



GOV. MSG. NO. 1121

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

April 26, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 26, 2016, the following bill was signed into law:

SB2874

RELATING TO CERTIFIED NURSE AIDES  
**ACT 021 (16)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor  
on APR 26 2016

**ACT 021**  
**S.B. NO. 2874**

JAN 27 2016

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# A BILL FOR AN ACT

RELATING TO CERTIFIED NURSE AIDES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Act 93, Session Laws of Hawaii 2012, was  
2 enacted to improve the efficiency, capacity, and quality of  
3 state health care services provided by the department of human  
4 services and the department of health, as they relate to various  
5 health care services, by transferring to the department of  
6 health office of health care assurance on July 1, 2014, the  
7 programs of the department of human services relating to home  
8 and community-based case management, community care foster  
9 family homes, and adult day care centers. As a result, certain  
10 statutory provisions are no longer applicable to the department  
11 of human services. The purpose of this Act is to delete  
12 duplicative or obsolete statutory provisions.

13 SECTION 2. Section 457A-1.5, Hawaii Revised Statutes, is  
14 amended by amending the definition of "state-licensed or state-  
15 certified health care settings" to read as follows:

16 "State-licensed or state-certified health care settings"  
17 means health care settings, other than [a] medicare or medicaid

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1 certified nursing facilities, which are regulated by the  
2 department of health [~~or the department of human services~~]."

3 SECTION 3. Section 457A-2, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) The director of human services shall implement this  
6 chapter in accordance with 42 United States Code sections 1395i-  
7 3 and 1396r, that relate to[~~+~~

8 ~~(1) Training]~~ training programs for nurse aides and  
9 recertification; provided that recertification shall  
10 be required not less than every two years and the  
11 number of continuing education hours required for  
12 recertification shall not exceed twenty-four hours,  
13 except as specified by federal law[~~+~~and

14 ~~(2) Disciplining of certified nurse aides employed in~~  
15 ~~health care settings licensed or certified by the~~  
16 ~~department of human services]."~~

17 SECTION 4. Section 457A-3, Hawaii Revised Statutes, is  
18 amended by amending subsection (b) to read as follows:

19 "(b) The director shall issue certificates to qualified  
20 nurse aides and shall be responsible for maintenance of an up-  
21 to-date nurse aide registry that shall include the names of  
22 certified nurse aides, their places of employment, and all

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1 information that is ~~[required to be]~~ reported by the department  
2 of health and the department of human services. The director's  
3 role, with regard to the disciplining of certified nurse aides,  
4 shall be limited to the placement into the certified nurse aide  
5 registry of all information and substantiated findings from the  
6 department of health ~~[and the department of human services]~~, as  
7 required by 42 United States Code sections 1395i-3 and 1396r,  
8 and the department of human services, within ten working days of  
9 the finding, which information shall permanently remain in the  
10 registry except if:

- 11 (1) The finding was made in error;
- 12 (2) The individual is found not guilty in court; or
- 13 (3) The State receives notification of the individual's  
14 death."

15 SECTION 5. Section 346-47, Hawaii Revised Statutes, is  
16 repealed.

17 ~~["§346-47 Certified nurse aides; investigations of abuse~~  
18 ~~and neglect.] The department shall adopt rules pursuant to~~  
19 ~~chapter 91 relating to:~~

- 20 ~~(1) The investigation of:~~

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1           ~~(A) Abuse or neglect by a certified nurse aide~~  
2                     ~~working in a health care setting licensed or~~  
3                     ~~certified by the department, and~~  
4           ~~(B) Misappropriation of an individual's property by a~~  
5                     ~~certified nurse aide working in a health care~~  
6                     ~~setting licensed or certified by the department,~~  
7                     ~~and~~  
8           ~~(2) Action taken against a certified nurse aide as a~~  
9                     ~~result of an investigation pursuant to paragraph~~  
10                    ~~(1)."]~~

11           SECTION 6. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13           SECTION 7. This Act shall take effect upon its approval.

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17           APPROVED this    26    day of   APR           , 2016



GOVERNOR OF THE STATE OF HAWAII