

## **Small Business Regulatory Review Board**

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### **MINUTES OF REGULAR MEETING**

**March 16, 2011**

**Conference Room 410 - No. 1 Capitol District Building, Honolulu, Hawaii**

**I. CALL TO ORDER:** Chair Pang called the meeting to order at 10:32 a.m. with a quorum present.

**MEMBERS PRESENT:**

- Charles Au
- Bruce Bucky
- David De Luz Jr.
- Dorvin Leis
- Sharon Pang
- Richard Schnitzler
- Peter Yukimura

**ABSENT MEMBER:**

**STAFF:**

DBEDT

Milton Kwock

Office of the Attorney General

Margaret Ahn

**II. APPROVAL OF FEBRUARY 23, 2011 MINUTES**

Mr. Au made a motion to accept the February 23, 2011 minutes as circulated. Mr. De Luz seconded the motion and the Board members unanimously affirmed the motion.

**III. OLD BUSINESS**

- A. Proposed amendments to Chapter 16-97, "Relating to Private Detectives and Guards" (DCCA).** Charlene Tamanaha, DCCA Executive Officer, Board of Private Detectives and Guards, briefly explained the proposed amendments to the Board. She noted that there was no testimony at the public hearing. The Board posed questions about training for guards: Why no CPR classes required? Why not require CPR certification? Ms. Tamanaha mentioned that these issues would be addressed the next time a rules package is submitted for private detectives and guards.

Mr. Yukimura offered a motion to send a memo recommending that the Governor approve the department's request to adopt the proposed amendments. Mr. De Luz seconded that motion and the Board voted unanimously in favor of the motion.

- B. Update to industry request to have the Board review the status of proposed new rules to implement portions of Chapter 17-1737-41 and 17-1737-42, HAR, as it relates to certification and recertification of certified nurse aides (CNA). (Staff)** Mr. Kwock contacted Ms. Linda Chun, DHS/Social Services Division Administrator, to check on the status of the proposed new rules. Ms. Chun said that her division was working on finalizing the draft for their attorney general's review. In her estimation, the rules package might be transmitted to the Board by May 2011. She also noted that there are bills moving through the Legislature that would impact caregivers with a CNA certification.

- C. Update on the status of nominees to the Small Business Regulatory Review Board (Staff)** Staff reported that the Governor's Office of Boards and Commissions has not made a decision on the three nominees from Oahu and the nominee from Kauai. All four have resubmitted their application on the Governor's website.

**IV. NEW BUSINESS**

- A. Proposed amendments to Chapter 17-1727, HAR, "Hawaii Health QUEST," 17-1728, HAR, "QUEST-Net," and 17-28.1, HAR, "QUEST-Adult Coverage Expansion (ACE)" (DHS/MQD)**

After reviewing the proposed amendments, Mr. De Luz offered a motion to send a memo recommending that the Department move the proposed amendments to public hearing. Mr. Leis seconded that motion and the Board voted unanimously in favor of the motion.

**B. Legislative update – HB980, HD1 and SB1498, SD2, “Relating to the Small Business Regulatory Review Board. (Staff)**

As of this meeting date, the Senate and House bills contain the same increased annual reporting requirements. The Senate version adds the transfer of the Board to the Department of Commerce and Consumer Affairs. It’s still too early to know what the final bills will look like, assuming they are still intact prior to going to conference.

**C. Assignment of Board members to meet with Keali’i Lopez, DCCA Director, to discuss Board’s position regarding potential move to DCCA.**

During the meeting with Director Lopez, the Board wanted to get the director’s input regarding:

1. Would DCCA provide adequate funding for the Board to operate?
2. Who does DCCA have in mind to staff the Board?
3. Would Director Lopez support legislation to transfer the Board back to DBEDT once the economy improves?
4. What fees would be used to fund Board expenses?
5. Would DCCA impose a surcharge to fund the Board?
6. If both bills die and the Board remains under DBEDT, who will staff the Board?

Due to Sunshine Law, two Board members will meet with Director Lopez - Chair Pang and Mr. Au.

**V. REPORT FROM CHAIR**

**A. Proposed amendments to Chapter 17-1745, HAR, “Death Payments Program.” (DHS/MQD)**

Chair Pang reported that the proposed amendments had no perceivable small business impact and were not subject to Board discussion and review.

**B. Meeting with Richard Lim, Interim DBEDT Director**

After meeting with DBEDT Director Richard Lim after the February 2011 meeting, the director, Chair Pang and Mr. De Luz all felt that it was important to meet with DCCA Director Lopez to see how receptive she was to having the Board administratively under DCCA.

**VI. REPORT FROM BOARD MEMBERS - None**

**VII. ANNOUNCEMENTS - None**

**VIII. NEXT MEETING – Wednesday, April 20, 2011, 250 South Hotel Street, Honolulu, HI, Room 410.**

**IX. ADJOURNMENT – The meeting adjourned at 12:55 p.m.**