STAND. COM. REP. NO. 50

Honolulu, Hawaii

FEB 14 2025

RE: S.B. No. 1438

Honorable Ronald D. Kouchi President of the Senate Thirty-Third State Legislature Regular Session of 2025 State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 1438 entitled:

"A BILL FOR AN ACT RELATING TO HOME CARE AGENCIES,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit home care agencies from providing services outside the scope of their facility license.

Your Committee received testimony in support of this measure from the Department of Health and Hawai'i Association of Professional Nurses.

Your Committee finds that some operators of home care agencies (HCAs) provide skilled nursing services to clients that are not rendered by a nurse licensed pursuant to chapter 457, Hawaii Revised Statutes. Your Committee further finds that because the State Board of Nursing may not have the authority to regulate unlicensed providers of nursing care employed by HCAs, providing the Department of Health with the authority to ensure appropriate services are provided will more effectively protect patient safety. This measure clarifies that the Department of Health may take enforcement action against HCAs that provide services outside of the scope of their license.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this

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report, your Committee is in accord with the intent and purpose of S.B. No. 1438 and recommends that it pass Second Reading and be referred to your Committee on Commerce and Consumer Protection.

> Respectfully submitted on behalf of the members of the Committee on Health and Human Services,

2025-1388 SSCR SMA.docx

## The Senate Thirty-Third Legislature State of Hawai'i

## Record of Votes Committee on Health and Human Services HHS

Bill / Resolution No.:*	Committee	Referral:		Date:	
SB 1438	HHS	CPN		2/5	5/25
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)					
AQUINO, Henry J.C. (VC)					
HASHIMOTO, Troy N.					
KEOHOKALOLE, Jarrett					
FEVELLA, Kurt					
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TOTAL		_ 4			/
Recommendation:  Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes