

JAN 27 2016

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A BILL FOR AN ACT

RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 452, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§452-       Citation for licensee violations; fines. (a) In  
5 addition to any other remedy available under this chapter, the  
6 department of commerce and consumer affairs may issue a citation  
7 to any person who holds a license issued by the board for any of  
8 the following:

9           (1) Failure of a massage therapy establishment to  
10           conspicuously display a current massage therapy  
11           establishment license and the current licenses and  
12           permits of all persons employed by the massage therapy  
13           establishment;

14           (2) Failure of an apprentice to wear a conspicuously  
15           placed name tag stating the apprentice's name and the  
16           word "apprentice";

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- 1        (3) Operation of a massage therapy establishment without a  
2        licensed principal massage therapist or licensed  
3        designee in attendance on the premises at all times;  
4        or  
5        (4) Failure of a massage therapist or massage therapy  
6        establishment to include the respective massage  
7        therapist's or massage therapy establishment's current  
8        license number in any advertisement.
- 9        (b) Each citation:
- 10       (1) Shall be in writing and describe the basis of the  
11       citation, including the specific statute or rule  
12       violated;
- 13       (2) May contain an order of abatement and the assessment  
14       of a fine in the amount of \$250 for each violation;
- 15       (3) Shall be served on the licensee by personal service;  
16       and
- 17       (4) Shall inform the licensee that the licensee may submit  
18       a written request to the board for a hearing to  
19       contest the citation, within twenty calendar days from  
20       the service of the citation.
- 21       (c) If the licensee timely submits a written request to

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1 the board for a hearing, the board may designate a hearings  
2 officer to conduct the hearing in accordance with chapter 91.

3 (d) If the licensee does not timely submit a written  
4 request to the board for a hearing, the citation shall be deemed  
5 a final order of the board.

6 (e) Failure of a licensee to pay any assessed fine within  
7 thirty calendar days, unless the licensee contests the citation,  
8 may result in further disciplinary action taken by the board."

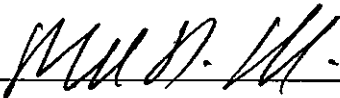
9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act, upon its approval, shall take effect  
11 on July 1, 2016.

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INTRODUCED BY:



14

BY REQUEST

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**Report Title:**

Citations; Massage Therapy Violations; Fines

**Description:**

Authorizes the issuance of a citation for specific violations of massage therapy laws by licensees. Sets forth a process for licensees to contest the citation and provides for the assessment of fines for each violation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

## JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS.

PURPOSE: To authorize the issuance of citations to licensees who violate specific massage therapy laws.

MEANS: Add a new section to chapter 452, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Citations for unlicensed massage therapy activity are authorized under section 436B-26.5, HRS. Currently, there is no mechanism to issue citations for licensee conduct that violates chapter 452, HRS. This bill seeks to establish a citation process as an alternative means for the Massage Therapy Board (Board) to address specific massage therapy violations.

The bill also requires personal service of the citation upon the licensee and affords the licensee the opportunity to submit a written request for a hearing to contest the citation within twenty calendar days. The bill also provides that failure to pay any assessed fine within thirty calendar days may subject the licensee to further disciplinary action.

The citation process created in this bill will expedite enforcement of and promote swift compliance with massage therapy laws. The bill also will allow investigative staff to focus efforts and resources on more serious massage therapy violations.

Impact on the public: The public will benefit from quick enforcement against certain violations of the massage therapy laws.

Impact on the department and other agencies:  
The bill will improve the Department's ability to address technical, less serious massage therapy violations. No impact upon other agencies is anticipated.

GENERAL FUNDS: None.  
OTHER FUNDS: None.  
PPBS PROGRAM  
DESIGNATION: CCA-112.  
OTHER AFFECTED  
AGENCIES: None.  
EFFECTIVE DATE: July 1, 2016.