

SB2677

Measure Title:	RELATING TO NURSING.
Report Title:	Nursing; Licensure; Registration; Registered Nurses; Practical Nurses
Description:	Establishes criminal history record check requirements for all nurse licensure, including licensure renewal, applicants. Authorizes the state board of nursing to develop rules necessary to implement the required criminal history record checks.
Companion:	HB1756
Package:	None
Current Referral:	CPH, JDL
Introducer(s):	BAKER, ESPERO, INOUE, KEITH-AGARAN, KIDANI, NISHIHARA, RUDERMAN, TOKUDA, Dela Cruz, Riviere

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

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DIRECTOR

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Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2677
RELATING TO NURSING

By
Nolan P. Espinda, Director

Senate Committee on Commerce, Consumer Protection, and Health
Senator Rosalyn H. Baker, Chair
Senator Michelle N. Kidani, Vice Chair

Wednesday, February 3, 2016; 9:00 a.m.
State Capitol, Conference Room 229

Chair Baker, Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2677 which will establish criminal history record check requirements for all nurse licensure, licensure renewal, applicants and authorizes the State Board of Nursing to develop rules necessary to implement the required criminal history record checks.

The Department's employment processes set forth in HRS 353.c-5 and PSD's Administrative Rule 23-10 require a pre-employment criminal background record check for all potential employment candidates who will have inmate contact, nurses included.

Agency nurse organizations utilized by PSD are required to perform a similar criminal background check on their staff prior to their temporary employment at a PSD correctional facility. In addition, the PSD facility conducts its own background check prior to their entry into the facility.

This measure will be consistent with what the Department considers a standard operational procedure and will provide the community with the assurance that nurses must pass this critical, criminal screening process to receive their licenses.

Thank you for the opportunity to present this testimony.

**PRESENTATION OF THE
BOARD OF NURSING**

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Wednesday, February 3, 2016
9:00 a.m.

TESTIMONY ON SENATE BILL NO. 2677, RELATING TO NURSING

TO THE HONORABLE ROSALYN H. BAKER, 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 Senate Bill No. 2677, Relating to Nursing, that establishes criminal history record check requirements for all nurse licensure applicants and for license renewals. This bill also authorizes the Board to develop rules necessary to implement the required criminal history record checks for nurses.

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 program. 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.

Submission of full set of fingerprints – The bill in various places¹ requires that an applicant for licensure by examination, renewal applicants and reactivation applicants submit a full set of fingerprints for the purpose of obtaining federal and state criminal

¹See S.B. No. 2677 (2016) at page 5, lines 12-13; page 6, lines 12-15; page 9, lines 6-8; page 9, line 20 to page 10, line 1; and page 11, lines 13-15.

history record checks. The submission of fingerprints to the Board is not reliable as we 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., who has locations nationwide or any other fingerprinting agency approved to send electronic fingerprints to the Hawaii Criminal Justice Data Center. For consistency purposes, we would recommend that instead of the language in the bill that requires submission of fingerprints, that the Committee consider the language from Chapter 463, Hawaii Revised Statutes for nurse applicants by including the following language in section HRS §457-5 to read, “(6) License qualified applicants by examination or endorsement, including advanced practice registered nurses, and renew, reinstate, and restore licenses[;]. The board shall conduct an investigation of the applicant’s background, character, competency, and integrity as it deems appropriate, and shall request, in accordance with HRS §847-2.7, criminal history records of the applicant or licensee, from each jurisdiction in which the application form indicates the applicant lived for any substantial period of time. The Hawaii criminal justice data center shall provide such information on request to the director of commerce and consumer affairs.”

Regarding the inclusion of the Department of Commerce and Consumer Affairs under HRS §846-2.7 on page 21, lines 16-19 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 or reinstatement under HRS chapter 457 and HAR chapter 89;”.

Implementation and Effective date – When a similar bill was introduced during the 2010 Legislative Session for security guards, the Board of Private Detectives and Guards requested a delayed implementation of three years in order to address cost and staffing implications, to promulgate rules to set forth the standards for training, and to provide time for employers and licensees to meet the renewal requirements. Although no additional training for nurses would be involved, we are also asking for a delayed implementation date to be effective July 1, 2019, to address workload issues for our staff and to implement after a renewal period so that we can apply the additional requirement to new applicants which may be more manageable than having to do so in addition to the heavy volume of work during a renewal period. In their testimony, the board estimated a total of 10,700 security guards would need to meet these additional requirements, including the criminal background check. The number of “active” licensed nurses (LPNs, RNs and APRNs) as of the latest geographic report dated January 26, 2016 was 25,865. This is twice as many individuals and will require twice as many staff to timely process the criminal background checks for nurses. The Professional and Vocational Licensing Division (“Division”) will need the authority to establish three Office Assistant (“OA”) positions (one OA IV and two OA Vs) and an increase to its budget ceiling by \$142,944. The Division will likely seek this through legislation next year.

Thank you for the opportunity to testify on Senate Bill No. 2677.

**Written Testimony Presented Before the
Senate Committee on Commerce, Consumer Protection, and Health
February 3, 2016 9:00 a.m.**

**by
Laura Reichhardt, NP-C, APRN, Director
Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

SB 2677 RELATING TO NURSING

Chair Baker, Vice Chair Kidani, and members of the Committee on Commerce, Consumer Protection, and Health, thank you for this opportunity to provide testimony in strong support for SB 2677 Relating to Nursing.

In 2010, the Legislature in its wisdom, introduced Act 05, which was enacted into law as HRS 457-2.1. This 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 provided 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 SB 2677 in the interest of continuing to uphold nurses in Hawai'i to the national standards established by the NCSBN and its delegates.

