
A BILL FOR AN ACT

RELATING TO FINGERPRINTING.

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

1 SECTION 1. Section 321-15.2, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (b) to read:

4 "(b) The department shall adopt rules pursuant to chapter
5 91 to ensure the reputable and responsible character of all
6 prospective applicants, operators, direct patient access
7 employees, and adult volunteers of a healthcare facility, and,
8 in the case of any healthcare facility operated in a private
9 residence, all adults living in the home other than the clients.
10 These rules, among other things, shall specify how the
11 department or its designee may conduct background checks in
12 accordance with this section~~[-]~~; provided that the department
13 shall only require an applicant, operator, employee, or adult
14 volunteer at the healthcare facility or, in the case of a
15 healthcare facility operated in a private residence, any adult
16 living in the home other than the client, to be fingerprinted in
17 connection with the initial licensing or certification; provided



1 further that in the case of a healthcare facility operated in a
2 private residence, any adult living in the home other than the
3 client who was not living in the home at the time of initial
4 licensing or certification, shall be required to be
5 fingerprinted once; provided further that if the licensee
6 terminates the license and later applies for a new license, that
7 application shall be treated similarly to the initial licensing
8 process for purposes of the fingerprinting and background check
9 requirements."

10 2. By amending subsection (f) to read:

11 "(f) The department may revoke or suspend a current
12 license or certificate, impose penalties or fines, or deny an
13 application for a license or certificate under rules adopted
14 pursuant to chapter 91 if the applicant, operator, employee, or
15 adult volunteer at the healthcare facility or, in the case of
16 any healthcare facility operated in a private residence, any
17 adult living in the home other than the client:

18 (1) Refuses to authorize the department or its designee to
19 conduct a background check, refuses to authorize the
20 department or its designee to obtain background check
21 record information for verification, or refuses



1 consent to be fingerprinted; provided that the
2 department shall only require an applicant, operator,
3 employee, or adult volunteer at the healthcare
4 facility or, in the case of a healthcare facility
5 operated in a private residence, any adult living in
6 the home other than the client, to be fingerprinted in
7 connection with the initial licensing or
8 certification; provided further that in the case of a
9 healthcare facility operated in a private residence,
10 any adult living in the home other than the client,
11 who was not living in the home at the time of initial
12 licensing or certification, shall not be required to
13 be fingerprinted more than once; provided further that
14 if the licensee terminates the license and later
15 applies for a new license, that application shall be
16 treated similarly to the initial licensing process for
17 purposes of the fingerprinting and background check
18 requirements;

- 19 (2) Refuses or fails to submit to the department or its
20 designee information required to perform a background
21 check;



- 1 (3) Has any disqualifying information; or
- 2 (4) Has any background check information that the
- 3 department finds may pose a risk to the health,
- 4 safety, or welfare of the residents or patients of the
- 5 healthcare facility."

6 SECTION 2. Section 346-97, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) The department or its designee shall obtain criminal
9 history record information through the Hawaii criminal justice
10 data center on individuals identified in subsection (b) for the
11 first two years that an individual identified in subsection (b)
12 is required to have such checks, and shall conduct a criminal
13 history record name inquiry into the state criminal history
14 records annually or biennially thereafter~~[-]~~; provided that the
15 department shall not require an individual identified in
16 subsection (b) to be fingerprinted as part of the criminal
17 history record check process more than once."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2023.



H.B. NO. 1308

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'D. M. J.', written over a horizontal line.

JAN 25 2023



H.B. NO. 1308

Report Title:

DOH; DHS; Fingerprinting; Healthcare Facility; Criminal History Record Check

Description:

Prohibits the department of health from requiring an applicant, operator, employee, or adult volunteer at a healthcare facility or, in the case of a healthcare facility operated in a private residence, any adult living in the home other than the client, to consent to fingerprinting except in connection with the initial licensing or certification of the individual or healthcare facility. In the case of a healthcare facility operated in a private residence, any adult living in the home other than the client, who was not living in the home at the time of initial licensing or certification, shall not be required to be fingerprinted more than once. Resets initial fingerprinting and background check requirements if the licensee terminates the license and later applies for a new license. Provides that the department of human services shall not require service providers who have direct contact with individuals receiving adult services to be fingerprinted as part of the criminal history record check process more than once.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

