

STAND. COM. REP. NO.

1292

Honolulu, Hawaii

MAR 24 , 2021

RE: H.R. No. 126  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.R. No. 126 entitled:

"HOUSE RESOLUTION URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO AMEND TITLE 16, CHAPTER 89, OF THE HAWAII ADMINISTRATIVE RULES TO PROHIBIT REGISTERED NURSES FROM DELEGATING THE INTERPRETATION OF DIAGNOSTIC LABORATORY RESULTS TO UNLICENSED ASSISTIVE PERSONNEL,"

begs leave to report as follows:

The purpose of this measure is to urge the Department of Commerce and Consumer Affairs to amend the appropriate Hawaii Administrative Rules to prohibit registered nurses from delegating the interpretation of diagnostic laboratory results to unlicensed assistive personnel.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Board of Nursing and Hawai'i State Center for Nursing.

2021-2715 HR126 HD1 HSCR HMSO



Your Committee finds that registered nurses are permitted to delegate certain nursing care tasks, functions, and activities to unlicensed assistive personnel so long as the delegation complies with applicable state and federal laws and does not include the practice-pervasive functions of assessment, evaluation, and nursing judgment. Your Committee further finds that medical diagnostic errors occur in all areas of medical practice, with approximately twelve million people in the United States affected by medical diagnostic errors every year. Although national guidelines prohibit nurses from delegating activities that involve nursing judgment or critical decision making, your Committee finds that this type of delegation is not explicitly prohibited in the relevant Hawaii Administrative Rules.

Your Committee has amended this measure by:

- (1) Changing its title to read: "URGING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO REVISIT TITLE 16, CHAPTER 89, OF THE HAWAII ADMINISTRATIVE RULES TO PROHIBIT REGISTERED NURSES FROM DELEGATING THE INTERPRETATION OF DIAGNOSTIC LABORATORY RESULTS TO UNLICENSED ASSISTIVE PERSONNEL.";
- (2) Including the Governor as a recipient of a certified copy of this measure; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee concurs with the intent and purpose of H.R. No. 126, as amended herein, and recommends that it be referred to your Committee on Consumer Protection & Commerce in the form attached hereto as H.R. No. 126, H.D. 1.



Respectfully submitted on  
behalf of the members of the  
Committee on Health, Human  
Services, & Homelessness,

A handwritten signature in black ink, appearing to read "Ryan I. Yamane", written over a horizontal line.

RYAN I. YAMANE, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature **HSR 1292**

**Record of Votes of the Committee on Health, Human Services, & Homelessness**

<b>Bill/Resolution No.:</b> <b>HR 126</b>	<b>Committee Referral:</b> <b>HHH, CPC</b>	<b>Date:</b> <b>3/23/2021</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
<b>HHH Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
<b>1. YAMANE, Ryan I. (C)</b>	/			
<b>2. TAM, Adrian K. (VC)</b>	/			
<b>3. GATES, Cedric Asuega</b>	/			
<b>4. HAR, Sharon E.</b>	/			
<b>5. KAPELA, Jeanne</b>	/			
<b>6. LoPRESTI, Matthew S.</b>				/
<b>7. NISHIMOTO, Scott Y.</b>	/			
<b>8. WARD, Gene</b>	/			
<b>TOTAL (8)</b>	<b>7</b>			<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
<b>Vice Chair's or designee's signature:</b> _____ 				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				