

STAND. COM. REP. NO. 369

Honolulu, Hawaii

FEB 20 2015

RE: S.B. No. 1113
S.D. 1

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

Madam:

Your Committees on Health and Human Services and Housing, to which was referred S.B. No. 1113 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to expand the authority of the Department of Health to conduct background checks to include criminal history record checks, 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.

Your Committees received testimony in support of this measure from the Department of Health, State Council on Developmental Disabilities, and one individual.

Your Committees find 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 Committees have amended this measure by:



- (1) Clarifying the definitions of "applicant" in section 321-15.2, Hawaii Revised Statutes; and "provider" and "subcontractor" in section 321-171.5, Hawaii Revised Statutes;
- (2) Deleting language that would have required the Department of Health or its designee to make a name inquiry into the criminal history records or conduct criminal history checks on specified individuals other than clients;
- (3) Amending language to prohibit the Department of Health or its designee from securing background checks on persons who have been employed continuously on a salary basis since July 1, 2015;
- (4) Repealing section 333F-22, Hawaii Revised Statutes, related to criminal history records; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1113, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1113, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services and Housing,



SUZANNE CHUN OAKLAND, Chair



JOSH GREEN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services and Housing
HSH

Bill / Resolution No.:* SB 1113	Committee Referral: HTH/HSH, JDL	Date: 2/11/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	X			
GREEN, Josh (VC)				X
HARIMOTO, Breene	X			
RIVIERE, Gil	X			
SLOM, Sam				X
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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