

ACT 271

S.B. NO. 3209

A Bill for an Act Relating to the Regulation of Nurse Aides.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
NURSE AIDES**

§ -1 **Findings and purpose.** The legislature recognizes that 42 U.S.C. §1395i-3 and §1396R requires nurse aides working in nursing facilities participating in medicare and medicaid programs to be certified. This chapter implements the provisions of 42 U.S.C. §1395i-3 and §1396R with respect to establishing the State’s regulatory scheme for certifying nurse aides.

§ -2 **Implementation.** The director of commerce and consumer affairs shall implement the provisions of 42 U.S.C. §1395i-3 and §1396R as it relates only to establishing the minimum requirements necessary for certification as a nurse aide, examination requirements, maintenance requirements for continued certification, and implementation of a nurse aide registry.

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§ -3 **Power of director.** The director, in accordance with the provisions of chapters 91 and 92, shall adopt such rules as may be necessary to implement the provisions of 42 U.S.C. §1395i-3 and §1396R, as well as the federal regulations adopted pursuant thereto as it relates only to establishing the minimum requirements necessary for certification as a nurse aide, examination requirements, maintenance requirements for continued certification, and implementation of a nurse aide registry.

§ -4 **Contract for administrative services.** The director may contract with a professional testing service that is qualified to test the competency of nurse aides. The department may require that fees for services be paid directly to the professional testing service.

§ -5 **Fees.** The director may establish fees for services rendered to carry out the purposes of this chapter.”

SECTION 2. This Act shall take effect on October 1, 1990.

(Approved June 25, 1990.)