

A Bill for an Act Relating to Nurse Aides.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that Act 226, Session Laws of Hawaii 2007, was enacted to provide for the certification and recertification of nurse aides who work in nursing facilities participating in medicare and medicaid programs and in other state-licensed and state-certified health care settings. Certification is a requirement under 42 United States Code Sections 1395i-3 and 1396r.

The purpose of this Act is to specify the renewal period for the recertification of certified nurse aides and the number of continuing education hours required for recertification by the director of human services.

SECTION 2. Section 346-46, Hawaii Revised Statutes, is amended to read as follows:

**“~~[[H]§346-46]] Certified nurse aides; training programs and recertification.~~**

The director shall:

- (1) Approve training programs for nurse aides and ensure that the training programs comply with all applicable federal and state requirements;
- (2) Approve and arrange for the recertification process for nurse aides who work in medicare or medicaid certified nursing facilities; ~~[and]~~
- (3) Approve and arrange for the recertification process for nurse aides who work in state-licensed or state-certified health care settings~~[-];~~  
~~and~~
- (4) Require recertification not less than every two years. The number of continuing education hours required for recertification shall not exceed twenty-four hours, except as specified by federal law.”

SECTION 3. Section 457A-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The director of human services shall implement this chapter in accordance with 42 United States Code ~~[sections]~~ Sections 1395i-3 and 1396r, that relate to:

- (1) Training programs for nurse aides and recertification; ~~[and]~~ provided that recertification shall be required not less than every two years and the number of continuing education hours required for recertification shall not exceed twenty-four hours, except as specified by federal law; and
- (2) Disciplining of certified nurse aides employed in health care settings licensed or certified by the department of human services.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2009.

(Approved June 10, 2009.)