Further, the HSCN supports SB 2677 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.
- 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, the HSCN respectfully requests that SB 2677 pass unamended. We appreciate your continuing support of nursing in Hawai'i. 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



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Commerce, Consumer Protection and Health
February 3, 2016 at 9:00 a.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

SB 2677 – RELATING TO NURSING

Chair Baker, Vice Chair Kidani, and members of the Senate Committee on Commerce, Consumer Protection and Health, thank you for this opportunity to provide testimony in strong support of this bill, SB 2677.

In 2010, Act 57 was enacted into law as HRS 457-2.5. This 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 provided 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 SB 2677 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 SB 2677 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.
- 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.

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

- 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, the SONDH respectfully requests that SB 2677 pass unamended. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.

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

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



What: Written Testimony Presented Before the Senate Committee on Commerce, Consumer Protection, and Health

Where: February 3, 2016 9:00 a.m

From: Celeste M. Baldwin, PhD, APRN, CNS, UH Maui College

RE: SB 2677 RELATING TO NURSING

To: Chair Baker, Vice Chair Kidani, and members of the Committee on Commerce, Consumer Protection, and Health,

Thank you for this opportunity to provide testimony in strong support for SB 2677 Relating to Nursing. In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457-2.1. This law, 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 provided 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 SB 2677 in the interest of continuing to uphold nurses in Hawai'i to the national standards established by the NCSBN and its delegates.

Further, the HSCN supports SB 2677 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 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 and the Council of State 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, the HSCN respectfully requests that SB 2677 pass without amendment. We appreciate your continuing support of nursing in Hawai'i. Thank you for the opportunity to testify.

**What: Written Testimony Presented Before the Senate Committee on
Commerce, Consumer Protection, and Health**

Where: February 3, 2016 9:00 a.m

From: Denise Cohen PhD, APRN

RE: SB 2677 RELATING TO NURSING

To: Chair Baker, Vice Chair Kidani, and members of the Committee on
Commerce, Consumer Protection, and Health,

Thank you for this opportunity to provide testimony in strong support for SB 2677 Relating to Nursing. In 2010, the Legislature in its wisdom, introduced Act 057, which was enacted into law as HRS 457-2.1. This law, 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 provided 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 SB 2677 in the interest of continuing to uphold nurses in Hawai'i to the national standards established by the NCSBN and its delegates.

Further, the HSCN supports SB 2677 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 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 and the Council of State 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.

Thank you for this opportunity to testify in strong support of SB 2677

From: [Kathy](#)
To: [CPH Testimony](#)
Subject: Testimony on SB 2677 Criminal Background Check for Hawaii Nurse Licensure
Date: Friday, January 29, 2016 2:13:10 PM

My name is Kathy Yokouchi and am in very strong support of this extremely important measure for the safety and protection of Hawaii consumers of health care including nursing care.

The Legislature in its wisdom is one of the Nation's leaders in adopting progressive nurse education and practice laws based on nationally recognized nursing education and certification standards. Hawaii is among a handful of states in the Nation which have met the high standards of the National Council of State Boards of Nursing's APRN Consensus Model due to the Hawaii's Legislature's passing enabling laws.

However, of the nation's 55 boards of nursing (excluding U.S. territories), 40 boards conduct state and federal CBCs, Hawaii remains among the bottom few states without a thorough criminal background check which is also a requirement of the NCSBN. The current honor system is unsafe. A coordinated criminal background check including both federal and state checks is urgently needed to protect stakeholders and consumers.

I hope that this Committee will move this measure out to eventually become law to protect the people of Hawaii.

Much aloha, Kathy Yokouchi

Sent from [Mail](#) for Windows 10

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: kukana77@yahoo.com
Subject: *Submitted testimony for SB2677 on Feb 3, 2016 09:00AM*
Date: Monday, February 01, 2016 11:23:29 AM

SB2677

Submitted on: 2/1/2016

Testimony for CPH on Feb 3, 2016 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Lee	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Senate Committee on Commerce, Consumer Protection, and Health

February 3, 2016 9:00 a.m.

by

Teresa Parsons, MA, MN, APRN-BC

SB 2677 RELATING TO NURSING

Aloha Chair Baker, Vice Chair Kidani, and members of the Committee on Commerce, Consumer Protection, and Health. I submit this written testimony in strong support for SB 2677 Relating to Nursing (Criminal History Background checks).

In 2010, the Legislature enacted HRS 457-2.1, which defined the practice of nursing and directed the State Board of Nursing to adopt provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act. This provided uniform national guidelines relating to nursing practice for all state boards of nursing across the United States and territories. I supported this legislation and I support SB 2677 in the interest of continuing to uphold nurses in Hawai'i to the national standards established by the NCSBN and its delegates.

I strongly encourage your support of SB 2677 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.

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

Therefore, I respectfully request you support SB 2677 and pass unamended. I appreciate your continuing support of nursing in Hawai'i. Mahalo for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [CPH Testimony](#)
Cc: bishopmattj@gmail.com
Subject: Submitted testimony for SB2677 on Feb 3, 2016 09:00AM
Date: Monday, February 01, 2016 1:44:02 PM

SB2677

Submitted on: 2/1/2016

Testimony for CPH on Feb 3, 2016 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Matt Bishop	Individual	Oppose	No

Comments: I am not in favor of this bill because there is no discussion of how the cost will be passed along to the applicant. Many employers already perform this task for nurses that they employ. If the state is going to take on this task then the cost will be forced onto the nurse to obtain licensure. Most employers that perform this task do so in order to comply with liability insurance demands and the cost is not passed along to each nurse individually. If the Board of Nursing can carry out this task with no increase in licensure costs then I would support this measure but as it reads right now it only discusses the "collection of fees" for this service!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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