

BOARD OF MASSAGE THERAPY
Professional & Vocational Licensing Division
Department of Commerce & Consumer Affairs
State of Hawaii

AGENDA FOR MEETING

Date: March 4, 2025

Time: 9:00 a.m. HST

In-person Meeting Location: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Virtual: Virtual Videoconference Meeting - Zoom Meeting
(use link below)
[https://dcca-hawaii-
gov.zoom.us/j/88565535129?pwd=Nvgk9oejZVEgK7NNhNQ7
3uz3ESPIAK.1](https://dcca-hawaii.gov.zoom.us/j/88565535129?pwd=Nvgk9oejZVEgK7NNhNQ73uz3ESPIAK.1)

Zoom Phone Number: (669) 900 6833
Meeting ID: 885 6553 5129
Passcode: 150419

Agenda: Posted on the State electronic calendar as required by Hawaii Revised Statutes section 92-7(b).

If you wish to submit written testimony on any agenda item, please submit your testimony to massage@dcca.hawaii.gov or by hard-copy mail to Attn: Board of Massage Therapy, P.O. Box 3469, Honolulu, HI 96801. We request submission of testimony at least 24 hours prior to the meeting to ensure that it can be distributed to the Board members.

INTERNET ACCESS:

To view the meeting and provide live oral testimony, please use the link at the top of the agenda. You will be asked to enter your name. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., *****@***mail.com.

Your microphone will be automatically muted. When the Chairperson asks for public testimony, you may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify about that agenda item. The Chairperson will individually enable each testifier to unmute their microphone. When recognized by the Chairperson, please unmute your microphone

before speaking and mute your microphone after you finish speaking.

Upon request, your Zoom video or similar on-camera option will be enabled to allow you to be visible to the Board members and other meeting participants while presenting oral testimony. Please turn off your camera after you conclude your testimony. It is the individual testifier's responsibility to ensure they have the video and internet capabilities to successfully stream or remotely testify. The Board maintains the authority to remove and block individuals who willfully disrupt or compromise the conduct of the meeting.

PHONE ACCESS:

If you cannot get internet access, you may get audio-only access by calling the phone number listed at the top on the agenda.

Upon dialing the number, you will be prompted to enter the Meeting ID which is also listed at the top of the agenda. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. So, please wait until you are admitted into the meeting.

When the Chairperson asks for public testimony, you may indicate you want to testify by entering "*" and then "9" on your phone's keypad. After entering "*" and then "9", a voice prompt will let you know that the host of the meeting has been notified. When recognized by the Chairperson, you may unmute yourself by pressing "*" and then "6" on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter "*" and then "6" again to mute yourself.

For both internet and phone access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to five minutes of testimony per agenda item.

If connection to the meeting is lost for more than 30 minutes, the meeting will be continued on a specified date and time. This information will be provided on the Board's website at <https://cca.hawaii.gov/pvl/boards/massage/board-meeting-schedule/>.

Instructions to attend State of Hawaii virtual board meetings may be found online at <https://cca.hawaii.gov/pvl/files/2020/08/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>.

1. Roll Call, Quorum, Call to Order, Public Notice – Hawaii Revised Statutes ("HRS") §92-3 Open Meetings and Hawaii Administrative Rules ("HAR") §16-84-39 Oral Testimony
2. Approval of the Minutes of the January 14, 2025 Board Meeting and November 13, 2024 Public Hearing

The Board may move into Executive Session in accordance with HRS §92-4 and §92-5(a)(1) and (4) "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and "To consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities."

3. Applications

The Board may move into Executive Session in accordance with HRS §92-4 and §92-5(a)(1) and (4) "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;" and "To consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities."

a. Ratifications (see attached Addendum)

b. Massage Therapist Applications

- 1) Agnes Barber
- 2) Nestor Ruiz

4. Executive Officer's Report

a. Hawaii Massage Therapy – State Examination Statistics

b. 2025 Legislative Session – Bill Discussion & Updates

- 1) S.B. 1373, Relating to Administrative Licensure Actions Against Sex Offenders.

Purpose: Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders. Effective 7/1/2050. (SD1)

- 2) H.B. 1054, Relating to Administrative Licensure Actions Against Sex Offenders.

Purpose: Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses, registrations, or certifications of registered sex offenders. Effective 7/1/3000. (HD1)

5. New Business

- a. Discussion of acceptable options for Massage Apprentice (“MAP”) and Massage Therapist (“MAT”) applicants to remedy education and training deficiencies for shortage of total hours required in Anatomy, Physiology, and Structural Kinesiology (“APK”), theory and demonstration of massage, and supervised practical experience.

Pursuant to HRS §452-13(a)(3) and HAR §16-84-23 and §16-84-48, all applicants for MAT licensure must verify completion of a minimum of 50 hours of APK, 100 hours of Theory and Demonstration of Massage, and 420 hours of Supervised Practical Massage Training to qualify for the State Exam and MAT licensure. Completion of 50 APK and 100 Theory hours are a pre-requisite to MAP permitting.

6. Ongoing Business

- a. Discussion of proposals for future new administrative rules revisions – Title 16, Chapter 84, Hawaii Administrative Rules (“HAR”)

The Board will continue ongoing discussion of possible new HAR amendments. Any rules revisions would be introduced through a new rules package separate from the one currently in motion that was presented for public hearing on November 13, 2024.

7. Next Meeting:
- | | |
|------------|--|
| Date: | May 6, 2025 |
| Time: | 9:00 a.m. |
| In-Person: | Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813 |
| Virtual: | Zoom Meeting |

8. Adjournment

2/26/2025

If you need an auxiliary aid/service or other accommodation due to a disability, contact Sheena Choy at (808) 586-2702, Monday through Friday from 7:45 a.m. to 4:30 p.m., or email massage@dcca.hawaii.gov as soon as possible, preferably by March 3, 2025. Requests made as early as possible have a greater likelihood of being fulfilled.

Board of Massage Therapy
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Upon request, this notice is available in alternate/accessible formats.

BOARD OF MASSAGE THERAPY – RATIFICATION LISTS*ADDENDUM TO AGENDA*

March 4, 2025

MASSAGE THERAPIST

MAT-18069-0	EKATERINA MARTYUSHEVA
MAT-18070-0	Shona Mylene Fox
MAT-18071-0	KRISTINA M RODRIGUEZ
MAT-18072-0	KRISTIN GERBERT
MAT-18073-0	Aleeza J Peck
MAT-18075-0	CHIE HESS
MAT-18076-0	SHIHONG DENG
MAT-18080-0	Samuel James Janobas Gallardo
MAT-18081-0	FRANCIS A VICENTE
MAT-18082-0	Ai Miyazaki
MAT-18083-0	Masano Miyamoto
MAT-18084-0	Maya Ohira
MAT-18087-0	JANE E MANCHON
MAT-18090-0	Sujin An
MAT-18093-0	Tomomi Nagamura
MAT-18094-0	SHERRIE K. FERREIRA
MAT-18095-0	Jeralyn Meg Goetz
MAT-18097-0	Kathleen Luana Durante Moniz
MAT-18098-0	TAMARA JAI DAVIS
MAT-18099-0	HEAVENLY H M SOTELO-YOSHIKI
MAT-18100-0	TATIANA K TAKARA
MAT-18101-0	Julia Caroline Gilbert

MASSAGE ESTABLISHMENT

MAE-18068-0	WAIPAHU THAI MASSAGE LLC
MAE-18074-0	FREE TO FEEL WELLNESS, LLC
MAE-18077-0	TMORI LLC
MAE-18078-0	MANA MATRIX MASSAGE LLC
MAE-18079-0	ELEVATE WELLNESS KAUAI LLC
MAE-18085-0	LUANA ENTERPRISES LLC
MAE-18086-0	HALEKAI BEAUTY INC
MAE-18088-0	R&R THERAPEUTICS
MAE-18089-0	HEALING HANDS OF HILO LLC
MAE-18091-0	Shirley Foot & Body Spa LLC
MAE-18092-0	AISAWAN THAI SPA & MASSAGE LLC
MAE-18096-0	MERLS MAUI SPA

BOARD OF MASSAGE THERAPY – RATIFICATION LISTS

ADDENDUM TO AGENDA

March 4, 2025

MAE-18102-0	ROBIN S N YOKOTA
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MASSAGE THERAPY WORKSHOP

Aloha Hawaiian Ocean Massage and Spa LLC, MAE-2229

Instructor: Nykol West, MAT-4191

Initial Course: March 30, 2025 – April 30, 2025

Location: 75-5744 Alii Drive, Suite 245

Kailua Kona, HI 96740

Phone: (808) 937-9707

BOARD OF MASSAGE THERAPY
Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF PUBLIC HEARING

Date: November 13, 2024

Time: 9:00 a.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, HI 96813

Virtual: Virtual Videoconference Meeting – Zoom Meeting

Members Present: Olivia Nagashima, Massage Therapist, Chair
Shanon Skoog, Public Member
Sean St. Louis, Massage Therapist

Excused: Jayce Arakaki, Public Member, Vice Chair
Darci Frankel, Massage Therapist

Zoom Recording: https://youtu.be/mXeq4v_N2KE?si=oi0pq1de7nY13xcC

Staff Present: Randy Ho, Executive Officer (“EO Ho”)
Christopher Leong, Deputy Attorney General (“DAG Leong”)
Chelsea Fukunaga, Executive Officer (“EO Fukunaga”)
Candace Ito, Supervising Executive Officer
Rochelle Araki, Executive Officer - Observing
Lei Ana Green, Executive Officer - Observing
Marc Yoshimura, Secretary
Johnny Li, Tech Support

Guest(s): Rick Rosen
Anon
Gwen DeLuze-Coria, LMT/AMTA HI
Mai Lin Petrine – Federation of State Massage Therapy Boards
Jeremy
Matthew Mathis

Testifier(s): Matthew Mathis
Rick Rosen

Agenda: The agenda for this public hearing was posted on the State electronic calendar as required by Hawaii Revised Statutes (HRS), section 92-7(b).

A short video regarding virtual meetings was played to explain procedures for the virtual meeting and how members of the public can participate and interact with the Board during the meeting.

Call to Order:

In accordance with Act 220, SLH 2021, all Board members attending virtually confirmed that they were alone in their nonpublic location. After taking roll, a quorum was established, and Chair Nagashima called the public hearing to order at 9:09 a.m. with Vice Chair Arakaki and Darci Frankel excused.

Introduction of Board Members:

Chair Nagashima introduced the Board members, stating the following Board members were present for this public hearing: Shanon Skoog, Sean St. Louis, and herself.

Purpose:

Amendments to Chapter 16-84, Hawaii Administrative Rules (“HAR”) – Massage Therapy

EO Ho stated the purpose of today’s public hearing is to afford all interested persons an opportunity to submit data, views, or recommendations, orally or in writing, on the proposed administrative rules revisions for the Board of Massage Therapy.

Notice of Public Hearing:

EO Ho stated that the notice of public hearing published in the Garden Island, Maui News, West Hawaii Today, Hawaii Tribune-Herald, and Star Advertiser newspapers, both in-print and online, on Thursday, October 10, 2024. The notice reads, as follows:

NOTICE OF PUBLIC HEARING

Pursuant to Hawaii Revised Statutes (“HRS”) section 452-6 and Chapter 91, notice is hereby given that the Board of Massage Therapy (“Board”) will hold a public hearing on Wednesday, November 13, 2024 at 9:00 a.m. in the Queen Liliuokalani Conference Room, 1st Floor, King Kalakaua Building, Department of Commerce and Consumer Affairs, 335 Merchant Street, Honolulu, Hawaii, 96813, and virtually via Zoom to hear all persons interested in the proposed amendments to Hawaii Administrative Rules (“HAR”) Chapter 16-84, pertaining to Massage Therapy. Please visit our Board of Massage Therapy meeting schedule website – <https://cca.hawaii.gov/pvl/boards/massage/board-meeting-schedule/> -- where you will find the necessary information to access the public hearing virtually.

The purpose of the proposed amendments is to: (1) require massage therapists to complete 12 hours of continuing education upon renewal of their license; (2) establish standards of sanitary practices for massage therapy establishments; (3) establish requirements and standards that continuing education courses shall meet to obtain recognition and approval from the board; (4) expand the definition of “person” to include a limited liability company and business entity; (5) clarify that adult and infant cardiopulmonary resuscitation courses cannot be completed

completely online; and (6) align cardiopulmonary resuscitation training requirements for massage students with massage apprentices.

All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing, at the time of hearing. All persons wishing to submit written testimony are requested to submit 10 copies of their written testimony by November 6, 2024 to: DCCA-PVL, Attn: Board of Massage Therapy, P.O. Box 3469, Honolulu, HI 96801 or email to massage@dcca.hawaii.gov.

A copy of the proposed rules will be mailed to any person who requests a copy upon receipt of \$5.57 for the copy and postage. Please submit your request to the Professional and Vocational Licensing Division at the address noted above or contact the Board's office by email.

Copies may be picked up at the following address between 7:45 a.m. and 4:30 p.m., Monday through Friday, excluding holidays: Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division, 335 Merchant Street, Room 329, Honolulu, Hawaii 96813. The cost of a copy, \$2.70, is due and payable at the time of pick up.

Further, the proposed rules may be reviewed in person free of charge at the Professional and Vocational Licensing Division at the address and hours of operation printed above. In addition, the full text of the proposed rules is available and can be downloaded free of charge from the web site of the Department of Commerce and Consumer Affairs:

<https://cca.hawaii.gov/pvl/har/proposed/>

Individuals who require special needs accommodations are invited to call Risé Doi at (808) 586-2696 at least four (4) working days prior to the hearing.

Olivia Nagashima, Chair
Hawaii State Board of Massage Therapy

Testimony:

EO Ho stated that testimony will be received in the order indicated on the sign-up sheet, if attending in-person, or at the top of the list as indicated virtually on Zoom which is the order that hands are raised. Written testimony was also received prior to the public hearing.

There will be no discussion regarding any testimony between the testifiers and Board members or staff. A time limit of five (5) minutes is in place to ensure all testifiers have the same amount of time to provide oral testimony.

