



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in STRONG SUPPORT of Senate Bill 1113, SD 2
RELATING TO BACKGROUND CHECKS**

REPRESENTATIVE DELL AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: Wednesday, March 18, 2015

Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health (DOH) is in **strong support** of SB 1113
3 SD 2, which is part of the Governor's Package.

4 This bill seeks to expand the authority of the department to conduct background checks to
5 include criminal history records checks and non-criminal registries checks such as adult
6 protective services, child abuse and neglect, and certified nurse aide registry. Currently, the
7 department has the authority only to conduct criminal records checks.

8 This broader authority will be exercised on persons applying for or currently holding a
9 license or certificate to operate a health care facility, seeking employment with a health care
10 facility in a position that necessitates non-witnessed direct contact with patients, seeking or
11 holding employment with the department in a position that provides non-witnessed direct mental
12 health or health care to DOH clients, or for contractors or subcontractors with the department or
13 with a private or public licensed health care facility who work or have employees who work in
14 similar positions.

1 The intent is to provide greater protection for the public when they seek health care
2 services at licensed or certified health care facilities or through the department.

3 Thank you for the opportunity to testify in strong support of this Administration bill,
4 SB 1113 SD2.

5 **Offered Amendments:** None.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 18, 2015
8:45 a.m.
Conference Room 329

To: The Hon. Della Au Belatti, Chair
and Members of the House Committee on Health

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 1113, S.D.2

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

S.B. No. 1113, S.D.2, if enacted, expand the authority of the Department of Health to conduct background checks for persons seeking employment with the State or its contractors where the work involves direct client care, and applicants and operators of health care facilities. The measure is intended to provide protection for vulnerable patients who seek health care services at licensed or certified health care facilities.

The HCRC has not opposed narrowly drawn statutory exceptions sought for positions that involve unsupervised contact with vulnerable persons as patients, clients, customers, or students, but has opposed creation of overly broad exceptions and the creation of a “slippery slope” where exceptions render the rule meaningless.

The HCRC does not oppose S.B. No. 1113, S.D.2.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 18, 2015

The Honorable Della Au Belatti, Chair
House Committee on Health
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Bellatti and Members of the Committee:

SUBJECT: SB 1113 SD2 – Relating to Background Checks

The State Council on Developmental Disabilities (DD) **supports SB 1113 SD2.** The purpose of this bill is to expand the authority of the Department of Health (DOH) to conduct background checks to include criminal history record check, adult abuse perpetrator and child abuse record checks, and certified nurse aide registry record checks for persons seeking employment with the State or its contractors where the work involves direct client care, and applicants and operators of health care facilities.

People with DD, as well as children and the elderly population, are considered vulnerable to potential abuse, neglect, and mistreatment by family members, caregivers, and others who have direct access to them. This measure is intended to ensure the reputable and responsible character of owners, operators, direct caregivers and persons with direct access to patients, individuals with intellectual and developmental disabilities (I/DD), or residents in State-licensed health care facilities, certified homes, and of DOH employees, contractors, and subcontractors who have direct access to the Department's patients, individuals with I/DD, or clients in public health or behavioral health settings.

The Council appreciates the Legislature's intent to expand protection to Hawaii's most vulnerable population through this bill.

Thank you for the opportunity to submit testimony **in support of SB 1113 SD2.**

Sincerely,

Waynette K.Y. Cabral, M.S.W.
Executive Administrator

Rosie Rowe
Chair

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 17, 2015 3:00 PM
To: HLTtestimony
Cc: dshaw@lanaicommunityhealthcenter.org
Subject: Submitted testimony for SB1113 on Mar 18, 2015 08:45AM

SB1113

Submitted on: 3/17/2015

Testimony for HLT on Mar 18, 2015 08:45AM in Conference Room 329

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-------------------------------|---------------------------|---------------------------|
| Diana Shaw | Lanai Community Health Center | Support | No |

Comments: This funding is critical to leverage - 1:1 federal funding - this program is critical to ensure that communities can attract and retain providers -- especially communities like Lana'i.

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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TO:
Representative Della Au Belatti, Chair
Representative Richard P. Creagan, Vice Chair
Members of the Committee on Health

FROM: Jennifer Chomko

RE: Hearing, February 18, 2015

SUPPORT SB 1113 SD2, RELATING TO BACKGROUND CHECKS

Dear Representative Della Au Belatti, Representative Richard P. Creagan, and members of the committee,

My name is Jennifer Chomko, MSW student at the University of Hawaii at Manoa, writing to you today **in strong support of SB 1113 SD2** to expand the authority of DOH to conduct background checks (including sex offender registry record checks, certified nursing aide registry record checks, etc.) for persons seeking employment with the state or its contractors where the work involves direct contact with client care of healthcare facilities.

I have professional experience working with older adults, and unfortunately, have also had a family member experience what I believe are the negative effects of the lack of checking of the certified nursing registry in the past, as well.

A little over five years ago, my grandmother passed away. She was living in a adult residential foster home with a certified nursing aide and her family until about one year before she died. Her caretaker at the time, allowed for my grandma to be cared for by additional caretakers, all of whom were not certified nurse aides. It is my belief that because their nursing certifications were not verified, and they were not qualified to perform this job, my grandma, who, could feed herself, toilet herself, and walk on her own prior to moving into this home, experienced bed sores that were so severe that she required hospitalization.

Unfortunately, I am sure that this experience is not unique. What extensive criminal and non-criminal background checking, and certified nurse aide checking, can provide will be invaluable to families that put their vulnerable loved ones, whether they be older adults, children, or those with disabilities in healthcare facilities today.

So again, I urge you to please consider the future of our children, our *kupuna*, and those who are differently-abled, and their families and **support SB 1113 SD1** to protect our vulnerable populations through this bill.

Thank you for your consideration.