



## SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism  
No. 1 Capitol District Bldg., 250 South Hotel St. 5<sup>th</sup> Fl., Honolulu, Hawaii 96813  
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# CANCELLED

Neil Abercrombie  
Governor

Richard C. Lim  
Director, DBEDT

Mary Alice Evans  
Deputy Director, DBEDT

### Members

Sharon L. Pang  
Chairperson  
Oahu

Charles Au  
Vice Chairperson  
Oahu

Richard Schnitzler  
2<sup>nd</sup> Vice Chairperson  
Hawaii

Bruce Bucky  
Oahu

Peter Yukimura  
Kauai

David S. De Luz, Jr.  
Hawaii

Howard West  
Oahu

Chu Lan Shubert-Kwock  
Oahu

### AGENDA

**Tuesday, January 17, 2012 ★ 10:30 a.m.**  
**No. 1 Capitol District Building**  
**250 South Hotel Street - Conference Room 410**

#### **I. Call to Order**

#### **II. Approval of December 7, 2011 Minutes**

#### **III. Old Business**

- A. Re-review and update from Department of Human Services on proposed new Chapter 17-1445, "Recertification of Nurse Aides in State-Licensed or State-Certified Health Care Settings"- Establishes standards for certified nurse aides in State-licensed or State-certified health care settings who choose to be recertified or whose recertification is required by their employers (Department of Human Services)
- B. Post Public Hearing Statement on Hawaii Administrative Rule (HAR) Chapter 16-71, "Relating to Certified Public Accountants and Public Accountants" - Allows the Board of Public Accountancy to accept experience in private or government accounting or auditing work that is deemed to be equivalent to professional experience in public accountancy practice, so long as the work is supervised by a licensed Certified Public Account, or equivalent in another jurisdiction (Department of Commerce and Consumer Affairs)
- C. Post Public Hearing Statement on HAR Chapter 12-46, Subchapter 9, "Disability Discrimination" – Amends the rules to conform to the Americans With Disabilities Act Amendment Act (Department of Labor and Industrial Relations)

#### **IV. New Business**

- A. HAR Chapter 12, Subtitle 7, Chapter 48, "Hoisting Machine Operators" – Clarifies and adds requirements of hoisting machine operators, adds new definitions, and housekeeping measures (Department of Labor and Industrial Relations)
- B. "Rules of Practice and Procedure of the Kauai Planning Commission," – Makes technical changes regarding digital filings, intervention standing, and a consent agenda process, and implements Kauai County Ordinance 919, which allows for civil fines for violations of the Comprehensive Zoning Ordinance (County of Kauai)
- C. HAR Chapter 11-54, "Water Quality Standards" – Amends the rules to allow pesticide application in State waters with a National Pollutant Discharge Elimination permit (Department of Health)

- D. HAR Chapter 11-55, "Water Pollution Control" – Amends the rules to incorporate a general permit for pesticide applications, includes a \$500 filing fee, and updates to Concentrated Animal Feeding Operation regulations (Department of Health)
- E. Repeal of HAR Chapter 17-1420, "Homemaker Services for Community Long-Term Care Programs," HAR 17-1438, "Nursing Home Without Walls," HAR Chapter 17-1439, "Home and Community-Based Services for the Developmentally Disabled/Mentally Retarded," HAR Chapter 17-1440, "Home and Community-Based Services for Elderly Foster Family Community Care Program," HAR Chapter 17-1441, "Personal Care Services," and HAR Chapter 17-1442, "HIV Community Care Program" (Department of Human Services)

## V. Legislative Measures

- A. Discussion of Representative John Mizuno's Proposed House Bill "Relating to Health" – Requires rates for Medicaid reimbursements to hospitals for acute-care patients waitlisted for long-term care to be equal to rates for subacute care services

## VI. Board Administrative Matters

- A. Discussion of Board's proposed 201M-7 Periodic Review; Evaluation Report for 2012
- B. Election of Small Business Regulatory Review Board Chairperson pursuant to Section 201M-5 (c), Hawaii Revised Statutes, which states that the chairperson shall serve a term of not more than one year, unless removed earlier by a two-thirds vote of all members to which the board is entitled
- C. Discussion of issues pertaining to the Board's powers, duties, and liabilities with Board's attorney (An executive session may be called for this purpose pursuant to Hawaii Revised Statutes Section 92-5(a)(4))
- D. Discussion of a future strategic planning session

## VII. Report from Chair

- A. Administrative Rule Amendments with No Specific Business Impact
  - 1. HAR Chapter 17-676, "Relating to the Income Family Assistance Programs;" HAR Sections 17-656.2 "Other Family Assistance Programs;" and 17-676.55, "Earned Income disregard reimbursement to reward work in the TANF program" – to be repealed effective December 31, 2011 due to budget constraints (Department of Human Services)
  - 2. HAR Chapter 16-23, "Motor Vehicle Insurance Law" – Repeals and amends out-dated, irrelevant and inconsistent rules relating to motor vehicle insurance law (Department of Commerce and Consumer Affairs)
  - 3. HAR Chapter 17-2021, "Grievance Procedure" – Amends references to state low-income public housing projects and housekeeping measures (Department of Human Services)
  - 4. Post public hearing statement on HAR Chapter 13-5, "Conservation District" – designates 28 acres of conservation land that was originally zoned agriculture (Department of Land and Natural Resources)

5. Post public hearing statement on HAR Chapter 11-60.1, "Air Pollution Control," Section 11-60.1-15, "Open Burning,"- enhances the Agricultural Burning Permit application process; clarifies the conditions under which certain categories of open burning are allowed; further clarifies that the rules do not allow the open burning of human remains or animal carcasses, except as a result of a natural disaster or catastrophic event and/or emergency, where there is no other reasonable alternative method of disposal, and Director of Health approves of the open burning in advance; prohibits the open burning of household rubbish and green waste statewide; prohibits open burning fires to heat water for residential bathing purposes; allows for Field Citations to be issued against violators found to be operating air pollution sources without a valid air permit (Department of Health)

**VIII. Announcements**

**IX. Next Meeting:** Wednesday, February 15, 2012, No. 1 Capitol District Building, 250 South Hotel Street, Conference Room 436, Honolulu, HI

**X. Adjournment**

**If you require special assistance or auxiliary aid and/or services to participate in the public hearing process (i.e., sign language, interpreter, wheelchair accessibility, or parking designated for the disable), please call (808) 586-2594 at least 3 business days prior to the meeting so arrangements can be made.**