After the public hearing, all testimony will be considered, and a determination will be provided during the Board meeting immediately following the adjournment of the public hearing.

EO Ho indicated there are no public attendees present in-person wishing to provide oral testimony. The Board proceeded to accept oral testimony from public attendees attending virtually through Zoom.

Matthew Mathis raised his hand on Zoom and was promoted to panelist.

Mr. Mathis stated he is the owner of Oahu Sports Massage, located on Oahu, and is the governance chair for the American Massage Therapy Association (“AMTA”) – Hawaii Chapter.

He stated that the national standard for education and training hours for massage therapist licensure is increasing to 600 hours and requested the Board comment on this increase. Hawaii currently requires 570 hours of education and training for massage therapist (“MAT”) licensure.

He agrees with the proposed new rules establishing the requirements for continuing education (“CE”), including the requirement that CPR courses must be completed in-person. AMTA agrees that massage establishments must continue to be held accountable for sanitation and proper practices, especially after COVID. AMTA supports the State in its decisions.

Mr. Mathis was returned to attendee on Zoom.

Chair Nagashima stated that the Board also received written testimony from Rick Rosen.

Mr. Rosen raised his hand on Zoom and was promoted to panelist.

Mr. Rosen stated he is a massage therapist on the Big Island, who has held a massage therapist license for 45 years beginning in Florida and has been licensed in Hawaii since 2015. His testimony was as follows:

- **§16-84-43 Advertising:** Subsection (b) states, “A licensee may advertise as being able to perform the type of massage known as Rolfing if the licensee has received basic Rolfing training in classes sponsored by the Rolf Institute and has been certified as a Rolfer and given membership in the institute.” Mr. Rosen stated there are hundreds of named modalities in their profession today and it is not within the purview of the Board to regulate the use of proprietary trade names; it is a private business matter not enforceable by the Board.

In terms of this specific trade name, there are currently 12 certified Rolfers in the state, so he recommends that the Board remove subsection (b), as subsection (a) is broadly encompassing and renders mention of a specific modality as unnecessary.

- **§16-84-48 Requirements for massage students:** Mr. Rosen stated that he believes the part of this rule which mentions the school approval process is factually incorrect. This section states that that American Massage Therapy Association (“AMTA”) or the Rolf Institute

are the two massage school approval bodies. Mr. Rosen stated that neither the AMTA nor the Rolf Institute are approval/accreditation bodies. Years ago, the AMTA had a very small national school approval program which was sunset 30 years ago. There are seven different accrediting agencies that accredit massage schools and programs, but less than half the programs in the country are accredited. Furthermore, only COMTA has specific curriculum standards for the small number of schools under its accreditation process. The Rolf Institute is a one-modality school based in Boulder, Colorado which is also not a school approval entity.

Mr. Rosen submitted the following proposed language to update outdated language in subsection (c). He stated that this amendment would provide the Board the flexibility to evaluate training provided within the state and outside the state:

HAR 16-84-48 (c) Students who have graduated from a massage therapy school that: (i) offers a curriculum that meets or is substantially equivalent to the standards set forth in paragraph (b), above; and (ii) is licensed or approved by the regulatory authority for schools of massage therapy in the state, province, territory, or country in which it operates or is exempt by law.

HAR 16-84-48(e) (e) An applicant shall provide the board with written proof that the applicant has successfully completed the required course of study in a massage school approved by the state department of education, or an institution outside the State that is licensed or approved by the regulatory authority for schools of massage therapy in the state, province, territory, or country in which it operates or is exempt by law.

- **§16-84-49 Continuing education requirements:** Mr. Rosen recommends the Board remove the requirement that the biennial First Aid/CPR training be hands-on or live in-person. These are non-essential skills and unrelated to the practice of massage therapy. Massage therapists are not front-line healthcare providers, nor emergency responders. To receive a license, an individual is required to have received in-person training, and this should be sufficient. Biennial renewal with the CPR requirement completed via online courses should be sufficient, especially for those on the neighbor islands where it may be difficult to complete such courses locally.

Chair Nagashima asked if there was anyone else wishing to provide testimony.

There were none.

Procedures after Hearing:

EO Ho stated the Board's procedures following the adjournment of this public hearing will be as follows:

- The Board will consider adoption of the amended rules at the Board

- meeting immediately following the adjournment of this public hearing;
- If adopted, the rules will be sent to the Deputy Attorney General's office and Governor's office for approval; and
 - The rules will remain in the Lieutenant Governor's office for a period of ten (10) days after approval by the Governor before becoming final.

Conclusion of Public Hearing:

EO Ho stated the public hearing is adjourned as there is no further oral testimony to be provided.

Adjournment:

Chair Nagashima adjourned the public hearing at 9:23 a.m.

Taken by:

/s/ Marc Yoshimura

Marc Yoshimura
Secretary

2/21/25

[] Minutes approved as is.

[] Minutes approved with changes; see minutes of:

Reviewed by:

/s/ Sheena Choy

Sheena Choy
Executive Officer

DRAFT

BOARD OF MASSAGE THERAPY
Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: January 14, 2025

Time: 9:00 a.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, HI 96813

Virtual: Virtual Videoconference Meeting – Zoom Meeting
<https://dcca-hawaii.gov.zoom.us/j/89480379752?pwd=0qtNVUMzoEdQHgMY7aGFUn7faq2UNq.1>

Recording Link: <https://www.youtube.com/watch?v=81ZYIDwQJUc>

Members Present: Olivia Nagashima, Massage Therapist, Chair
Darci Frankel, Massage Therapist
Shanon Skoog, Public Member

Members Excused: Jayce Arakaki, Public Member, Vice Chair
Sean St. Louis, Massage Therapist

Staff Present: Sheena Choy, Executive Officer (“EO Choy”)
Christopher Leong, Deputy Attorney General (“DAG”)
Marc Yoshimura, Secretary
Lei Fukumura, Special Deputy Attorney General (“SDAG”)

Guest(s): Sterling Coria
Gwen DeLuze-Coria
Sheilla Villena
Dannie Villena Jr.

Virtual Meeting Instructions: A short video regarding virtual meetings was played to explain procedures for the virtual meeting and how members of the public can participate and interact with the Board during the meeting.

The Chair provided information on internet and phone access for today’s virtual meeting and announced that the meeting was being recorded and that the recording will be posted on the Board’s web page.

Agenda: The agenda for this meeting was posted on the State electronic calendar and filed with the Office of the Lieutenant Governor as required by §92-7(b), Hawaii Revised Statutes (“HRS”).

Board of Massage Therapy
Minutes of the January 14, 2025 Meeting
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Call to Order: Chair Nagashima took roll call of the Board members. Those members attending virtually confirmed that they were present and alone.

Chair Nagashima excused Vice Chair Arakaki and Mr. St. Louis.

There being a quorum, Chair Nagashima called the meeting to order at 9:08 a.m.

Approval of Minutes:

Approval of the Minutes of the November 13, 2024 Board Meeting

Chair Nagashima asked if there was any public testimony. There was none.

Chair Nagashima asked if there was any Board discussion.

There was none.

Upon a motion by Ms. Skoog, seconded by Chair Nagashima, it was voted upon and unanimously carried to approve the open session and executive session minutes of the November 13, 2024 meeting.

Chapter 91, HRS

Adjudicatory Matters: The Chair called for a recess from the meeting at 9:13 a.m. to discuss and deliberate on the following adjudicatory matters pursuant to Chapter 91, HRS. (Note: Board members and staff entered a Zoom Breakout Room to discuss Adjudicatory Matters.)

- a. In the Matter of the Massage Therapist's License of Jin Ji Wang, and the Massage Establishment's License of Sakura Spa, LLC, doing business as Sakura Spa; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; MAS 2024-84-L

After due consideration of the information received, it was moved by Chair Nagashima, seconded by Ms. Skoog, and unanimously carried to approve the aforementioned Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

- b. In the Matter of the Massage Therapist's License of Pathama Hennek, also known as Jaymie Path Waeonam, and the Massage Establishment's License of Thai Aroma Massage Therapy, LLC; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; MAS 2023-0047-L

After due consideration of the information received, it was moved by Chair Nagashima, seconded by Ms. Frankel, and unanimously

carried, to approve the aforementioned Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chair Nagashima announced that the Board reconvened to Open Session at 9:42 a.m.

Applications:

Upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to enter Executive Session at 9:44 a.m., in accordance with HRS §92-5(a)(1), "To consider and evaluate personal information relating to individuals applying for professional licenses cited in section 26-9 or both" and, pursuant to HRS §92-5(a)(4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities." Board will vote in Open Session.

At 11:31 a.m., upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to move out of Executive Session.

Ratifications

Chair Nagashima asked if there was any public testimony. There was none.

Upon a motion by Chair Nagashima, seconded by Ms. Skoog, it was voted upon and unanimously carried to approve the attached ratifications list.

Massage Therapist Applications

Susan Lori Beal

Upon a motion by Chair Nagashima, seconded by Ms. Skoog, it was voted upon and unanimously carried to defer Susan Lori Beal's application for more information.

Eva Doland

Upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to approve Eva Doland's application to sit for the exam.

James Fuoco

Upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to approve James Fuoco's application to sit for the exam.

Joanna Iris

Upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to defer Joanna Iris' application for more information.

Jessica Plante

Upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to approve Jessica Plante's application to sit for the exam.

Robert Stanciu

Upon a motion by Chair Nagashima, seconded by Ms. Frankel, it was voted upon and unanimously carried to approve Robert Stanciu's application to sit for the exam.

Executive Officer's Report:

Hawaii Massage Therapy – State Examination Statistics

Executive Officer Choy shared the massage therapy examination statistics for November and December 2024.

Massage Exam (administered November 2024)

Exams Administered: 53
Successful: 15
Unsuccessful: 38

Massage Exam (administered December 2024)

Exams Administered: 51
Successful: 22
Unsuccessful: 29

Continuing Education Audit - Update

EO Choy stated that all licensees who were randomly selected for audit were notified via their mailing address on file with instructions on how to comply. Response was required by December 31, 2024. Board staff are currently in the process of following up with the licensees who are deficient or have not yet responded.

Ms. Skoog recommended that the Board consider utilizing a system like CE Broker for future audits, which allows licensees to upload their CE certificates in one place online and would streamline the review process.

She stated that at the recent Federation of State Massage Therapy Boards (“FSMTB”) meeting, it seemed that many other state boards were utilizing this free resource to make their CE auditing processes more efficient.

Chair Nagashima stated that the American Massage Therapy Association (“AMTA”) provides an option for members to track their CE hours in an AMTA database. AMTA requires its licensed professional members to have 48 hours of CEs over a period of four years. She estimates that about 15% of the licensed massage therapists in Hawaii are AMTA members.

EO Choy stated that she can do more research into CE Broker and similar platforms to see if this would be a viable option for future Board use.

2025 Legislative Session – Session Calendar

EO Choy stated that the Legislative Session begins on January 15, 2025. Bills can be introduced up to the introduction cutoff on January 23, 2025.

If there are any bills introduced that are related to Board matters, EO Choy will provide a report to the Board for its consideration and position. If bill hearings are scheduled between Board meetings, EO Choy stated she will contact the legislative liaisons who were appointed at the November 13, 2024 meeting to provide positions, input, and/or testify on the Board’s behalf.

Ongoing Business:

Discussion of proposals for future new administrative rules revisions – Title 16, Chapter 84, Hawaii Administrative Rules (“HAR”)

Ms. Skoog stated that the Board might consider amending the total required hours of training and education for licensure. She stated that 24 states now require, or are in the process of amending their laws and rules to require, 625 hours or more, including: Colorado, Delaware, Louisiana, Missouri, Nevada, New Jersey, North Carolina, Rhode Island, and Tennessee.

Regarding consideration of the massage compact, currently only two (2) states, Nevada and Ohio, have enacted legislation. The following states may be joining the compact this year: Alabama, Arizona, Florida, Georgia, Mississippi, Oregon, South Carolina, Tennessee, Texas and Virginia. A minimum of seven (7) states are required to officially enact the compact.

Ms. Skoog indicated that FSMTB has been a good resource for tracking the progress of the massage compact.

Chair Nagashima added that she receives updates from AMTA's legal department.

Ms. Skoog stated that she would like the Board to continue to consider the ongoing national conversation around combating illicit practice and its connection with human trafficking. She stated that FSMTB has established a "toolkit" of digital information for Board licensing and law enforcement staff to use as a resource in this work. Ms. Skoog stated that one of the resources FSMTB provides is an informational letter to landlords on illicit practices. FSMTB member boards who sent this letter out saw a positive impact on closing illicit massage establishments. She asked if the Board could send out the letter to landlords in Hawaii.

EO Choy expressed thanks to Ms. Skoog for sharing this important information. However, she stated that the Board/Department would not be able to send out this type of mail. However, once she has access to the FSMTB toolkit, she will see what information is available for public distribution, and if any of the resources can be distributed via the Board's website for reference by local associations and other relevant stakeholders.

Chair Nagashima reminded the Board that they are continuing to research and discuss future rules revisions, with the HAR divided into assignments as follows:

- Subchapter 1 – Chair Nagashima
- Subchapter 2 – Vice Chair Arakaki
- Subchapter 3 – Ms. Frankel
- Subchapter 4 – Ms. Frankel
- Subchapter 5 – Not assigned
- Subchapter 6 – Chair Nagashima
- Subchapter 7 – Ms. Skoog
- Subchapter 8 – None
- Subchapter 9 – None
- Subchapter 10 – None
- Subchapter 11 – Mr. St. Louis
- Subchapter 12 – Chair Nagashima
- Subchapter 13 – Ms. Skoog

Ms. Skoog stated that she previously provided amendments regarding examination, testing conduct relating to subchapter 7, which she can resend. She requested that the Board discuss proposed amendments each meeting.

Ms. Skoog asked if there is a deadline on submitting a fully amended rules package.

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that a recent Civil Beat
2 article highlighted the inability of state licensing boards and
3 agencies to promptly revoke the professional licenses of
4 registered sex offenders. The legislature believes that timely
5 action in cases where certain professional license holders are
6 registered sex offenders is a vital aspect of consumer
7 protection. Delayed action in revoking a license and preventing
8 further practice by a registered sex offender places consumers
9 at unnecessary risk.

