STAND. COM. REP. NO. **§26** -10

Honolulu, Hawaii

Morch 18, 2010

RE: S.B. No. 2898

S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2010 State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 2898, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES,"

begs leave to report as follows:

The purpose of this bill is to update and modify the Diversion Program for Chemically Dependent Nurses to:

- (1) Allow the Board of Nursing (BON) to permit entities besides the Hawaii Nurses Association to provide services for the diversion program;
- (2) Update reporting and data bank maintenance provisions to reflect current practices and federal law; and
- (3) Permit disciplinary action against a nurse who is noncompliant with the diversion program.

The BON and Hawaii Government Employees Association supported this bill. The Department of Commerce and Consumer Affairs submitted comments.

Your Committee has amended this bill by:

- (1) Providing that records of a nurse participating in a diversion program will not be excluded from discovery or subpoena by a law enforcement agency investigating the conduct of the nurse, BON, or Regulated Industries Complaints Office; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2898, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2898, S.D. 1, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on behalf of the members of the Committee on Health,

RYMI. YAMANA, Chair

State of Hawaii House of Representatives The Twenty-fifth Legislature

Record of Votes of the Committee on Health

Bill/Resolution No.: SB 2898, SD1	Committee Referral: HLT, CPC		Date: 3/9/10		
☐ The committee is reconsidering its prev	vious decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
HLT Members	Ayes	Ayes (WR)	Nays	Excused	
1. YAMANE, Ryan I. (C)					
2. NISHIMOTO, Scott Y. (VC)					
3. BELATTI, Della Au					
4. BERTRAM, Joe, III		TOTAL SECTION			
5. BROWER, Tom					
6. CARROLL, Mele					
7. MIZUNO, John M.		NEW COST			
8. SHIMABUKURO, Maile S.L.					
9. FINNEGAN, Lynn					
TOTAL (9)	7			2	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					