UNIVERSITY OF HAWAI'I SYSTEM
Legislative Testimony

Written Testimony Presented Before the
House Committee on Judiciary
February 23, 2016 at 2:00 p.m.
by
Robert Bley-Vroman, Chancellor
and
Mary G. Boland, DrPH, RN, FAAN
Dean and Professor
School of Nursing & Dental Hygiene
University of Hawai'i at Mānoa

HB 1756 HD2 – RELATING TO NURSING

Chair Rhoads, Vice Chair Buenaventura, and members of the House Committee on Judiciary, thank you for this opportunity to provide testimony in strong support of this bill, HB 1756 HD2.

In 2010, Act 57 was enacted into law as HRS 457-2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories.

The University of Hawai'i at Mānoa School of Nursing and Dental Hygiene (SONDH) supports HB 1756 HD2 in the interest of continuing to uphold nurses in Hawai'i to the national standards established by the NCSBN and its delegates. Further, the SONDH supports HB 1756 HD2 because:

- Hawai'i leads in ensuring optimal regulation for nursing yet Hawai'i is one of the last 12 states to adopt state and federal criminal background check verification for all nurse licenses.
- It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State.
- Establishing criminal background checks is one means to enhancing public safety in Hawai'i by increasing the accuracy of the information the Hawai'i Board of Nursing (HBON) uses in their review of applicants and HBON activities related to HRS 457- 12 Discipline; grounds; proceedings; hearings.
- NCSBN[1] proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.
- The American Nurses Association[2] and the Council of State Governments[3] supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse

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[1] https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf

[2] http://www.nursingworld.org/DocumentVault/Position-Statements/Practice/Criminal-BackgroundChecks-for-Nurse-Licensure.pdf

licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

Therefore, the SONDH respectfully requests the passage of HB 1756 HD2. We appreciate your continuing support of nursing in Hawaiʻi. Thank you for the opportunity to testify.

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[3] https://www.ncsbn.org/CSG_Resolution.pdf

February 23, 2016 at 2:00pm
Conference Room 325

House Committee on Judiciary

To: Representative Karl Rhoads, Chair
       Representative Joy San Buenaventura, Vice Chair

From: Art Gladstone
       Chief Nurse Executive, Hawaii Pacific Health
       Chief Executive Officer, Pali Momi Medical Center and Straub Clinic & Hospital

Re: Testimony in Support – HB 1756, HD2

My name is Art Gladstone and I am the Chief Nurse Executive at Hawaiʻi Pacific Health (HPH), and the Chief Executive Officer of Pali Momi Medical Center and Straub Clinic and Hospital. Hawaiʻi Pacific Health is a not-for-profit health care system, and the state's largest health care provider and non-governmental employer. Hawaiʻi Pacific Health is committed to providing the highest quality medical care and service to the people of Hawaiʻi and the Pacific Region through its four hospitals, more than 50 outpatient clinics and service sites, and over 1,600 affiliated physicians. Hawaiʻi Pacific Health's hospitals are Kapiʻolani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital.

HPH is writing in **support** of HB 1756, HD2 which establishes criminal history records checks for all nurse licensure, including license renewals. In 2010, the Legislature enacted Act 057 which defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice in all state boards across the United States and its territories. The bill would continue to hold nurses in Hawaii to the national standards established by the NCSBN.

Furthermore, it is in the interest of the nursing workforce to ensure safe and quality nursing services to patients. Establishing criminal background checks is one means of enhancing public safety in Hawaii.   While the American Nurses Association and the Council of State Governments support the use of criminal background checks as part of the licensing process for nurses, Hawaii is one of the few remaining states in the nation that has yet to adopt this requirement. We, therefore, urge this committee to pass this measure.

Thank you for the opportunity to testify.

TO THE HOUSE COMMITTEE ON JUDICIARY

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Tuesday, February 23, 2016
2:00 p.m.

TESTIMONY ON HOUSE BILL NO. 1756, H.D. 2, RELATING TO NURSING.

TO THE HONORABLE KARL RHOADS, CHAIR,
 AND MEMBERS OF THE COMMITTEE:

My name is Lee Ann Teshima, Executive Officer for the Board of Nursing

("Board"). I appreciate the opportunity to testify on House Bill No. 1756, H.D. 2, Relating to

Nursing, which requires all nurse licensure applicants and nurse license renewal applicants to

comply with state and federal criminal history record checks. This measure also authorizes the

Board of Nursing to develop and adopt rules to implement required criminal history record

checks.

The Board supports the intent of the bill to require criminal background checks ("CBC")

for all nurses, however, we do have some concerns with implementing this requirement. The

Board would like to ensure that the processes proposed in this measure can be adopted in a

manner that will not compromise timely processing of license applications and renewals.

The Board offers the following recommendations:

Powers and duties of the board - The Board requests that page 3, lines 9 – 21 be

amended as follows:

"(6)   License qualified applicants by examination or endorsement, including advanced

practice registered nurses, and renew, reinstate, reactivate, and restore licenses[;]. The

board shall conduct an investigation of the applicant's background, character,

competency, and integrity as it deems appropriate, and beginning July 1, 2017, shall

request, in accordance with section 846-2.7, Hawaii Revised Statutes, criminal history

records of the applicant. The board shall request, in accordance with section 846-2.7,

Hawaii Revised Statutes, the criminal history records of licensees that were issued a

license by the board prior to July 1, 2017. The board shall request the criminal history

records required under this paragraph not less than once for each individual applicant or

licensee and shall do so in accordance with a process to be established by the board;

provided that all requests for criminal history records required for licensees issued a

license by the board prior to July 1, 2017 shall be made by the board not later than July

1, 2023. The Hawaii criminal justice data center shall provide such information on

request to the director of commerce and consumer affairs;"

It is our understanding that the Hawaii Criminal Justice Data Center's ("HCJDC")

Rap Back Program will include not only a criminal background check for Hawaii but also

the Federal Bureau of Investigation ("FBI"), which would cover other jurisdictions.

Therefore it appears there is no need for an applicant to obtain a criminal background

check from each jurisdiction in which the applicant lived for any substantial period of

time. This amendment also clarifies the date on which the Board shall start requiring all new

applicants to obtain a criminal history record check and also allows the Professional and

Vocational Licensing Division ("PVLD") to require renewal applicants to obtain a criminal

history record check spread out over three (3) renewal periods. The number of "active"

licensed nurses (LPNs, RNs and APRNs) as of the latest geographic report dated January 26,

2016 was 25,865. Processing this many renewals at one time with the addition of a criminal

background check will be a workload issue for PVLD. Allowing the PVLD to conduct criminal

background checks over a period of three (3) renewal periods will address some of the

workload issues for staff, however, PVLD will need the authority to establish four Office

Assistant ("OA") positions (two OA IV positions and two OA V positions) and an increase to its

budget ceiling by $188,128 in order to implement this requirement.

Should the Committee adopt the proposed language provided above, the Board notes

that the effective date provision in Section 9 of this measure would also need to be amended

to have a single effective date of July 1, 2017.

Submission of full set of fingerprints – The bill, in various places[1], requires that an

applicant for licensed practical nurse and registered nurse by examination, an advanced

practice registered nurse, renewal applicants, and reactivation applicants, submit a full set of

fingerprints for the purpose of obtaining federal and state criminal history record checks. The

submission of fingerprints to the Board is not reliable as the

Board will not be able to confirm if the fingerprints are legitimate as well as legible enough for

processing. Currently, the Board of Private Detectives and Guards requires an applicant to be

fingerprinted electronically at Fieldprint Inc., which has locations nationwide or any other

fingerprinting agency approved to send electronic fingerprints to the HCJDC. For consistency

purposes, we would recommend that the language in the current bill that requires submission

of fingerprints in sections as noted in the footnote above, be deleted as we will be applying the

electronic fingerprinting, through administrative rules, for nurse applicants and licensees.

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[1] See H.B. No. 1756, H.D. 2 (2016) at page 5, lines 19-20 to page 6, line 1; page 6, lines 20-21 to page 7, line 1; page 9, lines 14-16; page 10, lines 7-10; page 12, lines 1-3.

This would allow the Board to require nurse applicants and licensees to go directly to Fieldprint, Inc. or any other fingerprinting agency approved to send electronic fingerprints to the HCJDC, pay Fieldprint to get fingerprinted, and have the results of the fingerprint check sent to a secured server under the HCJDC where only trained and authorized PVLD staff will be able to retrieve the criminal background report. In addition, by going directly to Fieldprint, there is no need for the applicant or licensee to submit a criminal history record check fee(s) as indicated in the following areas of the bill:

- Page 6, lines 8-9; and

- Page 7, lines 10 - 11.

Section 7. Amendment to section 846-2.7, Hawaii Revised Statutes - Regarding the inclusion of the Department of Commerce and Consumer Affairs under HRS §846-2.7 on page 22, lines 3-6 of the bill, the Board recommends broader language that includes checks for restoration and reinstatement as follows: "The department of commerce and consumer affairs on applicants for nurse licensure, renewal, restoration, reactivation, or reinstatement under HRS chapter 457 and HAR chapter 89;".

Thank you for the opportunity to testify on House Bill No. 1756, H. D. 2.

Written Testimony Presented Before the
House Committee on Judiciary
February 23, 2016 2:00 P.M.
by
Laura Reichhardt, NP-C, APRN, Director
Hawai'i State Center for Nursing
University of Hawai'i at Mānoa

HB 1756 HD2 RELATING TO NURSING

Chair Rhoads, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, thank you for this opportunity to provide testimony in strong support for HB 1756 HD2 Relating to Nursing.

In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457-2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories. The Hawai'i State Center for Nursing (HSCN) supports HB 1756 HD2 in the interest of continuing to hold nurses in Hawai'i to the national standards established by the NCSBN and its delegates.

The HSCN supports HB 1756 HD2 because:

- Hawai'i leads in ensuring optimal regulation for nursing yet Hawai'i is one of the last 12 states to adopt state and federal criminal background check verification for all nurse licenses.
- It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State.
- Establishing criminal background checks is one means of enhancing public safety in Hawai'i by increasing the accuracy of the information the Hawai'i Board of Nursing (HBON) uses in their review of applicants and HBON activities related to HRS 457-12 Discipline; grounds; proceedings; hearings.
- NCSBN[1] proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.
- The American Nurses Association[2] and the Council of State Governments[3] supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

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[1] https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf
[2] http://www.nursingworld.org/DocumentVault/Position-Statements/Practice/Criminal-Background-Checks-for-Nurse-Licensure.pdf
[3] https://www.ncsbn.org/CSG_Resolution.pdf

Therefore, the HSCN respectfully requests that HB 1756 HD2 pass without amendments. We appreciate your continuing support of nursing in Hawaiʻi. Thank you for the opportunity to testify.

From:	mailinglist@capitol.hawaii.gov
Sent:	Monday, February 22, 2016 12:22 PM
To:	JUDtestimony
Cc:	bradleykuoNP@gmail.com
Subject:	Submitted testimony for HB1756 on Feb 23, 2016 14:00PM

HB1756
Submitted on: 2/22/2016
Testimony for JUD on Feb 23, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bradley Kuo	Bradley Kuo, LLC	Support	No

