

MAR 10 2008

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE IMPACT OF ACT 226, SESSION LAWS OF HAWAII 2007, ON NURSE AIDES WHO ARE EMPLOYED IN STATE-CERTIFIED OR STATE-LICENSED HEALTH CARE SETTINGS TO PROVIDE A BASIS FOR THE LEGISLATURE TO DECIDE WHETHER TO AMEND ACT 226, SESSION LAWS OF HAWAII 2007.

1           WHEREAS, the Legislature recognizes that 42 United States  
2 Code sections 1395i-3 and 1396r require nurse aides working in  
3 nursing facilities participating in Medicare and Medicaid  
4 programs to meet education and evaluation standards to be  
5 certified; and  
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7           WHEREAS, to safeguard consumer safety, the Legislature  
8 passed Act 226, Session Laws of Hawaii 2007, to provide the  
9 means for nurse aides who work in state-licensed or  
10 state-certified health care settings to be certified; and  
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12           WHEREAS, the purpose of enacting Act 226, Session Laws of  
13 Hawaii 2007, was "to hold nurse aides who work in state-licensed  
14 or state-certified health care settings to similar standards of  
15 competency and evaluation appropriate for those settings; and  
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17           WHEREAS, under Act 226, Session Laws of Hawaii 2007, any  
18 nurse aide who is employed in a state-licensed or  
19 state-certified health care setting and who is recertified by  
20 July 1, 2007, may be recertified on a biennial basis under  
21 chapter 457A, Hawaii Revised Statutes, if the nurse aide passes,  
22 by December 31, 2008, a proficiency evaluation approved by the  
23 Department of Human Services; and  
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25           WHEREAS, section 4 of Act 226, Session Laws of Hawaii 2007,  
26 codified as sections 457A-1.5, 457A-6, 457A-7, and 457A-8,  
27 Hawaii Revised Statutes, does not address the cost for services  
28 rendered to carry out the purposes of this section, including  
29 the cost for recertification and competency evaluation; and  
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1           WHEREAS, 42 United States Code sections 1395i-3 and 1396r  
2 requires that no charge shall be imposed on Medicare or Medicaid  
3 certified nurse aides; and  
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5           WHEREAS, in order for the Legislature to make a sound  
6 determination regarding whether or not to amend Act 226, Session  
7 Laws of Hawaii 2007, the Legislature requires data, along with  
8 independent study and analysis of that data, regarding the  
9 aspects of the impact of Act 226 on nurse aides who work in  
10 state-certified or state-licensed health care settings; now,  
11 therefore,  
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13           BE IT RESOLVED by the Senate of the Twenty-fourth  
14 Legislature of the State of Hawaii, Regular Session of 2008, the  
15 House of Representatives concurring, that the Auditor is  
16 requested to conduct a comprehensive study on the results and  
17 impact of Act 226, Session Laws of Hawaii 2007, to determine its  
18 impact on:  
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20           (1) Nurse aides who work in state-licensed or  
21 state-certified health care settings; and  
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23           (2) Any other persons or areas that may be identified by  
24 the Auditor; and  
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26           BE IT FURTHER RESOLVED that the Auditor is requested to  
27 study the possibility of other sources of funding these costs,  
28 including the costs of services rendered to carry out the  
29 purposes of Act 226, such as the costs for recertification and  
30 competency evaluation; and  
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32           BE IT FURTHER RESOLVED that in conducting the study, the  
33 Auditor is requested to seek the views of the Department of  
34 Human Services, Department of Health, the Department of Commerce  
35 and Consumer Affairs, the Healthcare Association of Hawaii, the  
36 Hawaii Long Term Care Association, ARCA/Filipino Coalition, and  
37 other parties who may be knowledgeable about or impacted by Act  
38 226, Session Laws of Hawaii 2007; and  
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40           BE IT FURTHER RESOLVED that the Auditor submit a report of  
41 its findings and recommendations to the Legislature no later  
42 than twenty days prior to the convening of the Regular Session  
43 of 2009; and  
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# S.C.R. NO. 103

1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Auditor, the  
3 Director of Human Services, the Director of Health, the Director  
4 of Commerce and Consumer Affairs, the Healthcare Association of  
5 Hawaii, the Hawaii Long Term Care Association, and ARCA/Filipino  
6 Coalition.

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OFFERED BY: *Rosalyn H. Baker*

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