10 Accordingly, the purpose of this Act is to:

- 11 (1) Authorize the board of acupuncture, athletic trainer
12 program, board of barbering and cosmetology, board of
13 chiropractic, board of dental examiners, electrologist
14 program, hearing aid dealer and fitter program,
15 marriage and family therapist licensing program, state
16 board of massage therapy, Hawaii medical board, mental



1 health counselors licensing program, state board of
 2 naturopathic medicine, state board of nursing, nurse
 3 aide program, nursing home administrator program,
 4 occupational therapy program, midwives licensing
 5 program, dispensing opticians program, Hawaii board of
 6 optometry, board of pharmacy, board of physical
 7 therapy, board of psychology, behavior analyst
 8 program, respiratory therapist program, social worker
 9 licensing program, and state board of speech pathology
 10 and audiology to automatically revoke and deny the
 11 renewal, restoration, or reinstatement of a license to
 12 a licensee who is a registered sex offender;

- 13 (2) Establish conditions for the disciplinary action; and
- 14 (3) Ensure consumer protection by requiring any final
 15 order of discipline taken to be public record.

16 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
 17 amended by adding a new section to be appropriately designated
 18 and to read as follows:

19 **"§436E- Revocation of license or denial of application**
 20 **to renew, restore, or reinstate a license based on conviction as**
 21 **a registered sex offender; conditions.** (a) Notwithstanding any



1 law to the contrary, the board shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

4 (1) The licensee has been convicted in any court in or
5 outside of this State of any offense that, if
6 committed or attempted in this State, based on the
7 elements of the convicted offense, would have been
8 punishable as one or more of the offenses described in
9 chapter 846E; or

10 (2) The licensee has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the related conviction has been
13 appealed.

14 (b) The board shall notify the licensee of the license
15 revocation or denial of application to renew, restore, or
16 reinstate the license and of the right to elect to have a
17 hearing as provided in subsection (c).

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the board within ten
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a
4 plea or verdict of guilty, or a conviction after a plea of nolo
5 contendere, shall be deemed a conviction. The record of
6 conviction shall be conclusive evidence of the fact that the
7 conviction occurred.

8 (e) If the related conviction of the license holder is
9 overturned upon appeal, the revocation or denial ordered
10 pursuant to this section shall automatically cease. Nothing in
11 this subsection shall prohibit the board from pursuing
12 disciplinary action based on any cause other than the overturned
13 conviction.

14 (f) Any final order of discipline taken pursuant to this
15 section shall be a matter of public record.

16 (g) The board shall not restore, renew, or otherwise
17 reinstate the license of a person under any of the following
18 circumstances:

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

7 SECTION 3. Chapter 436H, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§436H- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or
17 outside of this State of any offense that, if
18 committed or attempted in this State, based on the
19 elements of the convicted offense, would have been
20 punishable as one or more of the offenses described in
21 chapter 846E; or



1 (2) The licensee has been required to register as a sex
2 offender pursuant to the provisions of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The director shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 file a written request for a hearing with the director within
12 ten days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

15 (d) For the purposes of enforcement of this section, a
16 plea or verdict of guilty, or a conviction after a plea of nolo
17 contendere, shall be deemed a conviction. The record of
18 conviction shall be conclusive evidence of the fact that the
19 conviction occurred.

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

5 (f) Any final order of discipline taken pursuant to this
6 section shall be a matter of public record.

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

18 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§439A- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or

13 (2) The licensee has been required to register as a sex
14 offender pursuant to the requirements of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.

17 (b) The board shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).



1 (c) Upon revocation of the license or denial of an
2 application to renew, restore, or reinstate, the licensee may
3 file a written request for a hearing with the board within ten
4 days of the notice. The hearing shall be held within thirty
5 days of the revocation or denial. The proceeding shall be
6 conducted in accordance with chapter 91.

7 (d) For the purposes of enforcement of this section, a
8 plea or verdict of guilty, or a conviction after a plea of nolo
9 contendere, shall be deemed a conviction. The record of
10 conviction shall be conclusive evidence of the fact that the
11 conviction occurred.

12 (e) If the related conviction of the license holder is
13 overturned upon appeal, the revocation or denial ordered
14 pursuant to this section shall automatically cease. Nothing in
15 this subsection shall prohibit the board from pursuing
16 disciplinary action based on any cause other than the overturned
17 conviction.

18 (f) Any final order of discipline taken pursuant to this
19 section shall be a matter of public record.



1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 5. Chapter 442, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "**§442- Revocation of license or denial of application to**
16 **renew, restore, or reinstate a license based on conviction as a**
17 **registered sex offender; conditions.** (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:



1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the licensing
18 authority within ten days of the notice. The hearing shall be
19 held within thirty days of the revocation or denial. The
20 proceeding shall be conducted in accordance with chapter 91.



1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and



1 (2) The person engaged in the offense with a patient or
 2 client, or with a former patient or client if the
 3 relationship was terminated primarily for the purpose
 4 of committing the offense."

5 SECTION 6. Chapter 447, Hawaii Revised Statutes, is
 6 amended by adding a new section to be appropriately designated
 7 and to read as follows:

8 "§447- Revocation of license or denial of application to
 9 renew, restore, or reinstate a license based on conviction as a
 10 registered sex offender; conditions. (a) Notwithstanding any
 11 law to the contrary, the board shall automatically revoke a
 12 license or deny an application to renew, restore, or reinstate a
 13 license under either of the following circumstances:

14 (1) The licensee has been convicted in any court in or
 15 outside of this State of any offense that, if
 16 committed or attempted in this State, based on the
 17 elements of the convicted offense, would have been
 18 punishable as one or more of the offenses described in
 19 chapter 846E; or

20 (2) The licensee has been required to register as a sex
 21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

3 (b) The board shall notify the licensee of the license
4 revocation or denial of application to renew, restore, or
5 reinstate the license and of the right to elect to have a
6 hearing as provided in subsection (c).

7 (c) Upon revocation of the license or denial of an
8 application to renew, restore, or reinstate, the licensee may
9 file a written request for a hearing with the board within ten
10 days of the notice. The hearing shall be held within thirty
11 days of the revocation or denial. The proceeding shall be
12 conducted in accordance with chapter 91.

13 (d) For the purposes of enforcement of this section, a
14 plea or verdict of guilty, or a conviction after a plea of nolo
15 contendere, shall be deemed a conviction. The record of
16 conviction shall be conclusive evidence of the fact that the
17 conviction occurred.

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

8 (1) The person has been required to register as a sex
9 offender pursuant to the requirements of chapter 846E,
10 regardless of whether the conviction has been
11 appealed; and

12 (2) The person engaged in the offense with a patient or
13 client, or with a former patient or client if the
14 relationship was terminated primarily for the purpose
15 of committing the offense."

16 SECTION 7. Chapter 448, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§448- Revocation of license or denial of application to**
20 **renew, restore, or reinstate a license based on conviction as a**
21 **registered sex offender; conditions. (a) Notwithstanding any**



1 law to the contrary, the board shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

4 (1) The licensee has been convicted in any court in or
5 outside of this State of any offense that, if
6 committed or attempted in this State, based on the
7 elements of the convicted offense, would have been
8 punishable as one or more of the offenses described in
9 chapter 846E; or

10 (2) The licensee has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the related conviction has been
13 appealed.

14 (b) The board shall notify the licensee of the license
15 revocation or denial of application to renew, restore, or
16 reinstate the license and of the right to elect to have a
17 hearing as provided in subsection (c).

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the board within ten
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a
4 plea or verdict of guilty, or a conviction after a plea of nolo
5 contendere, shall be deemed a conviction. The record of
6 conviction shall be conclusive evidence of the fact that the
7 conviction occurred.

8 (e) If the related conviction of the license holder is
9 overturned upon appeal, the revocation or denial ordered
10 pursuant to this section shall automatically cease. Nothing in
11 this subsection shall prohibit the board from pursuing
12 disciplinary action based on any cause other than the overturned
13 conviction.

14 (f) Any final order of discipline taken pursuant to this
15 section shall be a matter of public record.

16 (g) The board shall not restore, renew, or otherwise
17 reinstate the license of a person under any of the following
18 circumstances:

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

7 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§448F- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or
17 outside of this State of any offense that, if
18 committed or attempted in this State, based on the
19 elements of the convicted offense, would have been
20 punishable as one or more of the offenses described in
21 chapter 846E; or



1 (2) The licensee has been required to register as a sex
2 offender pursuant to the provisions of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The director shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 file a written request for a hearing with the director within
12 ten days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

15 (d) For the purposes of enforcement of this section, a
16 plea or verdict of guilty, or a conviction after a plea of nolo
17 contendere, shall be deemed a conviction. The record of
18 conviction shall be conclusive evidence of the fact that the
19 conviction occurred.

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

5 (f) Any final order of discipline taken pursuant to this
6 section shall be a matter of public record.

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

18 SECTION 9. Chapter 451A, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§451A- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the director shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or

13 (2) The licensee has been required to register as a sex
14 offender pursuant to the provisions of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.

17 (b) The director shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).



1 (c) Upon revocation of the license or denial of an
2 application to renew, restore, or reinstate, the licensee may
3 file a written request for a hearing with the director within
4 ten days of the notice. The hearing shall be held within thirty
5 days of the revocation or denial. The proceeding shall be
6 conducted in accordance with chapter 91.

7 (d) For the purposes of enforcement of this section, a
8 plea or verdict of guilty, or a conviction after a plea of nolo
9 contendere, shall be deemed a conviction. The record of
10 conviction shall be conclusive evidence of the fact that the
11 conviction occurred.

12 (e) If the related conviction of the license holder is
13 overturned upon appeal, the revocation or denial ordered
14 pursuant to this section shall automatically cease. Nothing in
15 this subsection shall prohibit the director from pursuing
16 disciplinary action based on any cause other than the overturned
17 conviction.

18 (f) Any final order of discipline taken pursuant to this
19 section shall be a matter of public record.



1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 10. Chapter 451J, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§451J- Revocation of license or denial of application**
16 **to renew, restore, or reinstate a license based on conviction as**
17 **a registered sex offender; conditions.** (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:



1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the provisions of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The director shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the director within
18 ten days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 conducted in accordance with chapter 91.



1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the director from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The director shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and



1 (2) The person engaged in the offense with a patient or
 2 client, or with a former patient or client if the
 3 relationship was terminated primarily for the purpose
 4 of committing the offense."

5 SECTION 11. Chapter 452, Hawaii Revised Statutes, is
 6 amended by adding a new section to be appropriately designated
 7 and to read as follows:

8 "§452- Revocation of license or denial of application to
 9 renew, restore, or reinstate a license based on conviction as a
 10 registered sex offender; conditions. (a) Notwithstanding any
 11 law to the contrary, the board shall automatically revoke a
 12 license or deny an application to renew, restore, or reinstate a
 13 license under either of the following circumstances:

14 (1) The licensee has been convicted in any court in or
 15 outside of this State of any offense that, if
 16 committed or attempted in this State, based on the
 17 elements of the convicted offense, would have been
 18 punishable as one or more of the offenses described in
 19 chapter 846E; or

20 (2) The licensee has been required to register as a sex
 21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

3 (b) The board shall notify the licensee of the license
4 revocation or denial of application to renew, restore, or
5 reinstate the license and of the right to elect to have a
6 hearing as provided in subsection (c).

7 (c) Upon revocation of the license or denial of an
8 application to renew, restore, or reinstate, the licensee may
9 file a written request for a hearing with the board within ten
10 days of the notice. The hearing shall be held within thirty
11 days of the revocation or denial. The proceeding shall be
12 conducted in accordance with chapter 91.

13 (d) For the purposes of enforcement of this section, a
14 plea or verdict of guilty, or a conviction after a plea of nolo
15 contendere, shall be deemed a conviction. The record of
16 conviction shall be conclusive evidence of the fact that the
17 conviction occurred.

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

8 (1) The person has been required to register as a sex
9 offender pursuant to the requirements of chapter 846E,
10 regardless of whether the conviction has been
11 appealed; and

12 (2) The person engaged in the offense with a patient or
13 client, or with a former patient or client if the
14 relationship was terminated primarily for the purpose
15 of committing the offense."

16 SECTION 12. Chapter 453, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§453- Revocation of license or denial of application to**
20 **renew, restore, or reinstate a license based on conviction as a**
21 **registered sex offender; conditions. (a) Notwithstanding any**



1 law to the contrary, the Hawaii medical board shall
2 automatically revoke a license or deny an application to renew,
3 restore, or reinstate a license under either of the following
4 circumstances:

5 (1) The licensee has been convicted in any court in or
6 outside of this State of any offense that, if
7 committed or attempted in this State, based on the
8 elements of the convicted offense, would have been
9 punishable as one or more of the offenses described in
10 chapter 846E; or

11 (2) The licensee has been required to register as a sex
12 offender pursuant to the requirements of chapter 846E,
13 regardless of whether the related conviction has been
14 appealed.

15 (b) The board shall notify the licensee of the license
16 revocation or denial of application to renew, restore, or
17 reinstate the license and of the right to elect to have a
18 hearing as provided in subsection (c).

19 (c) Upon revocation of the license or denial of an
20 application to renew, restore, or reinstate, the licensee may
21 file a written request for a hearing with the board within ten



1 days of the notice. The hearing shall be held within thirty
2 days of the revocation or denial. The proceeding shall be
3 conducted in accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a
5 plea or verdict of guilty, or a conviction after a plea of nolo
6 contendere, shall be deemed a conviction. The record of
7 conviction shall be conclusive evidence of the fact that the
8 conviction occurred.

9 (e) If the related conviction of the license holder is
10 overturned upon appeal, the revocation or denial ordered
11 pursuant to this section shall automatically cease. Nothing in
12 this subsection shall prohibit the board from pursuing
13 disciplinary action based on any cause other than the overturned
14 conviction.

15 (f) Any final order of discipline taken pursuant to this
16 section shall be a matter of public record.