Comments: Written Testimony Presented Before the House Committee on Judiciary February 23, 2016 2:00 P.M. by Bradley Kuo, M. ED, MSN, FNP-BC, Bradley Kuo, LLC HB 1756 HD2 RELATING TO NURSING Chair Rhoads, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, thank you for this opportunity to provide testimony in strong support for HB 1756 HD2 Relating to Nursing. In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457-2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories. Bradley Kuo, LLC conditionally supports HB 1756 HD2 in the interest of continuing to hold nurses in Hawai'i to the national standards established by the NCSBN and its delegates. Bradley Kuo, LLC conditionally supports HB 1756 HD2 because: • Hawai'i leads in ensuring optimal regulation for nursing yet Hawai'i is one of the last 12 states to adopt state and federal criminal background check verification for all nurse licenses. • It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State. • Establishing criminal background checks is one means of enhancing public safety in Hawai'i by increasing the accuracy of the information the Hawai'i Board of Nursing (HBON) uses in their review of applicants and HBON activities related to HRS 457-12 Discipline; grounds; proceedings; hearings. • NCSBN1 proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544. • The American Nurses Association2 and the Council of State Governments3 supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety. Therefore, Bradley Kuo, LLC respectfully requests that HB 1756 HD2 pass with the following amendments: In order to complete background checks, the

Hawaii Board of Nursing will need a significant amount of funding to prevent a backlog of this magnitude. As it stands now, it takes many weeks to months, on occasion, to receive feedback from their office. Efficiency will suffer with this new requirement, please plan ahead. We appreciate your continuing support of nursing in Hawaiʻi. Thank you for the opportunity to testify. 1
https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf 2
http://www.nursingworld.org/DocumentVault/Position-Statements/Practice/Criminal-Background-Checks-for-Nurse-Licensure.pdf 3
https://www.ncsbn.org/CSG_Resolution.pdf

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Prime Care Services Hawaii, Incorporated

Medicare- certified home health agency

Written Testimony Presented Before the
House Committee on Judiciary
February 23, 2016 2:00 P.M.
by Beth Hoban, President
Prime Care Services Hawaii

HB 1756 HD2 RELATING TO NURSING
Chair Rhoads, Vice Chair San Buenaventura, and members of the House Committee on Judiciary:

Thank you for this opportunity to provide testimony in strong support for HB 1756 HD2 Relating to Nursing.

In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457-2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories. I, Beth Hoban, President of Prime Care Services Hawaii, supports HB 1756 HD2 in the interest of continuing to hold nurses in Hawaiʻi to the national standards established by the NCSBN and its delegates.

As President of Prime Care Services Hawaii, a home healthcare agency, I support HB 1756 HD2 because:

➢ Hawaiʻi leads in ensuring optimal regulation for nursing yet Hawaiʻi is one of the last 12 states to adopt state and federal criminal background check verification for all nurse licenses.

➢ It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State. Nurses employed in our agency visit vulnerable patients and those sick, disabled, elderly, in their homes.

➢ Establishing criminal background checks is one means of enhancing public safety in Hawaiʻi by increasing the accuracy of the information the Hawaiʻi Board of Nursing (HBON) uses in their review of applicants and HBON activities related to HRS 457-12 Discipline; grounds; proceedings; hearings.

➢ NCSBN[1] proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.

➢ The American Nurses Association[2] and the Council of State Governments[3] supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

[1] https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf
[2] http://www.nursingworld.org/DocumentVault/Position-Statements/Practice/Criminal-Background-Checks-for-Nurse-Licensure.pdf
[3] https://www.ncsbn.org/CSG_Resolution.pdf

Therefore, I, Beth Hoban, respectfully requests that HB 1756 HD2 pass without amendments. We appreciate your continuing support of nursing in Hawaiʻi. Thank you for the opportunity to testify.

