

ACT 21

S.B. NO. 2874

A Bill for an Act Relating to Certified Nurse Aides.

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

SECTION 1. Act 93, Session Laws of Hawaii 2012, was enacted to improve the efficiency, capacity, and quality of state health care services provided by the department of human services and the department of health, as they relate to various health care services, by transferring to the department of health office of health care assurance on July 1, 2014, the programs of the department of human services relating to home and community-based case management, community care foster family homes, and adult day care centers. As a result, certain statutory provisions are no longer applicable to the department of human services. The purpose of this Act is to delete duplicative or obsolete statutory provisions.

SECTION 2. Section 457A-1.5, Hawaii Revised Statutes, is amended by amending the definition of “state-licensed or state-certified health care settings” to read as follows:

““State-licensed or state-certified health care settings” means health care settings, other than [a] Medicare or Medicaid certified nursing facilities, which are regulated by the department of health [~~or the department of human services~~].”

SECTION 3. Section 457A-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The director of human services shall implement this chapter in accordance with 42 United States Code sections 1395i-3 and 1396r, that relate to[:

- (1) ~~Training~~ training programs for nurse aides and recertification; provided that recertification shall be required not less than every two years and the number of continuing education hours required for recertification shall not exceed twenty-four hours, except as specified by federal law[; and

- (2) ~~Disciplining of certified nurse aides employed in health care settings licensed or certified by the department of human services].”~~

SECTION 4. Section 457A-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The director shall issue certificates to qualified nurse aides and shall be responsible for maintenance of an up-to-date nurse aide registry that shall include the names of certified nurse aides, their places of employment, and all information that is ~~required to be~~ reported by the department of health and the department of human services. The director’s role, with regard to the disciplining of certified nurse aides, shall be limited to the placement into the certified nurse aide registry of all information and substantiated findings from the department of health ~~and the department of human services~~, as required by 42 United States Code sections 1395i-3 and 1396r, and the department of human services, within ten working days of the finding, which information shall permanently remain in the registry except if:

- (1) The finding was made in error;
- (2) The individual is found not guilty in court; or
- (3) The State receives notification of the individual’s death.”

SECTION 5. Section 346-47, Hawaii Revised Statutes, is repealed.

SECTION 6. Statutory material to be repealed is bracketed and stricken¹. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved April 26, 2016.)

Note

1. Edited pursuant to HRS §23G-16.5.