



DAVID Y. IGE  
GOVERNOR  
SHAN S. TSUTSUI  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN  
DIRECTOR  
JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE SENATE COMMITTEE  
ON  
WAYS AND MEANS

TWENTY-EIGHTH STATE LEGISLATURE  
REGULAR SESSION, 2016

WEDNESDAY, FEBRUARY 17, 2016  
9:15 A.M.

**WRITTEN TESTIMONY ONLY**  
ON  
SENATE BILL NO. 2863 S.D.1  
RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS

TO THE HONORABLE JILL N. TOKUDA, CHAIR,  
AND TO THE HONORABLE DONOVAN M. DELA CRUZ, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to submit written testimony on Senate Bill No. 2863 S.D.1, Relating to Citations for Massage Therapy Violations. My name is Daria Loy-Goto and I am the Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). The Department strongly supports this Administration bill.

Senate Bill No. 2863 S.D.1 establishes a citation process as an additional enforcement tool to address the following specific, technical massage therapy violations by licensees: (1) failing to conspicuously display a massage therapy establishment license; (2) failing to identify all apprentices working at a massage therapy establishment; (3) operating without a principal massage therapist in attendance; and (4) failing to include a current license number in any advertisement. The fine for such violations would be fixed at \$250.00 per violation (currently, RICO can request fines up to \$1,000.00 per violation).

The citation process requires personal service of the citation upon the licensee and affords the licensee the opportunity to request a hearing to contest the citation within twenty calendar days. Senate Bill No. 2863 S.D.1 also provides that failure to pay any assessed fine within thirty calendar days may subject the licensee to further disciplinary action.

Currently, in order to prosecute an alleged failure to display a massage establishment license, a RICO staff attorney must file a formal petition for disciplinary action and attend a pre-hearing conference, before a formal hearing is held. Senate Bill No. 2863 S.D.1 will expedite RICO's enforcement of certain technical violations of the massage therapy laws and will promote swift compliance by licensees. The bill will also enable RICO staff to concentrate its efforts and resources on more serious violations.

Thank you for the opportunity to submit written testimony in strong support of Senate Bill No. 2863 S.D.1.

**PRESENTATION OF THE  
BOARD OF MASSAGE THERAPY**

TO THE SENATE COMMITTEE ON WAYS AND MEANS

TWENTY-EIGHTH LEGISLATURE  
Regular Session of 2016

Wednesday, February 17, 2016  
9:15 a.m.

**WRITTEN TESTIMONY ONLY**

**TESTIMONY ON SENATE BILL NO. 2863, S.D. 1, RELATING TO CITATIONS FOR  
MASSAGE THERAPY VIOLATIONS.**

TO THE HONORABLE JILL N. TOKUDA, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Olivia Nagashima and I am the Chairperson of the Board of Massage Therapy ("Board"). The Board submits testimony in support of Senate Bill No. 2863, S.D. 1, Relating to Citations for Massage Therapy Violations.

The Board concurs with the issuance of a citation for specific violations for specific violations of massage therapy laws by licensees, and the process set forth for licensees to contest the citation and for the assessment of fines for each violation.

Thank you for the opportunity to testify in support of Senate Bill No. 2863, S.D. 1.