17 (g) The board shall not restore, renew, or otherwise
18 reinstate the license of a person under any of the following
19 circumstances:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

7 SECTION 13. Chapter 453D, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§453D- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or
17 outside of this State of any offense that, if
18 committed or attempted in this State, based on the
19 elements of the convicted offense, would have been
20 punishable as one or more of the offenses described in
21 chapter 846E; or



1 (2) The licensee has been required to register as a sex
2 offender pursuant to the provisions of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The director shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 file a written request for a hearing with the director within
12 ten days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

15 (d) For the purposes of enforcement of this section, a
16 plea or verdict of guilty, or a conviction after a plea of nolo
17 contendere, shall be deemed a conviction. The record of
18 conviction shall be conclusive evidence of the fact that the
19 conviction occurred.

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

5 (f) Any final order of discipline taken pursuant to this
6 section shall be a matter of public record.

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

18 SECTION 14. Chapter 455, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§455- Revocation of license or denial of application to
2 renew, restore, or reinstate a license based on conviction as a
3 registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or

13 (2) The licensee has been required to register as a sex
14 offender pursuant to the requirements of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.

17 (b) The board shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).



1 (c) Upon revocation of the license or denial of an
2 application to renew, restore, or reinstate, the licensee may
3 file a written request for a hearing with the board within ten
4 days of the notice. The hearing shall be held within thirty
5 days of the revocation or denial. The proceeding shall be
6 conducted in accordance with chapter 91.

7 (d) For the purposes of enforcement of this section, a
8 plea or verdict of guilty, or a conviction after a plea of nolo
9 contendere, shall be deemed a conviction. The record of
10 conviction shall be conclusive evidence of the fact that the
11 conviction occurred.

12 (e) If the related conviction of the license holder is
13 overturned upon appeal, the revocation or denial ordered
14 pursuant to this section shall automatically cease. Nothing in
15 this subsection shall prohibit the board from pursuing
16 disciplinary action based on any cause other than the overturned
17 conviction.

18 (f) Any final order of discipline taken pursuant to this
19 section shall be a matter of public record.



1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 15. Chapter 457, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§457- Revocation of license or denial of application to**
16 **renew, restore, or reinstate a license based on conviction as a**
17 **registered sex offender; conditions.** (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:



1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the board within ten
18 days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 conducted in accordance with chapter 91.



1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and



1 (2) The person engaged in the offense with a patient or
 2 client, or with a former patient or client if the
 3 relationship was terminated primarily for the purpose
 4 of committing the offense."

5 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
 6 amended by adding a new section to be appropriately designated
 7 and to read as follows:

8 "§457A- Revocation of license or denial of application
 9 to renew, restore, or reinstate a license based on conviction as
 10 a registered sex offender; conditions. (a) Notwithstanding any
 11 law to the contrary, the director shall automatically revoke a
 12 license or deny an application to renew, restore, or reinstate a
 13 license under either of the following circumstances:

14 (1) The licensee has been convicted in any court in or
 15 outside of this State of any offense that, if
 16 committed or attempted in this State, based on the
 17 elements of the convicted offense, would have been
 18 punishable as one or more of the offenses described in
 19 chapter 846E; or

20 (2) The licensee has been required to register as a sex
 21 offender pursuant to the provisions of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

3 (b) The director shall notify the licensee of the license
4 revocation or denial of application to renew, restore, or
5 reinstate the license and of the right to elect to have a
6 hearing as provided in subsection (c).

7 (c) Upon revocation of the license or denial of an
8 application to renew, restore, or reinstate, the licensee may
9 file a written request for a hearing with the director within
10 ten days of the notice. The hearing shall be held within thirty
11 days of the revocation or denial. The proceeding shall be
12 conducted in accordance with chapter 91.

13 (d) For the purposes of enforcement of this section, a
14 plea or verdict of guilty, or a conviction after a plea of nolo
15 contendere, shall be deemed a conviction. The record of
16 conviction shall be conclusive evidence of the fact that the
17 conviction occurred.

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the director from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The director shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

8 (1) The person has been required to register as a sex
9 offender pursuant to the requirements of chapter 846E,
10 regardless of whether the conviction has been
11 appealed; and

12 (2) The person engaged in the offense with a patient or
13 client, or with a former patient or client if the
14 relationship was terminated primarily for the purpose
15 of committing the offense."

16 SECTION 17. Chapter 457B, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§457B- Revocation of license or denial of application**
20 **to renew, restore, or reinstate a license based on conviction as**
21 **a registered sex offender; conditions.** (a) Notwithstanding any



1 law to the contrary, the director shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

4 (1) The licensee has been convicted in any court in or
5 outside of this State of any offense that, if
6 committed or attempted in this State, based on the
7 elements of the convicted offense, would have been
8 punishable as one or more of the offenses described in
9 chapter 846E; or

10 (2) The licensee has been required to register as a sex
11 offender pursuant to the provisions of chapter 846E,
12 regardless of whether the related conviction has been
13 appealed.

14 (b) The director shall notify the licensee of the license
15 revocation or denial of application to renew, restore, or
16 reinstate the license and of the right to elect to have a
17 hearing as provided in subsection (c).

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the director within
21 ten days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a
4 plea or verdict of guilty, or a conviction after a plea of nolo
5 contendere, shall be deemed a conviction. The record of
6 conviction shall be conclusive evidence of the fact that the
7 conviction occurred.

8 (e) If the related conviction of the license holder is
9 overturned upon appeal, the revocation or denial ordered
10 pursuant to this section shall automatically cease. Nothing in
11 this subsection shall prohibit the director from pursuing
12 disciplinary action based on any cause other than the overturned
13 conviction.

14 (f) Any final order of discipline taken pursuant to this
15 section shall be a matter of public record.

16 (g) The director shall not restore, renew, or otherwise
17 reinstate the license of a person under any of the following
18 circumstances:

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The person engaged in the offense with a patient or
4 client, or with a former patient or client if the
5 relationship was terminated primarily for the purpose
6 of committing the offense."

7 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§457G- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the director shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or
17 outside of this State of any offense that, if
18 committed or attempted in this State, based on the
19 elements of the convicted offense, would have been
20 punishable as one or more of the offenses described in
21 chapter 846E; or



1 (2) The licensee has been required to register as a sex
2 offender pursuant to the provisions of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The director shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 file a written request for a hearing with the director within
12 ten days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

15 (d) For the purposes of enforcement of this section, a
16 plea or verdict of guilty, or a conviction after a plea of nolo
17 contendere, shall be deemed a conviction. The record of
18 conviction shall be conclusive evidence of the fact that the
19 conviction occurred.

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

5 (f) Any final order of discipline taken pursuant to this
6 section shall be a matter of public record.

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

18 SECTION 19. Chapter 457J, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§457J- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the director shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:
7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or
13 (2) The licensee has been required to register as a sex
14 offender pursuant to the provisions of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.
17 (b) The director shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).



1 (c) Upon revocation of the license or denial of an
2 application to renew, restore, or reinstate, the licensee may
3 file a written request for a hearing with the director within
4 ten days of the notice. The hearing shall be held within thirty
5 days of the revocation or denial. The proceeding shall be
6 conducted in accordance with chapter 91.

7 (d) For the purposes of enforcement of this section, a
8 plea or verdict of guilty, or a conviction after a plea of nolo
9 contendere, shall be deemed a conviction. The record of
10 conviction shall be conclusive evidence of the fact that the
11 conviction occurred.

12 (e) If the related conviction of the license holder is
13 overturned upon appeal, the revocation or denial ordered
14 pursuant to this section shall automatically cease. Nothing in
15 this subsection shall prohibit the director from pursuing
16 disciplinary action based on any cause other than the overturned
17 conviction.

18 (f) Any final order of discipline taken pursuant to this
19 section shall be a matter of public record.



1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 20. Chapter 458, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§458- Revocation of license or denial of application to**
16 **renew, restore, or reinstate a license based on conviction as a**
17 **registered sex offender; conditions.** (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:



1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the provisions of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The director shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the director within
18 ten days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 conducted in accordance with chapter 91.



1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the director from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The director shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and



1 (2) The person engaged in the offense with a patient or
 2 client, or with a former patient or client if the
 3 relationship was terminated primarily for the purpose
 4 of committing the offense."

5 SECTION 21. Chapter 459, Hawaii Revised Statutes, is
 6 amended by adding a new section to be appropriately designated
 7 and to read as follows:

8 "§459- Revocation of license or denial of application to
 9 renew, restore, or reinstate a license based on conviction as a
 10 registered sex offender; conditions. (a) Notwithstanding any
 11 law to the contrary, the board shall automatically revoke a
 12 license or deny an application to renew, restore, or reinstate a
 13 license under either of the following circumstances:

14 (1) The licensee has been convicted in any court in or
 15 outside of this State of any offense that, if
 16 committed or attempted in this State, based on the
 17 elements of the convicted offense, would have been
 18 punishable as one or more of the offenses described in
 19 chapter 846E; or

20 (2) The licensee has been required to register as a sex
 21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

3 (b) The board shall notify the licensee of the license
4 revocation or denial of application to renew, restore, or
5 reinstate the license and of the right to elect to have a
6 hearing as provided in subsection (c).

7 (c) Upon revocation of the license or denial of an
8 application to renew, restore, or reinstate, the licensee may
9 file a written request for a hearing with the board within ten
10 days of the notice. The hearing shall be held within thirty
11 days of the revocation or denial. The proceeding shall be
12 conducted in accordance with chapter 91.

13 (d) For the purposes of enforcement of this section, a
14 plea or verdict of guilty, or a conviction after a plea of nolo
15 contendere, shall be deemed a conviction. The record of
16 conviction shall be conclusive evidence of the fact that the
17 conviction occurred.

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

8 (1) The person has been required to register as a sex
9 offender pursuant to the requirements of chapter 846E,
10 regardless of whether the conviction has been
11 appealed; and

12 (2) The person engaged in the offense with a patient or
13 client, or with a former patient or client if the
14 relationship was terminated primarily for the purpose
15 of committing the offense."

16 SECTION 22. Chapter 461, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§461- Revocation of license or denial of application to**
20 **renew, restore, or reinstate a license based on conviction as a**
21 **registered sex offender; conditions. (a) Notwithstanding any**



1 law to the contrary, the board shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

4 (1) The licensee has been convicted in any court in or
5 outside of this State of any offense that, if
6 committed or attempted in this State, based on the
7 elements of the convicted offense, would have been
8 punishable as one or more of the offenses described in
9 chapter 846E; or

10 (2) The licensee has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the related conviction has been
13 appealed.

14 (b) The board shall notify the licensee of the license
15 revocation or denial of application to renew, restore, or
16 reinstate the license and of the right to elect to have a
17 hearing as provided in subsection (c).

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the board within ten
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a
4 plea or verdict of guilty, or a conviction after a plea of nolo
5 contendere, shall be deemed a conviction. The record of
6 conviction shall be conclusive evidence of the fact that the
7 conviction occurred.

8 (e) If the related conviction of the license holder is
9 overturned upon appeal, the revocation or denial ordered
10 pursuant to this section shall automatically cease. Nothing in
11 this subsection shall prohibit the board from pursuing
12 disciplinary action based on any cause other than the overturned
13 conviction.

14 (f) Any final order of discipline taken pursuant to this
15 section shall be a matter of public record.

16 (g) The board shall not restore, renew, or otherwise
17 reinstate the license of a person under any of the following
18 circumstances:

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
 2 appealed; and
 3 (2) The person engaged in the offense with a patient or
 4 client, or with a former patient or client if the
 5 relationship was terminated primarily for the purpose
 6 of committing the offense."

7 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
 8 amended by adding a new section to be appropriately designated
 9 and to read as follows:

10 "§461J- Revocation of license or denial of application
 11 to renew, restore, or reinstate a license based on conviction as
 12 a registered sex offender; conditions. (a) Notwithstanding any
 13 law to the contrary, the board shall automatically revoke a
 14 license or deny an application to renew, restore, or reinstate a
 15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or
 17 outside of this State of any offense that, if
 18 committed or attempted in this State, based on the
 19 elements of the convicted offense, would have been
 20 punishable as one or more of the offenses described in
 21 chapter 846E; or



1 (2) The licensee has been required to register as a sex
2 offender pursuant to the requirements of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The board shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 file a written request for a hearing with the board within ten
12 days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

15 (d) For the purposes of enforcement of this section, a
16 plea or verdict of guilty, or a conviction after a plea of nolo
17 contendere, shall be deemed a conviction. The record of
18 conviction shall be conclusive evidence of the fact that the
19 conviction occurred.

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the board from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

5 (f) Any final order of discipline taken pursuant to this
6 section shall be a matter of public record.

7 (g) The board shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

18 SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§463E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:
7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or
13 (2) The licensee has been required to register as a sex
14 offender pursuant to the requirements of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.
17 (b) The board shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).



1 (c) Upon revocation of the license or denial of an
2 application to renew, restore, or reinstate, the licensee may
3 file a written request for a hearing with the board within ten
4 days of the notice. The hearing shall be held within thirty
5 days of the revocation or denial. The proceeding shall be
6 conducted in accordance with chapter 91.

7 (d) For the purposes of enforcement of this section, a
8 plea or verdict of guilty, or a conviction after a plea of nolo
9 contendere, shall be deemed a conviction. The record of
10 conviction shall be conclusive evidence of the fact that the
11 conviction occurred.

12 (e) If the related conviction of the license holder is
13 overturned upon appeal, the revocation or denial ordered
14 pursuant to this section shall automatically cease. Nothing in
15 this subsection shall prohibit the board from pursuing
16 disciplinary action based on any cause other than the overturned
17 conviction.

18 (f) Any final order of discipline taken pursuant to this
19 section shall be a matter of public record.



1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 25. Chapter 465, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "~~§465-~~ **Revocation of license or denial of application to**
16 **renew, restore, or reinstate a license based on conviction as a**
17 **registered sex offender; conditions.** (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:



1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the board within ten
18 days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 conducted in accordance with chapter 91.



1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and



1 (2) The person engaged in the offense with a patient or
 2 client, or with a former patient or client if the
 3 relationship was terminated primarily for the purpose
 4 of committing the offense."