HB1756

Submitted on: 2/20/2016
Testimony for JUD on Feb 23, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

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Written Testimony Presented Before the
House Committee on Judiciary
February 23, 2016 2:00 P.M.
by
Susan Lee BSN, RN, WCC

HB 1756 HD2 RELATING TO NURSING
Chair Rhoads, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, thank you for this opportunity to provide testimony in strong support for HB 1756 HD2 Relating to Nursing.
In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457-2.5. This statute defined the practice of nursing and directed the state board of nursing to adopt certain provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act which provides uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories. I support HB 1756 HD2 in the interest of continuing to hold nurses in Hawaiʻi to the national standards established by the NCSBN and its delegates.
I support HB 1756 HD2 because:

⍰ Hawaiʻi leads in ensuring optimal regulation for nursing yet Hawaiʻi is one of the last 12 states to adopt state and federal criminal background check verification for all nurse licenses.

⍰ It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State.

⍰ Establishing criminal background checks is one means of enhancing public safety in Hawaiʻi by increasing the accuracy of the information the Hawaiʻi Board of Nursing (HBON) uses in their review of applicants and HBON activities related to HRS 457-12 Discipline; grounds; proceedings; hearings.

⍰ NCSBN1 proposes this standard, for all states to adopt, to require a biometrics-based state and federal criminal background check for all applicants consistent with Public Law 92-544.

⍰ The American Nurses Association2 and the Council of State Governments3 supports the use of criminal background checks as part of the nursing licensure process. Applicants for nurse licensure with criminal histories may not reveal a positive criminal history on applications and fingerprint-based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety.

1 https://www.ncsbn.org/NCSBN_Approved_Standard_CBC.pdf
2 http://www.nursingworld.org/DocumentVault/Position-Statements/Practice/Criminal-Background-Checks-for-Nurse-Licensure.pdf
3 https://www.ncsbn.org/CSG_Resolution.pdf

Therefore, I respectfully requests that HB 1756 HD2 pass without amendments. We appreciate your continuing support of nursing in Hawaiʻi. Thank you for the opportunity to testify.

**Written Testimony Presented Before the
House Committee on Judiciary February 23, 2016 2:00 P.M by
Dr. Linda Beechinor, APRN**

HB 1756 HD2 RELATING TO NURSING

Chair Rhoads, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, thank you for this opportunity to provide testimony in strong support for HB 1756 HD2 Relating to Nursing.

I support HB 1756 HD2. It is in the interest of the nursing workforce to ensure safe and quality nursing services to patients, which include sick, disabled, elderly, and other vulnerable populations across the continuum of healthcare and in all regions of our State. Establishing criminal background checks is one means of enhancing public safety in Hawaiʻi by increasing the accuracy of the information the Hawaiʻi Board of Nursing uses in their review of applicants and activities related to discipline, grounds, proceedings and hearings. The American Nurses Association supports the use of criminal background checks as part of the nursing licensure process.

Therefore, Dr. Linda Beechinor respectfully requests that HB 1756 HD2 pass without amendments. We appreciate your continuing support of nursing in Hawaiʻi. Thank you for the opportunity to testify.

From:	mailinglist@capitol.hawaii.gov
Sent:	Monday, February 22, 2016 4:08 PM
To:	JUDtestimony
Cc:	lenora@hawaii.edu
Subject:	Submitted testimony for HB1756 on Feb 23, 2016 14:00PM

HB1756

Submitted on: 2/22/2016
Testimony for JUD on Feb 23, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Lenora Lorenzo	Individual	Comments Only	No

Comments: Aloha Rep. Karl Rhoads, Chair,Rep. Joy A. San Buenaventura, Vice Chair, and members of Judiciary Committee. Mahalo for this opportunity to testify REGARDING HB1756 (Criminal Background Checks) that establishes criminal history record check requirements for all nurse licensure applicants, including licensure renewal. It authorizes the state board of nursing to develop rules necessary to implement the required criminal history record checks. I support the philosophy and importance for criminal background checks to assure safety of nurse providers. The American Association of Nurse Practitioners legislative team and respected nursing colleagues have noted this is common practice in a majority of our states. We are one of 12 states that has not adopted the NSBN consensus model for criminal checks. This measure is important for protection of public safety. Respectfully, Lenora Lorenzo DNP, APRN, FAANP

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