

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Wednesday, February 17, 2016  
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2874, RELATING TO CERTIFIED NURSE  
AIDES.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

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 Senate Bill No. 2874, Relating to Certified Nurse Aides, that repeals section 346-47 and amends sections 457A-1.5, and 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 Senate Bill No. 2874.

DAVID Y. IGE  
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February 17, 2016

TO: The Honorable Rosalyn H. Baker, Chair  
Senate Committee on Commerce, Consumer Protection, and Health

FROM: Rachael Wong, DrPH, Director

SUBJECT: **SB2874 – RELATING TO CERTIFIED NURSE AIDES**

Hearing: Wednesday, February 17, 2016, 9:00 a.m.  
Conference Room 229, 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.