5 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
 6 amended by adding a new section to be appropriately designated
 7 and to read as follows:

8 "§465D- **Revocation of license or denial of application**
 9 to renew, restore, or reinstate a license based on conviction as
 10 a registered sex offender; conditions. (a) Notwithstanding any
 11 law to the contrary, the director shall automatically revoke a
 12 license or deny an application to renew, restore, or reinstate a
 13 license under either of the following circumstances:

14 (1) The licensee has been convicted in any court in or
 15 outside of this State of any offense that, if
 16 committed or attempted in this State, based on the
 17 elements of the convicted offense, would have been
 18 punishable as one or more of the offenses described in
 19 chapter 846E; or

20 (2) The licensee has been required to register as a sex
 21 offender pursuant to the provisions of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

3 (b) The director shall notify the licensee of the license
4 revocation or denial of application to renew, restore, or
5 reinstate the license and of the right to elect to have a
6 hearing as provided in subsection (c).

7 (c) Upon revocation of the license or denial of an
8 application to renew, restore, or reinstate, the licensee may
9 file a written request for a hearing with the director within
10 ten days of the notice. The hearing shall be held within thirty
11 days of the revocation or denial. The proceeding shall be
12 conducted in accordance with chapter 91.

13 (d) For the purposes of enforcement of this section, a
14 plea or verdict of guilty, or a conviction after a plea of nolo
15 contendere, shall be deemed a conviction. The record of
16 conviction shall be conclusive evidence of the fact that the
17 conviction occurred.

18 (e) If the related conviction of the license holder is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the director from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The director shall not restore, renew, or otherwise
6 reinstate the license of a person under any of the following
7 circumstances:

8 (1) The person has been required to register as a sex
9 offender pursuant to the requirements of chapter 846E,
10 regardless of whether the conviction has been
11 appealed; and

12 (2) The person engaged in the offense with a patient or
13 client, or with a former patient or client if the
14 relationship was terminated primarily for the purpose
15 of committing the offense."

16 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§466D- Revocation of license or denial of application**
20 **to renew, restore, or reinstate a license based on conviction as**
21 **a registered sex offender; conditions.** (a) Notwithstanding any



1 law to the contrary, the director shall automatically revoke a
2 license or deny an application to renew, restore, or reinstate a
3 license under either of the following circumstances:

4 (1) The licensee has been convicted in any court in or
5 outside of this State of any offense that, if
6 committed or attempted in this State, based on the
7 elements of the convicted offense, would have been
8 punishable as one or more of the offenses described in
9 chapter 846E; or

10 (2) The licensee has been required to register as a sex
11 offender pursuant to the provisions of chapter 846E,
12 regardless of whether the related conviction has been
13 appealed.

14 (b) The director shall notify the licensee of the license
15 revocation or denial of application to renew, restore, or
16 reinstate the license and of the right to elect to have a
17 hearing as provided in subsection (c).

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the director within
21 ten days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a
4 plea or verdict of guilty, or a conviction after a plea of nolo
5 contendere, shall be deemed a conviction. The record of
6 conviction shall be conclusive evidence of the fact that the
7 conviction occurred.

8 (e) If the related conviction of the license holder is
9 overturned upon appeal, the revocation or denial ordered
10 pursuant to this section shall automatically cease. Nothing in
11 this subsection shall prohibit the director from pursuing
12 disciplinary action based on any cause other than the overturned
13 conviction.

14 (f) Any final order of discipline taken pursuant to this
15 section shall be a matter of public record.

16 (g) The director shall not restore, renew, or otherwise
17 reinstate the license of a person under any of the following
18 circumstances:

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
 2 appealed; and
 3 (2) The person engaged in the offense with a patient or
 4 client, or with a former patient or client if the
 5 relationship was terminated primarily for the purpose
 6 of committing the offense."

7 SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
 8 amended by adding a new section to be appropriately designated
 9 and to read as follows:

10 "§467E- Revocation of license or denial of application
 11 to renew, restore, or reinstate a license based on conviction as
 12 a registered sex offender; conditions. (a) Notwithstanding any
 13 law to the contrary, the director shall automatically revoke a
 14 license or deny an application to renew, restore, or reinstate a
 15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or
 17 outside of this State of any offense that, if
 18 committed or attempted in this State, based on the
 19 elements of the convicted offense, would have been
 20 punishable as one or more of the offenses described in
 21 chapter 846E; or



1 (2) The licensee has been required to register as a sex
2 offender pursuant to the provisions of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The director shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 file a written request for a hearing with the director within
12 ten days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

15 (d) For the purposes of enforcement of this section, a
16 plea or verdict of guilty, or a conviction after a plea of nolo
17 contendere, shall be deemed a conviction. The record of
18 conviction shall be conclusive evidence of the fact that the
19 conviction occurred.

20 (e) If the related conviction of the license holder is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

5 (f) Any final order of discipline taken pursuant to this
6 section shall be a matter of public record.

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the license of a person under any of the following
9 circumstances:

10 (1) The person has been required to register as a sex
11 offender pursuant to the requirements of chapter 846E,
12 regardless of whether the conviction has been
13 appealed; and

14 (2) The person engaged in the offense with a patient or
15 client, or with a former patient or client if the
16 relationship was terminated primarily for the purpose
17 of committing the offense."

18 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§468E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee has been convicted in any court in or
8 outside of this State of any offense that, if
9 committed or attempted in this State, based on the
10 elements of the convicted offense, would have been
11 punishable as one or more of the offenses described in
12 chapter 846E; or

13 (2) The licensee has been required to register as a sex
14 offender pursuant to the requirements of chapter 846E,
15 regardless of whether the related conviction has been
16 appealed.

17 (b) The board shall notify the licensee of the license
18 revocation or denial of application to renew, restore, or
19 reinstate the license and of the right to elect to have a
20 hearing as provided in subsection (c).



1 (c) Upon revocation of the license or denial of an
2 application to renew, restore, or reinstate, the licensee may
3 file a written request for a hearing with the board within ten
4 days of the notice. The hearing shall be held within thirty
5 days of the revocation or denial. The proceeding shall be
6 conducted in accordance with chapter 91.

7 (d) For the purposes of enforcement of this section, a
8 plea or verdict of guilty, or a conviction after a plea of nolo
9 contendere, shall be deemed a conviction. The record of
10 conviction shall be conclusive evidence of the fact that the
11 conviction occurred.

12 (e) If the related conviction of the license holder is
13 overturned upon appeal, the revocation or denial ordered
14 pursuant to this section shall automatically cease. Nothing in
15 this subsection shall prohibit the board from pursuing
16 disciplinary action based on any cause other than the overturned
17 conviction.

18 (f) Any final order of discipline taken pursuant to this
19 section shall be a matter of public record.



1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 30. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 31. New statutory material is underscored.

16 SECTION 32. This Act shall take effect on July 1, 2050.



S.B. NO. 1373
S.D. 1

Report Title:

DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstatement

Description:

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders. Effective 7/1/2050. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Testimony of the Board of Massage Therapy

**Before the
Senate Committee on Judiciary
Friday, February 21, 2025
10:20 a.m.**

Conference Room 016 and Videoconference

**On the following measure:
S.B.1373, S.D. 1, RELATING TO ADMINISTRATIVE LICENSURE ACTIONS
AGAINST SEX OFFENDERS**

Chair Rhoads and Members of the Committee:

My name is Sheena Choy, and I am the Executive Officer of the Board of Massage Therapy (Board). The Board supports section 11 of this bill and takes no positions on other sections of the bill.

The purpose of this bill is to authorize the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

The professional relationship between licensed massage therapists and patients is built on trust, with the therapist holding a position of power due to their expertise, authority, and ability to make decisions that impact a patient's health. The practice of massage therapy necessarily involves physical contact with clients, often in a private one-on-one setting, where proper draping ensures that clients' privacy is respected if they are not fully clothed. Given these factors, it is vital that clients can trust massage therapists to provide safe touch in a secure setting. The amendments to Hawaii Revised Statutes (HRS) chapter 452 in section 11 of this bill will facilitate a more expeditious removal of registered sex offenders from practice than current laws allow, providing greater protection to an already vulnerable client population.

The Board appreciates the intent of the bill to maintain the integrity of the massage therapy profession, and safeguard against inappropriate conduct that jeopardizes the health, safety, and welfare of the public.

Thank you for the opportunity to testify on this bill.

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that an October 2024
2 Civil Beat article highlighted the inability of state licensing
3 boards and agencies to promptly revoke the professional licenses
4 of registered sex offenders. The legislature believes that
5 timely action in cases where certain professional license,
6 registration, or certification holders are registered sex
7 offenders is a vital aspect of consumer protection. Delayed
8 action in revoking a license, registration, or certification and
9 preventing further practice by a registered sex offender places
10 consumers at unnecessary risk.

11 Accordingly, the purpose of this Act is to:

- 12 (1) Authorize the board of acupuncture, athletic trainer
13 program, board of barbering and cosmetology, Hawaii
14 board of chiropractic, board of dentistry,
15 electrologist program, hearing aid dealer and fitter
16 program, marriage and family therapist licensing



1 program, state board of massage therapy, Hawaii
 2 medical board, mental health counselors licensing
 3 program, state board of naturopathic medicine, state
 4 board of nursing, nurse aide program, nursing home
 5 administrator program, occupational therapy program,
 6 midwives licensing program, dispensing opticians
 7 program, board of optometry, board of pharmacy, board
 8 of physical therapy, board of psychology, behavior
 9 analyst program, respiratory therapist program, social
 10 worker licensing program, and state board of speech
 11 pathology and audiology to automatically revoke and
 12 deny the renewal, restoration, or reinstatement of a
 13 license, registration, or certification to a person
 14 who is a registered sex offender;

15 (2) Establish conditions for the disciplinary action; and

16 (3) Ensure consumer protection by requiring any final
 17 order of discipline taken to be public record.

18 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
 19 amended by adding a new section to be appropriately designated
 20 and to read as follows:



1 "§436E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee is convicted in any court in or outside
8 of this State of any offense that, if committed or
9 attempted in this State, based on the elements of the
10 convicted offense, would have been punishable as one

11 or more of the offenses described in chapter 846E; or

12 (2) The licensee is required to register as a sex offender
13 pursuant to the requirements of chapter 846E,
14 regardless of whether the related conviction has been
15 appealed.

16 (b) The board shall notify the licensee of the license
17 revocation or denial of application to renew, restore, or
18 reinstate the license and of the right to elect to have a
19 hearing as provided in subsection (c).

20 (c) Upon revocation of the license or denial of an
21 application to renew, restore, or reinstate, the licensee may



1 file a written request for a hearing with the board within ten
2 days of the notice. The hearing shall be held within thirty
3 days of the revocation or denial. The proceeding shall be
4 conducted in accordance with chapter 91.

5 (d) For the purposes of enforcement of this section, a
6 plea or verdict of guilty, or a conviction after a plea of nolo
7 contendere, shall be deemed a conviction. The record of
8 conviction shall be conclusive evidence of the fact that the
9 conviction occurred.

10 (e) If the related conviction of the licensee is
11 overturned upon appeal, the revocation or denial ordered
12 pursuant to this section shall automatically cease. Nothing in
13 this subsection shall prohibit the board from pursuing
14 disciplinary action based on any cause other than the overturned
15 conviction.

16 (f) Any final order of discipline taken pursuant to this
17 section shall be a matter of public record.

18 (g) The board shall not restore, renew, or otherwise
19 reinstate the license of a person when:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
 2 appealed; and
 3 (2) The victim of the covered offense was a patient or
 4 client, or a former patient or client, if the
 5 relationship was terminated primarily for the purpose
 6 of committing the covered offense."

7 SECTION 3. Chapter 436H, Hawaii Revised Statutes, is
 8 amended by adding a new section to be appropriately designated
 9 and to read as follows:

10 **"§436H- Revocation of registration or denial of**
 11 **application to renew, restore, or reinstate a registration based**
 12 **on conviction as a registered sex offender; conditions. (a)**
 13 Notwithstanding any law to the contrary, the director shall
 14 automatically revoke a registration or deny an application to
 15 renew, restore, or reinstate a registration under either of the
 16 following circumstances:

17 (1) The registrant is convicted in any court in or outside
 18 of this State of any offense that, if committed or
 19 attempted in this State, based on the elements of the
 20 convicted offense, would have been punishable as one
 21 or more of the offenses described in chapter 846E; or



1 (2) The registrant is required to register as a sex
2 offender pursuant to the provisions of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The director shall notify the registrant of the
6 registration revocation or denial of application to renew,
7 restore, or reinstate the registration and of the right to elect
8 to have a hearing as provided in subsection (c).

9 (c) Upon revocation of the registration or denial of an
10 application to renew, restore, or reinstate, the registrant may
11 file a written request for a hearing with the director within
12 ten days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

15 (d) For the purposes of enforcement of this section, a
16 plea or verdict of guilty, or a conviction after a plea of nolo
17 contendere, shall be deemed a conviction. The record of
18 conviction shall be conclusive evidence of the fact that the
19 conviction occurred.

20 (e) If the related conviction of the registrant is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

5 (f) Any final order of discipline taken pursuant to this
6 section shall be a matter of public record.

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the registration of a person when:

9 (1) The person has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the conviction has been
12 appealed; and

13 (2) The victim of the covered offense was a patient or
14 client, or a former patient or client, if the
15 relationship was terminated primarily for the purpose
16 of committing the covered offense."

17 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§439A- Revocation of license or denial of application
21 to renew, restore, or reinstate a license based on conviction as



1 a registered sex offender; conditions. (a) Notwithstanding any
2 law to the contrary, the board shall automatically revoke a
3 license or deny an application to renew, restore, or reinstate a
4 license under either of the following circumstances:

5 (1) The licensee is convicted in any court in or outside
6 of this State of any offense that, if committed or
7 attempted in this State, based on the elements of the
8 convicted offense, would have been punishable as one
9 or more of the offenses described in chapter 846E; or

10 (2) The licensee is required to register as a sex offender
11 pursuant to the requirements of chapter 846E,
12 regardless of whether the related conviction has been
13 appealed.

14 (b) The board shall notify the licensee of the license
15 revocation or denial of application to renew, restore, or
16 reinstate the license and of the right to elect to have a
17 hearing as provided in subsection (c).

