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**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, February 14, 2017
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 1080, H.D. 1, RELATING TO THE AUTHORITY
TO ADJUST PROFESSIONAL AND VOCATIONAL LICENSING FEES.**

TO THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Licensing Administrator of the Professional and Vocational Licensing Division (“PVLD”), Department of Commerce and Consumer Affairs (“Department” or “DCCA”). The Department appreciates the opportunity to submit testimony in strong support of this Administration bill, House Bill No. 1080, H.D. 1, Relating to the Authority to Adjust Professional and Vocational Licensing Fees, with a suggested amendment.

The purpose of House Bill No. 1080, H.D.1, is to update the existing authority to adjust licensing fees to include six licensing laws (chapters 436H, 440E, 465D, 466D, 472, and 481E, HRS) that are currently not included in Hawaii Revised Statutes §92-28(1), and to add language to allow for the automatic inclusion of all future licensing

regulatory areas specifically and statutorily assigned to the DCCA pursuant to title 25, HRS.

Section 92-28, HRS, was last updated in 2007. Since then, six new licensing areas have been added to the PVLD for regulation. The six areas are Athletic Trainers, Behavior Analysts, Mixed Martial Arts, Respiratory Therapists, Uniform Athlete Agents, and Veterinary Technicians. This measure also updates section 92-28, HRS, to include language that will allow for the automatic inclusion of any new PVLD licensing laws or other laws creating boards, commissions, or programs within DCCA pursuant to title 25, HRS. The amendments to the law are essential in order to timely decrease or increase fees in a manner that is fair and impartial to all licensees.

The bill was amended at the February 8, 2017 Intrastate Commerce Committee hearing by changing the effective date of the measure to “July 1, 2099”, in order to promote further discussion. The Department respectfully requests that this Committee reinstate the original effective date of “upon its approval”, should the Committee decide to pass this measure after considering its merits.

Thank you for the opportunity to provide testimony in strong support of this Administration bill, House Bill No. 1080, H.D. 1, with the suggested amendment.



HAWAII CHAPTER - AMERICAN PHYSICAL THERAPY ASSOCIATION

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HB1080hd1, Relating to the Authority to Adjust Professional and Vocational Licensing Fees
House CPC Committee Hearing
Tuesday, February 14, 2017 – 2:00 pm
Room 329
Position: Support; Amendments Offered

Chair McKelvey and Members of the House CPC Committee:

I am Gregg Pacilio, PT and Board President of the Hawaii Chapter of the American Physical Therapy Association, a non-profit professional organization serving more than 300 member Physical Therapists and Physical Therapist Assistants. Our members are employed in hospitals and health care facilities, the Department of Education school system, and private practice. We are part of the spectrum of care for Hawaii, and provide rehabilitative services for infants and children, youth, adults and the elderly. Rehabilitative services are a vital part of restoring optimum functioning from neuromusculoskeletal injuries and impairments.

The Hawaii Chapter of the American Physical Therapy Association is in support of HB1080hd1, which updates HRS Section 92-28 to include any board, commission, program or entity created pursuant to title 25 and assigned to the Department of Commerce and Consumer Affairs or placed within the Department for administrative purposes.

Proposed Amendments:

We suggest that the HRS be amended to include any special assessments made by the Department. Last year the DCCA levied a \$100 cost over the \$130 renewal fee, a 77% assessment. This was for physical therapists. For the physical therapy assistants, there was another \$100 added to their renewal and similar assessment making their total renewal cost \$330, i.e., a 154% assessment. This additional \$100 was imposed to offset a shortfall in the licensure of this new group. This special assessment was a burden for the smaller, lower earning group, the PTAs, and could have been more evenly applied across the 1,000 PT licensees.

We propose that Section 1. Section 92-28, Hawaii Revised Statutes, be amended to read as follows and in items (2), (3), and (5):

Section 92-28 "State service fees; increase or decrease of. Any law to the contrary notwithstanding, the fees, including special assessments or other nontax revenues assessed or charged by any board, commission, or other governmental agency may be increased or decreased by the body in an amount not to exceed fifty per cent of the statutorily assessed fee or nontax revenue, to maintain a reasonable relation between the revenues derived from such fee, including special assessment or nontax revenue and the cost of value of services rendered, comparability among fees imposed by the State, or any other purpose which it may deem necessary and reasonable; provided that:

(2) The authority to increase or decrease fees, including special assessments or nontax revenues under the chapters listed in paragraph (1) that are established by the department of commerce and consumer affairs shall apply to fees, including special assessments or nontax revenues established by statute or rule;

(3) The authority to increase or decrease fees, including special assessments or nontax revenues established by the University of Hawaii under chapter 304A shall be subject to the approval of the board of regents; provided that the board's approval of any increase or decrease in tuition for regular credit courses shall be preceded by an open public meeting held during or prior to the semester preceding the semester to which the tuition applies;

(5) The authority to increase or decrease fees, including special assessments or nontax revenues pursuant to this section shall be exempt from the public notice and public hearing requirements of chapter 91; and

Thank you for the opportunity to testify. Please feel free to contact Joanne Ishikawa, HAPTA's Legislative Chair at 808-221-4001 for further information.