

STAND. COM. REP. NO. 792

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 774
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 774 entitled:

"A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL
LICENSING,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit a
licensing authority from using rules to supersede requirements set
forth in licensing laws and adopting rules that authorize an
unlicensed individual to perform duties, activities, or functions
that, if performed by another professional, would require
licensure of that professional.

Your Committee received testimony in support of this measure
from the Hawaii Dental Hygienists' Association, three individuals,
and a petition signed by over two hundred ten individuals. Your
Committee received testimony in opposition to this measure from
the Department of Commerce and Consumer Affairs and Contractors
License Board.

Your Committee finds that professional or vocational
licensees may employ auxiliary personnel to assist these licensed
individuals in the practice of their profession or vocation.
While considered to be a valuable part of the team, these
auxiliary personnel may not be licensed or certified in the State
or required to meet the same stringent standards of training and



care as licensed individuals. In order to protect the safety of the public, it is important for those in various professional and vocational fields to adhere to legislatively determined parameters regarding the scope of practice of their own particular profession or vocation. This measure therefore clarifies that the clearly delineated duties of a licensed professional are not within the duties, activities, or functions of an unlicensed, unregulated individual.

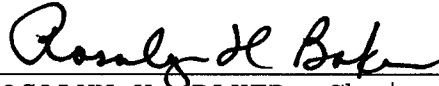
Your Committee has considered the testimony offered by the Department of Commerce and Consumer Affairs and the Contractors License Board expressing concern that this measure would prohibit many individuals from gaining the requisite on-the-job training or qualifying experience needed to obtain a license. Although this measure exempts apprentices or trainees who are working toward licensure in an apprenticeship program or clinical program, according to the Contractors License Board, many individuals working toward licensure are not in an apprenticeship program.

Accordingly, your Committee has amended this measure by exempting persons who are working toward licensure, including but not limited to apprentices, trainees, graduates, or students, and personnel who are under the supervision of a licensee and who are not required to obtain a license pursuant to applicable licensing statutes; provided that they are not auxiliary personnel regulated under existing law, rather than only exempting those in an apprenticeship or clinical program.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 774, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 774, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:
<i>SB 774</i>	<i>CPH</i>	<i>2/22/19</i>
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
BAKER, Rosalyn H. (C)	/	
CHANG, Stanley (VC)		/
KEOHOKALOLE, Jarrett	/	
NISHIHARA, Clarence K.	/	
RUDERMAN, Russell E.		/
THIELEN, Laura H.	/	
FEVELLA, Kurt		/
TOTAL	<i>4</i>	<i>3</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
<i>Clarence K Nishihara</i>		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

*Only one measure per Record of Votes