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the board within ten
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a
4 plea or verdict of guilty, or a conviction after a plea of nolo
5 contendere, shall be deemed a conviction. The record of
6 conviction shall be conclusive evidence of the fact that the
7 conviction occurred.

8 (e) If the related conviction of the licensee is
9 overturned upon appeal, the revocation or denial ordered
10 pursuant to this section shall automatically cease. Nothing in
11 this subsection shall prohibit the board from pursuing
12 disciplinary action based on any cause other than the overturned
13 conviction.

14 (f) Any final order of discipline taken pursuant to this
15 section shall be a matter of public record.

16 (g) The board shall not restore, renew, or otherwise
17 reinstate the license of a person when:

18 (1) The person has been required to register as a sex
19 offender pursuant to the requirements of chapter 846E,
20 regardless of whether the conviction has been
21 appealed; and



1 (2) The victim of the covered offense was a patient or
 2 client, or a former patient or client, if the
 3 relationship was terminated primarily for the purpose
 4 of committing the covered offense."

5 SECTION 5. Chapter 442, Hawaii Revised Statutes, is
 6 amended by adding a new section to be appropriately designated
 7 and to read as follows:

8 "§442- Revocation of license or denial of application
 9 to renew, restore, or reinstate a license based on conviction as
 10 a registered sex offender; conditions. (a) Notwithstanding any
 11 law to the contrary, the board shall automatically revoke a
 12 license or deny an application to renew, restore, or reinstate a
 13 license under either of the following circumstances:

- 14 (1) The licensee is convicted in any court in or outside
 15 of this State of any offense that, if committed or
 16 attempted in this State, based on the elements of the
 17 convicted offense, would have been punishable as one
 18 or more of the offenses described in chapter 846E; or
 19 (2) The licensee is required to register as a sex offender
 20 pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

3 (b) The board shall notify the licensee of the license
4 revocation or denial of application to renew, restore, or
5 reinstate the license and of the right to elect to have a
6 hearing as provided in subsection (c).

7 (c) Upon revocation of the license or denial of an
8 application to renew, restore, or reinstate, the licensee may
9 file a written request for a hearing with the board within ten
10 days of the notice. The hearing shall be held within thirty
11 days of the revocation or denial. The proceeding shall be
12 conducted in accordance with chapter 91.

13 (d) For the purposes of enforcement of this section, a
14 plea or verdict of guilty, or a conviction after a plea of nolo
15 contendere, shall be deemed a conviction. The record of
16 conviction shall be conclusive evidence of the fact that the
17 conviction occurred.

18 (e) If the related conviction of the licensee is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person when:

7 (1) The person has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the conviction has been
10 appealed; and

11 (2) The victim of the covered offense was a patient or
12 client, or a former patient or client, if the
13 relationship was terminated primarily for the purpose
14 of committing the covered offense."

15 SECTION 6. Chapter 447, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 **"§447- Revocation of license or denial of application**
19 **to renew, restore, or reinstate a license based on conviction as**
20 **a registered sex offender; conditions.** (a) Notwithstanding any
21 law to the contrary, the board of dentistry shall automatically



1 revoke a license or deny an application to renew, restore, or
2 reinstate a license under either of the following circumstances:

3 (1) The licensee is convicted in any court in or outside
4 of this State of any offense that, if committed or
5 attempted in this State, based on the elements of the
6 convicted offense, would have been punishable as one
7 or more of the offenses described in chapter 846E; or

8 (2) The licensee is required to register as a sex offender
9 pursuant to the requirements of chapter 846E,
10 regardless of whether the related conviction has been
11 appealed.

12 (b) The board of dentistry shall notify the licensee of
13 the license revocation or denial of application to renew,
14 restore, or reinstate the license and of the right to elect to
15 have a hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an
17 application to renew, restore, or reinstate, the licensee may
18 file a written request for a hearing with the board of dentistry
19 within ten days of the notice. The hearing shall be held within
20 thirty days of the revocation or denial. The proceeding shall
21 be conducted in accordance with chapter 91.



1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the licensee is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board of dentistry from
10 pursuing disciplinary action based on any cause other than the
11 overturned conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board of dentistry shall not restore, renew, or
15 otherwise reinstate the license of a person when:

16 (1) The person has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the conviction has been
19 appealed; and

20 (2) The victim of the covered offense was a patient or
21 client, or a former patient or client, if the



1 relationship was terminated primarily for the purpose
2 of committing the covered offense."

3 SECTION 7. Chapter 448, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§448- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the board shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee is convicted in any court in or outside
13 of this State of any offense that, if committed or
14 attempted in this State, based on the elements of the
15 convicted offense, would have been punishable as one
16 or more of the offenses described in chapter 846E; or

17 (2) The licensee is required to register as a sex offender
18 pursuant to the requirements of chapter 846E,
19 regardless of whether the related conviction has been
20 appealed.



1 (b) The board shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 file a written request for a hearing with the board within ten
8 days of the notice. The hearing shall be held within thirty
9 days of the revocation or denial. The proceeding shall be
10 conducted in accordance with chapter 91.

11 (d) For the purposes of enforcement of this section, a
12 plea or verdict of guilty, or a conviction after a plea of nolo
13 contendere, shall be deemed a conviction. The record of
14 conviction shall be conclusive evidence of the fact that the
15 conviction occurred.

16 (e) If the related conviction of the licensee is
17 overturned upon appeal, the revocation or denial ordered
18 pursuant to this section shall automatically cease. Nothing in
19 this subsection shall prohibit the board from pursuing
20 disciplinary action based on any cause other than the overturned
21 conviction.



1 (f) Any final order of discipline taken pursuant to this
2 section shall be a matter of public record.

3 (g) The board shall not restore, renew, or otherwise
4 reinstate the license of a person when:

5 (1) The person has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the conviction has been
8 appealed; and

9 (2) The victim of the covered offense was a patient or
10 client, or a former patient or client, if the
11 relationship was terminated primarily for the purpose
12 of committing the covered offense."

13 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§448F- **Revocation of license or denial of application**
17 **to renew, restore, or reinstate a license based on conviction as**
18 **a registered sex offender; conditions.** (a) Notwithstanding any
19 law to the contrary, the director shall automatically revoke a
20 license or deny an application to renew, restore, or reinstate a
21 license under either of the following circumstances:



1 (1) The licensee is convicted in any court in or outside
2 of this State of any offense that, if committed or
3 attempted in this State, based on the elements of the
4 convicted offense, would have been punishable as one
5 or more of the offenses described in chapter 846E; or

6 (2) The licensee is required to register as a sex offender
7 pursuant to the provisions of chapter 846E, regardless
8 of whether the related conviction has been appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the director within
16 ten days of the notice. The hearing shall be held within thirty
17 days of the revocation or denial. The proceeding shall be
18 conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of



1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the licensee is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the director from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person when:

13 (1) The person has been required to register as a sex
14 offender pursuant to the requirements of chapter 846E,
15 regardless of whether the conviction has been
16 appealed; and

17 (2) The victim of the covered offense was a patient or
18 client, or a former patient or client, if the
19 relationship was terminated primarily for the purpose
20 of committing the covered offense."



1 SECTION 9. Chapter 451A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§451A- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee is convicted in any court in or outside
11 of this State of any offense that, if committed or
12 attempted in this State, based on the elements of the
13 convicted offense, would have been punishable as one
14 or more of the offenses described in chapter 846E; or

15 (2) The licensee is required to register as a sex offender
16 pursuant to the provisions of chapter 846E, regardless
17 of whether the related conviction has been appealed.

18 (b) The director shall notify the licensee of the license
19 revocation or denial of application to renew, restore, or
20 reinstate the license and of the right to elect to have a
21 hearing as provided in subsection (c).



1 (c) Upon revocation of the license or denial of an
2 application to renew, restore, or reinstate, the licensee may
3 file a written request for a hearing with the director within
4 ten days of the notice. The hearing shall be held within thirty
5 days of the revocation or denial. The proceeding shall be
6 conducted in accordance with chapter 91.

7 (d) For the purposes of enforcement of this section, a
8 plea or verdict of guilty, or a conviction after a plea of nolo
9 contendere, shall be deemed a conviction. The record of
10 conviction shall be conclusive evidence of the fact that the
11 conviction occurred.

12 (e) If the related conviction of the licensee is
13 overturned upon appeal, the revocation or denial ordered
14 pursuant to this section shall automatically cease. Nothing in
15 this subsection shall prohibit the director from pursuing
16 disciplinary action based on any cause other than the overturned
17 conviction.

18 (f) Any final order of discipline taken pursuant to this
19 section shall be a matter of public record.

20 (g) The director shall not restore, renew, or otherwise
21 reinstate the license of a person when:



1 (1) The person has been required to register as a sex
 2 offender pursuant to the requirements of chapter 846E,
 3 regardless of whether the conviction has been
 4 appealed; and

5 (2) The victim of the covered offense was a patient or
 6 client, or a former patient or client, if the
 7 relationship was terminated primarily for the purpose
 8 of committing the covered offense."

9 SECTION 10. Chapter 451J, Hawaii Revised Statutes, is
 10 amended by adding a new section to be appropriately designated
 11 and to read as follows:

12 "§451J- Revocation of license or denial of application
 13 to renew, restore, or reinstate a license based on conviction as
 14 a registered sex offender; conditions. (a) Notwithstanding any
 15 law to the contrary, the director shall automatically revoke a
 16 license or deny an application to renew, restore, or reinstate a
 17 license under either of the following circumstances:

18 (1) The licensee is convicted in any court in or outside
 19 of this State of any offense that, if committed or
 20 attempted in this State, based on the elements of the



1 convicted offense, would have been punishable as one
2 or more of the offenses described in chapter 846E; or

3 (2) The licensee is required to register as a sex offender
4 pursuant to the provisions of chapter 846E, regardless
5 of whether the related conviction has been appealed.

6 (b) The director shall notify the licensee of the license
7 revocation or denial of application to renew, restore, or
8 reinstate the license and of the right to elect to have a
9 hearing as provided in subsection (c).

10 (c) Upon revocation of the license or denial of an
11 application to renew, restore, or reinstate, the licensee may
12 file a written request for a hearing with the director within
13 ten days of the notice. The hearing shall be held within thirty
14 days of the revocation or denial. The proceeding shall be
15 conducted in accordance with chapter 91.

16 (d) For the purposes of enforcement of this section, a
17 plea or verdict of guilty, or a conviction after a plea of nolo
18 contendere, shall be deemed a conviction. The record of
19 conviction shall be conclusive evidence of the fact that the
20 conviction occurred.



1 (e) If the related conviction of the licensee is
 2 overturned upon appeal, the revocation or denial ordered
 3 pursuant to this section shall automatically cease. Nothing in
 4 this subsection shall prohibit the director from pursuing
 5 disciplinary action based on any cause other than the overturned
 6 conviction.

7 (f) Any final order of discipline taken pursuant to this
 8 section shall be a matter of public record.

9 (g) The director shall not restore, renew, or otherwise
 10 reinstate the license of a person when:

11 (1) The person has been required to register as a sex
 12 offender pursuant to the requirements of chapter 846E,
 13 regardless of whether the conviction has been
 14 appealed; and

15 (2) The victim of the covered offense was a patient or
 16 client, or a former patient or client, if the
 17 relationship was terminated primarily for the purpose
 18 of committing the covered offense."

19 SECTION 11. Chapter 452, Hawaii Revised Statutes, is
 20 amended by adding a new section to be appropriately designated
 21 and to read as follows:



1 "§452- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee is convicted in any court in or outside
8 of this State of any offense that, if committed or
9 attempted in this State, based on the elements of the
10 convicted offense, would have been punishable as one
11 or more of the offenses described in chapter 846E; or

12 (2) The licensee is required to register as a sex offender
13 pursuant to the requirements of chapter 846E,
14 regardless of whether the related conviction has been
15 appealed.

16 (b) The board shall notify the licensee of the license
17 revocation or denial of application to renew, restore, or
18 reinstate the license and of the right to elect to have a
19 hearing as provided in subsection (c).

20 (c) Upon revocation of the license or denial of an
21 application to renew, restore, or reinstate, the licensee may



1 file a written request for a hearing with the board within ten
2 days of the notice. The hearing shall be held within thirty
3 days of the revocation or denial. The proceeding shall be
4 conducted in accordance with chapter 91.

5 (d) For the purposes of enforcement of this section, a
6 plea or verdict of guilty, or a conviction after a plea of nolo
7 contendere, shall be deemed a conviction. The record of
8 conviction shall be conclusive evidence of the fact that the
9 conviction occurred.

10 (e) If the related conviction of the licensee is
11 overturned upon appeal, the revocation or denial ordered
12 pursuant to this section shall automatically cease. Nothing in
13 this subsection shall prohibit the board from pursuing
14 disciplinary action based on any cause other than the overturned
15 conviction.

16 (f) Any final order of discipline taken pursuant to this
17 section shall be a matter of public record.

18 (g) The board shall not restore, renew, or otherwise
19 reinstate the license of a person when:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
 2 appealed; and
 3 (2) The victim of the covered offense was a patient or
 4 client, or a former patient or client, if the
 5 relationship was terminated primarily for the purpose
 6 of committing the covered offense."

7 SECTION 12. Chapter 453, Hawaii Revised Statutes, is
 8 amended by adding a new section to be appropriately designated
 9 and to read as follows:

10 **"§453- Revocation of license or denial of application**
 11 **to renew, restore, or reinstate a license based on conviction as**
 12 **a registered sex offender; conditions.** (a) Notwithstanding any
 13 law to the contrary, the board shall automatically revoke a
 14 license or deny an application to renew, restore, or reinstate a
 15 license under either of the following circumstances:

16 (1) The licensee is convicted in any court in or outside
 17 of this State of any offense that, if committed or
 18 attempted in this State, based on the elements of the
 19 convicted offense, would have been punishable as one
 20 or more of the offenses described in chapter 846E; or



1 (2) The licensee is required to register as a sex offender
2 pursuant to the requirements of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The board shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 file a written request for a hearing with the board within ten
12 days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

15 (d) For the purposes of enforcement of this section, a
16 plea or verdict of guilty, or a conviction after a plea of nolo
17 contendere, shall be deemed a conviction. The record of
18 conviction shall be conclusive evidence of the fact that the
19 conviction occurred.

