

Honolulu, Hawaii

MAR 24 2016

RE: H.B. No. 1756
H.D. 3
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 1756, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO NURSING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require all applicants for nurse licensure, renewal, reactivation, or restoration to comply with state and federal criminal history record checks, beginning with the July 1, 2019, licensing biennium; and
- (2) Authorize the Board of Nursing to develop and adopt rules to implement required criminal history record checks.

Your Committee received testimony in support of this measure from the Hawai'i State Center for Nursing; Hawaii Association of Professional Nurses; Hawai'i Pacific Health; American Organization of Nurse Executives, Hawaii Chapter; and one individual. Your Committee received comments on this measure from the Board of Nursing.

Your Committee finds that it is in the best interest of the nursing workforce in Hawaii to ensure safe and quality nursing services are provided to patients in the State. Establishing criminal history record checks for nurses is one way to protect



consumers and enhance public safety. Your Committee further finds that the National Council of State Boards of Nursing has proposed a standard, for all states to adopt, that requires a biometrics-based state and federal criminal background check for all nursing applicants, consistent with Public Law No. 92-544. The American Nurses Association and the Council of State Governments also support the use of criminal background checks as part of the nursing licensure process.

Your Committee additionally finds that this measure requires all applicants for nurse licensure, renewal, reactivation, or restoration to comply with state and federal criminal history record checks, beginning with the July 1, 2019, licensing biennium. According to testimony from the Hawaii State Center for Nursing, as of January 26, 2016, there were 22,216 Registered Nurses, including 1,267 Advanced Practice Registered Nurses, and 2,382 Practical Nurses licensed in Hawaii. The Board of Nursing has expressed concerns regarding the workload and implementation issues that will arise if all current and new licensees are expected to meet record check requirements by 2019.

Your Committee notes that the companion to this measure, S.B. No. 2677, S.D. 2, H.D. 1 (Regular Session of 2016), which was previously passed by the Senate and the House Committee on Health, is a substantially similar measure that also establishes criminal history record check requirements for all applicants for nurse licensure, renewal, reactivation, or restoration. However, S.B. No. 2677, S.D. 2, H.D. 1, authorizes the Board of Nursing to begin implementing the criminal history record check requirements on July 1, 2017, and contains a graduated implementation of the criminal history record check requirements for current and new nurse licensees over the next four license cycles. Your Committee concludes that the language in S.B. No. 2677, S.D. 2, H.D. 1, is preferable because gradually phasing in these requirements will ensure successful implementation of criminal history record checks on new and existing licensees, without compromising the Board's ability to timely process license applications and renewals.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2677, S.D. 2, H.D. 1, a substantially similar measure, which:



- (A) Requires all nurse licensure applicants, beginning with the July 1, 2017, licensing biennium, and all nurse license renewal applicants, beginning with the July 1, 2019, licensing biennium, to comply with criminal history record checks;
 - (B) Authorizes the Board of Nursing to reactivate licenses and conduct investigations of applicants; and
 - (C) Authorizes the Board of Nursing to request, beginning July 1, 2017, criminal history records of qualified applicants and request, no later than July 1, 2023, criminal history records required for licensees who were issued licenses prior to July 1, 2017;
- (2) Inserting an effective date of upon its approval; and
 - (3) 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 Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1756, H.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1756, H.D. 3, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,

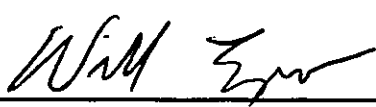


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1756, HD 3	CPH, WAM/JDL	3/23/16		
<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
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les				/
NISHIHARA, Clarence K.	/			
RUDERMAN, Russell E.	/			
SLOM, Sam				/
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes