

SB946

Measure Title: RELATING TO THE AUTHORITY TO ADJUST PROFESSIONAL AND VOCATIONAL LICENSING FEES.

Report Title: State Service Fees; Professional and Vocational Licensing Areas

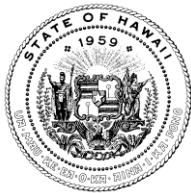
Description: Updates section 92-28, Hawaii Revised Statutes, to include all of the Department of Commerce and Consumer Affairs' professional and vocational licensing chapters to allow for the flexibility of decreasing or increasing fees in a timely manner, subject to the approval of the Governor.

Companion: [HB1080](#)

Package: Governor

Current Referral: CPH, WAM

Introducer(s): KOUCHI (Introduced by request of another party)



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 THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, February 14, 2017
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 946, RELATING TO THE AUTHORITY TO
ADJUST PROFESSIONAL AND VOCATIONAL LICENSING FEES.**

TO THE HONORABLE ROSALYN H. BAKER, 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”). The Department appreciates the opportunity to submit testimony in strong support of this Administration bill, Senate Bill No. 946, Relating to the Authority to Adjust Professional and Vocational Licensing Fees.

The purpose of Senate Bill No. 946 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.

For the Committee's information, the House companion bill, House Bill No. 1080, was heard by the House Intrastate Commerce Committee on February 3, 2017. The bill passed with amendments.

Thank you for the opportunity to provide testimony in strong support of this Administration bill, Senate Bill No. 946.

HAPTA



HAWAII CHAPTER - AMERICAN PHYSICAL THERAPY ASSOCIATION

(800) 554-5569 x13 • www.hapta.org • info@hapta.org

SB 946, Relating to the Authority to Adjust Professional and Vocational Licensing Fees

Senate CPH Committee Hearing

Tuesday, February 14, 2017 – 9:00 am

Room 229

Position: Support; Amendments Offered

Chair Baker and Members of the Senate CPH 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 movement specialists and part of the spectrum of care for Hawaii. We 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 SB946, 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.