20 (e) If the related conviction of the licensee is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the board from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

5 (f) Any final order of discipline taken pursuant to this
6 section shall be a matter of public record.

7 (g) The board shall not restore, renew, or otherwise
8 reinstate the license of a person when:

- 9 (1) The person has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the conviction has been
12 appealed; and
- 13 (2) The victim of the covered offense was a patient or
14 client, or a former patient or client, if the
15 relationship was terminated primarily for the purpose
16 of committing the covered offense."

17 SECTION 13. Chapter 453D, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§453D- _____ Revocation of license or denial of application
21 to renew, restore, or reinstate a license based on conviction as



1 a registered sex offender; conditions. (a) Notwithstanding any
2 law to the contrary, the director shall automatically revoke a
3 license or deny an application to renew, restore, or reinstate a
4 license under either of the following circumstances:

5 (1) The licensee is convicted in any court in or outside
6 of this State of any offense that, if committed or
7 attempted in this State, based on the elements of the
8 convicted offense, would have been punishable as one
9 or more of the offenses described in chapter 846E; or

10 (2) The licensee is required to register as a sex offender
11 pursuant to the provisions of chapter 846E, regardless
12 of whether the related conviction has been appealed.

13 (b) The director shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the director within
20 ten days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a
4 plea or verdict of guilty, or a conviction after a plea of nolo
5 contendere, shall be deemed a conviction. The record of
6 conviction shall be conclusive evidence of the fact that the
7 conviction occurred.

8 (e) If the related conviction of the licensee is
9 overturned upon appeal, the revocation or denial ordered
10 pursuant to this section shall automatically cease. Nothing in
11 this subsection shall prohibit the director from pursuing
12 disciplinary action based on any cause other than the overturned
13 conviction.

14 (f) Any final order of discipline taken pursuant to this
15 section shall be a matter of public record.

16 (g) The director shall not restore, renew, or otherwise
17 reinstate the license of a person when:

18 (1) The person has been required to register as a sex
19 offender pursuant to the requirements of chapter 846E,
20 regardless of whether the conviction has been
21 appealed; and



1 (2) The victim of the covered offense was a patient or
 2 client, or a former patient or client, if the
 3 relationship was terminated primarily for the purpose
 4 of committing the covered offense."

5 SECTION 14. Chapter 455, Hawaii Revised Statutes, is
 6 amended by adding a new section to be appropriately designated
 7 and to read as follows:

8 "§455- Revocation of license or denial of application
 9 to renew, restore, or reinstate a license based on conviction as
 10 a registered sex offender; conditions. (a) Notwithstanding any
 11 law to the contrary, the board shall automatically revoke a
 12 license or deny an application to renew, restore, or reinstate a
 13 license under either of the following circumstances:

14 (1) The licensee is convicted in any court in or outside
 15 of this State of any offense that, if committed or
 16 attempted in this State, based on the elements of the
 17 convicted offense, would have been punishable as one
 18 or more of the offenses described in chapter 846E; or

19 (2) The licensee is required to register as a sex offender
 20 pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

3 (b) The board shall notify the licensee of the license
4 revocation or denial of application to renew, restore, or
5 reinstate the license and of the right to elect to have a
6 hearing as provided in subsection (c).

7 (c) Upon revocation of the license or denial of an
8 application to renew, restore, or reinstate, the licensee may
9 file a written request for a hearing with the board within ten
10 days of the notice. The hearing shall be held within thirty
11 days of the revocation or denial. The proceeding shall be
12 conducted in accordance with chapter 91.

13 (d) For the purposes of enforcement of this section, a
14 plea or verdict of guilty, or a conviction after a plea of nolo
15 contendere, shall be deemed a conviction. The record of
16 conviction shall be conclusive evidence of the fact that the
17 conviction occurred.

18 (e) If the related conviction of the licensee is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person when:

7 (1) The person has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the conviction has been
10 appealed; and

11 (2) The victim of the covered offense was a patient or
12 client, or a former patient or client, if the
13 relationship was terminated primarily for the purpose
14 of committing the covered offense."

15 SECTION 15. Chapter 457, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 **"§457- Revocation of license or denial of application**
19 **to renew, restore, or reinstate a license based on conviction as**
20 **a registered sex offender; conditions.** (a) Notwithstanding any
21 law to the contrary, the board shall automatically revoke a



1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee is convicted in any court in or outside
4 of this State of any offense that, if committed or
5 attempted in this State, based on the elements of the
6 convicted offense, would have been punishable as one
7 or more of the offenses described in chapter 846E; or

8 (2) The licensee is required to register as a sex offender
9 pursuant to the requirements of chapter 846E,
10 regardless of whether the related conviction has been
11 appealed.

12 (b) The board shall notify the licensee of the license
13 revocation or denial of application to renew, restore, or
14 reinstate the license and of the right to elect to have a
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an
17 application to renew, restore, or reinstate, the licensee may
18 file a written request for a hearing with the board within ten
19 days of the notice. The hearing shall be held within thirty
20 days of the revocation or denial. The proceeding shall be
21 conducted in accordance with chapter 91.



1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the licensee is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person when:

16 (1) The person has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the conviction has been
19 appealed; and

20 (2) The victim of the covered offense was a patient or
21 client, or a former patient or client, if the



1 relationship was terminated primarily for the purpose
2 of committing the covered offense."

3 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§457A- Revocation of certification or denial of
7 application to renew, restore, or reinstate a certification
8 based on conviction as a registered sex offender; conditions.

9 (a) Notwithstanding any law to the contrary, the director shall
10 automatically revoke a certification or deny an application to
11 renew, restore, or reinstate a certification under either of the
12 following circumstances:

13 (1) The certification holder is convicted in any court in
14 or outside of this State of any offense that, if
15 committed or attempted in this State, based on the
16 elements of the convicted offense, would have been
17 punishable as one or more of the offenses described in
18 chapter 846E; or

19 (2) The certification holder is required to register as a
20 sex offender pursuant to the provisions of chapter



1 846E, regardless of whether the related conviction has
2 been appealed.

3 (b) The director shall notify the certification holder of
4 the certification revocation or denial of application to renew,
5 restore, or reinstate the certification and of the right to
6 elect to have a hearing as provided in subsection (c).

7 (c) Upon revocation of the certification or denial of an
8 application to renew, restore, or reinstate, the certification
9 holder may file a written request for a hearing with the
10 director within ten days of the notice. The hearing shall be
11 held within thirty days of the revocation or denial. The
12 proceeding shall be conducted in accordance with chapter 91.

13 (d) For the purposes of enforcement of this section, a
14 plea or verdict of guilty, or a conviction after a plea of nolo
15 contendere, shall be deemed a conviction. The record of
16 conviction shall be conclusive evidence of the fact that the
17 conviction occurred.

18 (e) If the related conviction of the certification holder
19 is overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the director from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The director shall not restore, renew, or otherwise
6 reinstate the certification of a person when:

7 (1) The person has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the conviction has been
10 appealed; and

11 (2) The victim of the covered offense was a patient or
12 client, or a former patient or client, if the
13 relationship was terminated primarily for the purpose
14 of committing the covered offense."

15 SECTION 17. Chapter 457B, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 "§457B- Revocation of license or denial of application
19 to renew, restore, or reinstate a license based on conviction as
20 a registered sex offender; conditions. (a) Notwithstanding any
21 law to the contrary, the director shall automatically revoke a



1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee is convicted in any court in or outside
4 of this State of any offense that, if committed or
5 attempted in this State, based on the elements of the
6 convicted offense, would have been punishable as one
7 or more of the offenses described in chapter 846E; or

8 (2) The licensee is required to register as a sex offender
9 pursuant to the provisions of chapter 846E, regardless
10 of whether the related conviction has been appealed.

11 (b) The director shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the director within
18 ten days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 conducted in accordance with chapter 91.



1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the licensee is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the director from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The director shall not restore, renew, or otherwise
15 reinstate the license of a person when:

16 (1) The person has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the conviction has been
19 appealed; and

20 (2) The victim of the covered offense was a patient or
21 client, or a former patient or client, if the



1 relationship was terminated primarily for the purpose
2 of committing the covered offense."

3 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§457G-_____ Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the director shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee is convicted in any court in or outside
13 of this State of any offense that, if committed or
14 attempted in this State, based on the elements of the
15 convicted offense, would have been punishable as one
16 or more of the offenses described in chapter 846E; or

17 (2) The licensee is required to register as a sex offender
18 pursuant to the provisions of chapter 846E, regardless
19 of whether the related conviction has been appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or



1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the director within
6 ten days of the notice. The hearing shall be held within thirty
7 days of the revocation or denial. The proceeding shall be
8 conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the licensee is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the director from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.



1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person when:

3 (1) The person has been required to register as a sex
4 offender pursuant to the requirements of chapter 846E,
5 regardless of whether the conviction has been
6 appealed; and

7 (2) The victim of the covered offense was a patient or
8 client, or a former patient or client, if the
9 relationship was terminated primarily for the purpose
10 of committing the covered offense."

11 SECTION 19. Chapter 457J, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§457J- **Revocation of license or denial of application**
15 **to renew, restore, or reinstate a license based on conviction as**
16 **a registered sex offender; conditions.** (a) Notwithstanding any
17 law to the contrary, the director shall automatically revoke a
18 license or deny an application to renew, restore, or reinstate a
19 license under either of the following circumstances:

20 (1) The licensee is convicted in any court in or outside
21 of this State of any offense that, if committed or



1 attempted in this State, based on the elements of the
2 convicted offense, would have been punishable as one
3 or more of the offenses described in chapter 846E; or
4 (2) The licensee is required to register as a sex offender
5 pursuant to the provisions of chapter 846E, regardless
6 of whether the related conviction has been appealed.

7 (b) The director shall notify the licensee of the license
8 revocation or denial of application to renew, restore, or
9 reinstate the license and of the right to elect to have a
10 hearing as provided in subsection (c).

11 (c) Upon revocation of the license or denial of an
12 application to renew, restore, or reinstate, the licensee may
13 file a written request for a hearing with the director within
14 ten days of the notice. The hearing shall be held within thirty
15 days of the revocation or denial. The proceeding shall be
16 conducted in accordance with chapter 91.

17 (d) For the purposes of enforcement of this section, a
18 plea or verdict of guilty, or a conviction after a plea of nolo
19 contendere, shall be deemed a conviction. The record of
20 conviction shall be conclusive evidence of the fact that the
21 conviction occurred.



1 (e) If the related conviction of the licensee is
2 overturned upon appeal, the revocation or denial ordered
3 pursuant to this section shall automatically cease. Nothing in
4 this subsection shall prohibit the director from pursuing
5 disciplinary action based on any cause other than the overturned
6 conviction.

7 (f) Any final order of discipline taken pursuant to this
8 section shall be a matter of public record.

9 (g) The director shall not restore, renew, or otherwise
10 reinstate the license of a person when:

11 (1) The person has been required to register as a sex
12 offender pursuant to the requirements of chapter 846E,
13 regardless of whether the conviction has been
14 appealed; and

15 (2) The victim of the covered offense was a patient or
16 client, or a former patient or client, if the
17 relationship was terminated primarily for the purpose
18 of committing the covered offense."

19 SECTION 20. Chapter 458, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§458- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the director shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee is convicted in any court in or outside
8 of this State of any offense that, if committed or
9 attempted in this State, based on the elements of the
10 convicted offense, would have been punishable as one
11 or more of the offenses described in chapter 846E; or

12 (2) The licensee is required to register as a sex offender
13 pursuant to the provisions of chapter 846E, regardless
14 of whether the related conviction has been appealed.

15 (b) The director shall notify the licensee of the license
16 revocation or denial of application to renew, restore, or
17 reinstate the license and of the right to elect to have a
18 hearing as provided in subsection (c).

19 (c) Upon revocation of the license or denial of an
20 application to renew, restore, or reinstate, the licensee may
21 file a written request for a hearing with the director within



1 ten days of the notice. The hearing shall be held within thirty
2 days of the revocation or denial. The proceeding shall be
3 conducted in accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a
5 plea or verdict of guilty, or a conviction after a plea of nolo
6 contendere, shall be deemed a conviction. The record of
7 conviction shall be conclusive evidence of the fact that the
8 conviction occurred.

9 (e) If the related conviction of the licensee is
10 overturned upon appeal, the revocation or denial ordered
11 pursuant to this section shall automatically cease. Nothing in
12 this subsection shall prohibit the director from pursuing
13 disciplinary action based on any cause other than the overturned
14 conviction.

15 (f) Any final order of discipline taken pursuant to this
16 section shall be a matter of public record.

17 (g) The director shall not restore, renew, or otherwise
18 reinstate the license of a person when:

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
 2 appealed; and
 3 (2) The victim of the covered offense was a patient or
 4 client, or a former patient or client, if the
 5 relationship was terminated primarily for the purpose
 6 of committing the covered offense."

7 SECTION 21. Chapter 459, Hawaii Revised Statutes, is
 8 amended by adding a new section to be appropriately designated
 9 and to read as follows:

10 "§459- Revocation of license or denial of application
 11 to renew, restore, or reinstate a license based on conviction as
 12 a registered sex offender; conditions. (a) Notwithstanding any
 13 law to the contrary, the board shall automatically revoke a
 14 license or deny an application to renew, restore, or reinstate a
 15 license under either of the following circumstances:

16 (1) The licensee is convicted in any court in or outside
 17 of this State of any offense that, if committed or
 18 attempted in this State, based on the elements of the
 19 convicted offense, would have been punishable as one
 20 or more of the offenses described in chapter 846E; or



1 (2) The licensee is required to register as a sex offender
2 pursuant to the requirements of chapter 846E,
3 regardless of whether the related conviction has been
4 appealed.

5 (b) The board shall notify the licensee of the license
6 revocation or denial of application to renew, restore, or
7 reinstate the license and of the right to elect to have a
8 hearing as provided in subsection (c).

