
HOUSE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE IMPACT OF ACT 226, SESSION LAWS OF HAWAII 2007, ON NURSE AIDES WHO ARE EMPLOYED IN STATE-CERTIFIED OR STATE-LICENSED HEALTH CARE SETTINGS TO PROVIDE A BASIS FOR THE LEGISLATURE TO DECIDE WHETHER TO AMEND ACT 226, SESSION LAWS OF HAWAII 2007.

1 WHEREAS, the Legislature recognizes that 42 United States
2 Code sections 1395i-3 and 1396r require nurse aides working in
3 nursing facilities participating in Medicare and Medicaid
4 programs to meet education and evaluation standards to be
5 certified; and

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7 WHEREAS, to safeguard consumer safety, the Legislature
8 passed Act 226, Session Laws of Hawaii 2007, to provide the
9 means for nurse aides who work in state-licensed or
10 state-certified health care settings to be certified; and

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12 WHEREAS, the purpose of enacting Act 226, Session Laws of
13 Hawaii 2007, was "to hold nurse aides who work in state-licensed
14 or state-certified health care settings to similar standards of
15 competency and evaluation appropriate for those settings; and

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17 WHEREAS, under Act 226, Session Laws of Hawaii 2007, any
18 nurse aide who is employed in a state-licensed or
19 state-certified health care setting and who is recertified by
20 July 1, 2007, may be recertified on a biennial basis under
21 chapter 457A, Hawaii Revised Statutes, if the nurse aide passes,
22 by December 31, 2008, a proficiency evaluation approved by the
23 Department of Human Services; and

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25 WHEREAS, section 4 of Act 226, Session Laws of Hawaii 2007,
26 codified as sections 457A-1.5, 457A-6, 457A-7, and 457A-8,
27 Hawaii Revised Statutes, does not address the cost for services
28 rendered to carry out the purposes of this section, including
29 the cost for recertification and competency evaluation; and
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1 WHEREAS, 42 United States Code sections 1395i-3 and 1396r
2 requires that no charge shall be imposed on Medicare or Medicaid
3 certified nurse aides; and

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5 WHEREAS, in order for the Legislature to make a sound
6 determination regarding whether or not to amend Act 226, Session
7 Laws of Hawaii 2007, the Legislature requires data, along with
8 independent study and analysis of that data, regarding the
9 aspects of the impact of Act 226 on nurse aides who work in
10 state-certified or state-licensed health care settings; now,
11 therefore,

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13 BE IT RESOLVED by the House of Representatives of the
14 Twenty-fourth Legislature of the State of Hawaii, Regular
15 Session of 2008, the Senate concurring, that the Auditor is
16 requested to conduct a comprehensive study on the results and
17 impact of Act 226, Session Laws of Hawaii 2007, to determine its
18 impact on:

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20 (1) Nurse aides who work in state-licensed or
21 state-certified health care settings; and
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23 (2) Any other persons or areas that may be identified by
24 the Auditor; and
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26 BE IT FURTHER RESOLVED that the Auditor is requested to
27 study the possibility of other sources of funding these costs,
28 including the costs of services rendered to carry out the
29 purposes of Act 226, such as the costs for recertification and
30 competency evaluation; and
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32 BE IT FURTHER RESOLVED that in conducting the study, the
33 Auditor is requested to seek the views of the Department of
34 Human Services, Department of Health, the Department of Commerce
35 and Consumer Affairs, the Healthcare Association of Hawaii, the
36 Hawaii Long Term Care Association, ARCA/Filipino Coalition, and
37 other parties who may be knowledgeable about or impacted by Act
38 226, Session Laws of Hawaii 2007; and
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40 BE IT FURTHER RESOLVED that the Auditor submit a report of
41 its findings and recommendations to the Legislature no later
42 than twenty days prior to the convening of the Regular Session
43 of 2009; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Auditor, the
3 Director of Human Services, the Director of Health, the Director
4 of Commerce and Consumer Affairs, the Healthcare Association of
5 Hawaii, the Hawaii Long Term Care Association, and ARCA/Filipino
6 Coalition.

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OFFERED BY:

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MAR 07 2008

