

Honolulu, Hawaii

APR 30 2015

RE: S.B. No. 1113  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1113, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to expand the scope of background checks conducted by the Department of Health on operators, employees, applicants, and volunteers in health care facilities and other persons providing health care on behalf of the Department of Health to include criminal history record checks, sex offender registry record checks, adult abuse perpetrator and child abuse and neglect record checks, and certified nurse aide registry record checks.

Your Committee on Conference finds that individuals with developmental disabilities, as well as children and the elderly populations, are considered vulnerable to potential abuse, neglect,



and mistreatment by family members, caregivers, and others who have direct access to them. This measure provides protection to the public when they seek health care services at licensed or certified health care facilities.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that for purposes of immunity from civil liability for the Department of Health, the presumption of good faith in obtaining and relying upon background check information may be rebutted upon showing of proof that the Department or its designee relied upon information or opinion that it knew was false or misleading or that the reliance was unreasonable;
- (2) Clarifying that for purposes of immunity from civil liability, any applicant or operator who receives information relating to a background check from the Department of Health or its designee shall be presumed to be acting in good faith for reasonably taking or recommending action based upon the Department's recommendation or direction; and
- (3) Changing the effective date to July 1, 2015.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1113, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1113, S.D. 2, H.D. 1, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

*Della A Belatti*  
DELLA AU BELATTI, Co-Chair

*Josh Green*  
JOSH GREEN, Chair

*Mark M. Nakashima*  
MARK M. NAKASHIMA, Co-Chair

*Suzanne Chun Oakland*  
SUZANNE CHUN OAKLAND, Co-Chair

*Richard P. Creagan*  
RICHARD P. CREAGAN, Co-Chair

*Gilbert S.C. Keith-AGaran*  
GILBERT S.C. KEITH-AGARAN, Co-Chair



Hawaii State Legislature

CCR 48

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 1113, SD 2, HD 1</b>	Date/Time: 4/30/15 3:12 p-
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GREEN, Josh, Chr.	✓				BELATTI, Della Au, Co-Chr.	✓			
CHUN OAKLAND, Suzanne, Co-Chr.	✓				NAKASHIMA, Mark M., Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				CREAGAN, Richard P., Co-Chr.	✓			
ESPERO, Will	✓				HASHEM, Mark J.	✓			
SLOM, Sam				✓	FUKUMOTO CHANG, Beth	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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