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

TO THE HOUSE COMMITTEE
ON
JUDICIARY

TWENTY-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2016

TUESDAY, MARCH 22, 2016
2:00 P.M.

TESTIMONY ON SENATE BILL NO. 2863 S.D.2
RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS

TO THE HONORABLE KARL RHOADS, CHAIR,
AND TO THE HONORABLE JOY A. SAN BUENAVENTURA, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No. 2863 S.D.2, 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.2 establishes a citation process as an additional enforcement tool to address four existing, technical massage therapy violations by

licensees: (1) failing to conspicuously display a massage therapy establishment license and all licenses and permits of persons employed by the establishment who practice massage therapy; (2) failing to identify all apprentices working at a massage therapy establishment; (3) operating without a principal massage therapist or licensed designee 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. Under current Hawaii law, 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.2 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 violation, a RICO staff attorney must file a formal petition for disciplinary action, attend a pre-hearing conference, and then attend a formal hearing. Senate Bill No. 2863 S.D.2 will expedite RICO's enforcement of certain technical violations of the massage therapy laws. RICO believes this citation process will efficiently promote compliance and enable RICO staff to concentrate its efforts and resources on more serious violations.

RICO notes that the House companion measure, House Bill No. 2334, was not heard by any House committee.

Thank you for the opportunity to testify in strong support of Senate Bill No. 2863 S.D.2. I will be happy to answer any questions the Committee may have.

**PRESENTATION OF THE
BOARD OF MASSAGE THERAPY**

TO THE HOUSE COMMITTEE ON JUDICIARY

TWENTY-EIGHTH LEGISLATURE
Regular Session of 2016

Tuesday, March 22, 2016
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 2863, S.D. 2, RELATING TO CITATIONS FOR
MASSAGE THERAPY VIOLATIONS.**

TO THE HONORABLE KARL RHOADS, 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. 2, Relating to Citations for Massage Therapy Violations. The Board concurs with the issuance of a citation 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 on Senate Bill No. 2863, S.D. 2.