

STAND. COM. REP. NO. **687**

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 1113
S.D. 2

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

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1113, S.D. 1, entitled:

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

begs 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, sex offender registry record checks, adult abuse perpetrator and child abuse and neglect 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 volunteers, applicants, and operators of healthcare facilities.

Your Committee received testimony in support of this measure from the Department of Health and State Council on Developmental Disabilities. Your Committee received comments on this measure from the Hawaii Civil Rights Commission.

Your Committee 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 healthcare facilities.

Your Committee has amended this measure by:

2015-1847 SSCR SMA.doc



- (1) Clarifying that employees employed continuously on a salaried basis prior to July 1, 2015, are exempt from background checks, rather than exempting employees who are hired after July 1, 2015;
- (2) Inserting language to prevent the amendments made to the definition of "healthcare facility" under section 321-15.2(a), Hawaii Revised Statutes, from being repealed when that definition is reenacted on June 30, 2019;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 1113 SD1	Committee Referral: HTH / HSH, JDL	Date: 2/27/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
THIELEN, Laura H.	✓			
SLOM, Sam				✓
TOTAL	4			3
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