9 (c) Upon revocation of the license or denial of an
10 application to renew, restore, or reinstate, the licensee may
11 file a written request for a hearing with the board within ten
12 days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

15 (d) For the purposes of enforcement of this section, a
16 plea or verdict of guilty, or a conviction after a plea of nolo
17 contendere, shall be deemed a conviction. The record of
18 conviction shall be conclusive evidence of the fact that the
19 conviction occurred.

20 (e) If the related conviction of the licensee is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the board from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

5 (f) Any final order of discipline taken pursuant to this
6 section shall be a matter of public record.

7 (g) The board shall not restore, renew, or otherwise
8 reinstate the license of a person when:

9 (1) The person has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the conviction has been
12 appealed; and

13 (2) The victim of the covered offense was a patient or
14 client, or a former patient or client, if the
15 relationship was terminated primarily for the purpose
16 of committing the covered offense."

17 SECTION 22. Chapter 461, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 "§461- Revocation of license or denial of application
21 to renew, restore, or reinstate a license based on conviction as



1 a registered sex offender; conditions. (a) Notwithstanding any
2 law to the contrary, the board shall automatically revoke a
3 license or deny an application to renew, restore, or reinstate a
4 license under either of the following circumstances:

5 (1) The licensee is convicted in any court in or outside
6 of this State of any offense that, if committed or
7 attempted in this State, based on the elements of the
8 convicted offense, would have been punishable as one
9 or more of the offenses described in chapter 846E; or

10 (2) The licensee is required to register as a sex offender
11 pursuant to the requirements of chapter 846E,
12 regardless of whether the related conviction has been
13 appealed.

14 (b) The board shall notify the licensee of the license
15 revocation or denial of application to renew, restore, or
16 reinstate the license and of the right to elect to have a
17 hearing as provided in subsection (c).

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the board within ten
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be
2 conducted in accordance with chapter 91.

3 (d) For the purposes of enforcement of this section, a
4 plea or verdict of guilty, or a conviction after a plea of nolo
5 contendere, shall be deemed a conviction. The record of
6 conviction shall be conclusive evidence of the fact that the
7 conviction occurred.

8 (e) If the related conviction of the licensee is
9 overturned upon appeal, the revocation or denial ordered
10 pursuant to this section shall automatically cease. Nothing in
11 this subsection shall prohibit the board from pursuing
12 disciplinary action based on any cause other than the overturned
13 conviction.

14 (f) Any final order of discipline taken pursuant to this
15 section shall be a matter of public record.

16 (g) The board shall not restore, renew, or otherwise
17 reinstate the license of a person when:

18 (1) The person has been required to register as a sex
19 offender pursuant to the requirements of chapter 846E,
20 regardless of whether the conviction has been
21 appealed; and



1 (2) The victim of the covered offense was a patient or
 2 client, or a former patient or client, if the
 3 relationship was terminated primarily for the purpose
 4 of committing the covered offense."

5 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
 6 amended by adding a new section to be appropriately designated
 7 and to read as follows:

8 "§461J- Revocation of license or denial of application
 9 to renew, restore, or reinstate a license based on conviction as
 10 a registered sex offender; conditions. (a) Notwithstanding any
 11 law to the contrary, the board shall automatically revoke a
 12 license or deny an application to renew, restore, or reinstate a
 13 license under either of the following circumstances:

14 (1) The licensee is convicted in any court in or outside
 15 of this State of any offense that, if committed or
 16 attempted in this State, based on the elements of the
 17 convicted offense, would have been punishable as one
 18 or more of the offenses described in chapter 846E; or

19 (2) The licensee is required to register as a sex offender
 20 pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

3 (b) The board shall notify the licensee of the license
4 revocation or denial of application to renew, restore, or
5 reinstate the license and of the right to elect to have a
6 hearing as provided in subsection (c).

7 (c) Upon revocation of the license or denial of an
8 application to renew, restore, or reinstate, the licensee may
9 file a written request for a hearing with the board within ten
10 days of the notice. The hearing shall be held within thirty
11 days of the revocation or denial. The proceeding shall be
12 conducted in accordance with chapter 91.

13 (d) For the purposes of enforcement of this section, a
14 plea or verdict of guilty, or a conviction after a plea of nolo
15 contendere, shall be deemed a conviction. The record of
16 conviction shall be conclusive evidence of the fact that the
17 conviction occurred.

18 (e) If the related conviction of the licensee is
19 overturned upon appeal, the revocation or denial ordered
20 pursuant to this section shall automatically cease. Nothing in
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

3 (f) Any final order of discipline taken pursuant to this
4 section shall be a matter of public record.

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person when:

7 (1) The person has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the conviction has been
10 appealed; and

11 (2) The victim of the covered offense was a patient or
12 client, or a former patient or client, if the
13 relationship was terminated primarily for the purpose
14 of committing the covered offense."

15 SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 **"§463E- Revocation of license or denial of application**
19 **to renew, restore, or reinstate a license based on conviction as**
20 **a registered sex offender; conditions.** (a) Notwithstanding any
21 law to the contrary, the board shall automatically revoke a



1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee is convicted in any court in or outside
4 of this State of any offense that, if committed or
5 attempted in this State, based on the elements of the
6 convicted offense, would have been punishable as one
7 or more of the offenses described in chapter 846E; or

8 (2) The licensee is required to register as a sex offender
9 pursuant to the requirements of chapter 846E,
10 regardless of whether the related conviction has been
11 appealed.

12 (b) The board shall notify the licensee of the license
13 revocation or denial of application to renew, restore, or
14 reinstate the license and of the right to elect to have a
15 hearing as provided in subsection (c).

16 (c) Upon revocation of the license or denial of an
17 application to renew, restore, or reinstate, the licensee may
18 file a written request for a hearing with the board within ten
19 days of the notice. The hearing shall be held within thirty
20 days of the revocation or denial. The proceeding shall be
21 conducted in accordance with chapter 91.



1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the licensee is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person when:

16 (1) The person has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the conviction has been
19 appealed; and

20 (2) The victim of the covered offense was a patient or
21 client, or a former patient or client, if the



1 relationship was terminated primarily for the purpose
2 of committing the covered offense."

3 SECTION 25. Chapter 465, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 **"§465- Revocation of license or denial of application**
7 **to renew, restore, or reinstate a license based on conviction as**
8 **a registered sex offender; conditions.** (a) Notwithstanding any
9 law to the contrary, the board shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee is convicted in any court in or outside
13 of this State of any offense that, if committed or
14 attempted in this State, based on the elements of the
15 convicted offense, would have been punishable as one
16 or more of the offenses described in chapter 846E; or

17 (2) The licensee is required to register as a sex offender
18 pursuant to the requirements of chapter 846E,
19 regardless of whether the related conviction has been
20 appealed.



1 (b) The board shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 file a written request for a hearing with the board within ten
8 days of the notice. The hearing shall be held within thirty
9 days of the revocation or denial. The proceeding shall be
10 conducted in accordance with chapter 91.

11 (d) For the purposes of enforcement of this section, a
12 plea or verdict of guilty or a conviction after a plea of nolo
13 contendere, shall be deemed a conviction. The record of
14 conviction shall be conclusive evidence of the fact that the
15 conviction occurred.

16 (e) If the related conviction of the licensee is
17 overturned upon appeal, the revocation or denial ordered
18 pursuant to this section shall automatically cease. Nothing in
19 this subsection shall prohibit the board from pursuing
20 disciplinary action based on any cause other than the overturned
21 conviction.



1 (f) Any final order of discipline taken pursuant to this
2 section shall be a matter of public record.

3 (g) The board shall not restore, renew, or otherwise
4 reinstate the license of a person when:

5 (1) The person has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the conviction has been
8 appealed; and

9 (2) The victim of the covered offense was a patient or
10 client, or a former patient or client, if the
11 relationship was terminated primarily for the purpose
12 of committing the covered offense."

13 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 **"§465D- Revocation of license or denial of application**
17 **to renew, restore, or reinstate a license based on conviction as**
18 **a registered sex offender; conditions.** (a) Notwithstanding any
19 law to the contrary, the director shall automatically revoke a
20 license or deny an application to renew, restore, or reinstate a
21 license under either of the following circumstances:



1 (1) The licensee is convicted in any court in or outside
 2 of this State of any offense that, if committed or
 3 attempted in this State, based on the elements of the
 4 convicted offense, would have been punishable as one
 5 or more of the offenses described in chapter 846E; or

6 (2) The licensee is required to register as a sex offender
 7 pursuant to the provisions of chapter 846E, regardless
 8 of whether the related conviction has been appealed.

9 (b) The director shall notify the licensee of the license
 10 revocation or denial of application to renew, restore, or
 11 reinstate the license and of the right to elect to have a
 12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
 14 application to renew, restore, or reinstate, the licensee may
 15 file a written request for a hearing with the director within
 16 ten days of the notice. The hearing shall be held within thirty
 17 days of the revocation or denial. The proceeding shall be
 18 conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
 20 plea or verdict of guilty, or a conviction after a plea of nolo
 21 contendere, shall be deemed a conviction. The record of



1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the licensee is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the director from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person when:

13 (1) The person has been required to register as a sex
14 offender pursuant to the requirements of chapter 846E,
15 regardless of whether the conviction has been
16 appealed; and

17 (2) The victim of the covered offense was a patient or
18 client, or a former patient or client, if the
19 relationship was terminated primarily for the purpose
20 of committing the covered offense."



1 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§466D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

- 10 (1) The licensee is convicted in any court in or outside
11 of this State of any offense that, if committed or
12 attempted in this State, based on the elements of the
13 convicted offense, would have been punishable as one
14 or more of the offenses described in chapter 846E; or
15 (2) The licensee is required to register as a sex offender
16 pursuant to the provisions of chapter 846E, regardless
17 of whether the related conviction has been appealed.
18 (b) The director shall notify the licensee of the license
19 revocation or denial of application to renew, restore, or
20 reinstate the license and of the right to elect to have a
21 hearing as provided in subsection (c).



1 (c) Upon revocation of the license or denial of an
2 application to renew, restore, or reinstate, the licensee may
3 file a written request for a hearing with the director within
4 ten days of the notice. The hearing shall be held within thirty
5 days of the revocation or denial. The proceeding shall be
6 conducted in accordance with chapter 91.

7 (d) For the purposes of enforcement of this section, a
8 plea or verdict of guilty, or a conviction after a plea of nolo
9 contendere, shall be deemed a conviction. The record of
10 conviction shall be conclusive evidence of the fact that the
11 conviction occurred.

12 (e) If the related conviction of the licensee is
13 overturned upon appeal, the revocation or denial ordered
14 pursuant to this section shall automatically cease. Nothing in
15 this subsection shall prohibit the director from pursuing
16 disciplinary action based on any cause other than the overturned
17 conviction.

18 (f) Any final order of discipline taken pursuant to this
19 section shall be a matter of public record.

20 (g) The director shall not restore, renew, or otherwise
21 reinstate the license of a person when:



1 (1) The person has been required to register as a sex
 2 offender pursuant to the requirements of chapter 846E,
 3 regardless of whether the conviction has been
 4 appealed; and

5 (2) The victim of the covered offense was a patient or
 6 client, or a former patient or client, if the
 7 relationship was terminated primarily for the purpose
 8 of committing the covered offense."

9 SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
 10 amended by adding a new section to be appropriately designated
 11 and to read as follows:

12 "§467E- Revocation of license or denial of application
 13 to renew, restore, or reinstate a license based on conviction as
 14 a registered sex offender; conditions. (a) Notwithstanding any
 15 law to the contrary, the director shall automatically revoke a
 16 license or deny an application to renew, restore, or reinstate a
 17 license under either of the following circumstances:

18 (1) The licensee is convicted in any court in or outside
 19 of this State of any offense that, if committed or
 20 attempted in this State, based on the elements of the



1 convicted offense, would have been punishable as one
2 or more of the offenses described in chapter 846E; or
3 (2) The licensee is required to register as a sex offender
4 pursuant to the provisions of chapter 846E, regardless
5 of whether the related conviction has been appealed.
6 (b) The director shall notify the licensee of the license
7 revocation or denial of application to renew, restore, or
8 reinstate the license and of the right to elect to have a
9 hearing as provided in subsection (c).
10 (c) Upon revocation of the license or denial of an
11 application to renew, restore, or reinstate, the licensee may
12 file a written request for a hearing with the director within
13 ten days of the notice. The hearing shall be held within thirty
14 days of the revocation or denial. The proceeding shall be
15 conducted in accordance with chapter 91.
16 (d) For the purposes of enforcement of this section, a
17 plea or verdict of guilty, or a conviction after a plea of nolo
18 contendere, shall be deemed a conviction. The record of
19 conviction shall be conclusive evidence of the fact that the
20 conviction occurred.



1 (e) If the related conviction of the licensee is
2 overturned upon appeal, the revocation or denial ordered
3 pursuant to this section shall automatically cease. Nothing in
4 this subsection shall prohibit the director from pursuing
5 disciplinary action based on any cause other than the overturned
6 conviction.

7 (f) Any final order of discipline taken pursuant to this
8 section shall be a matter of public record.

9 (g) The director shall not restore, renew, or otherwise
10 reinstate the license of a person when:

11 (1) The person has been required to register as a sex
12 offender pursuant to the requirements of chapter 846E,
13 regardless of whether the conviction has been
14 appealed; and

15 (2) The victim of the covered offense was a patient or
16 client, or a former patient or client, if the
17 relationship was terminated primarily for the purpose
18 of committing the covered offense."

19 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§468E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee is convicted in any court in or outside
8 of this State of any offense that, if committed or
9 attempted in this State, based on the elements of the
10 convicted offense, would have been punishable as one
11 or more of the offenses described in chapter 846E; or

12 (2) The licensee is required to register as a sex offender
13 pursuant to the requirements of chapter 846E,
14 regardless of whether the related conviction has been
15 appealed.

16 (b) The board shall notify the licensee of the license
17 revocation or denial of application to renew, restore, or
18 reinstate the license and of the right to elect to have a
19 hearing as provided in subsection (c).

20 (c) Upon revocation of the license or denial of an
21 application to renew, restore, or reinstate, the licensee may



1 file a written request for a hearing with the board within ten
2 days of the notice. The hearing shall be held within thirty
3 days of the revocation or denial. The proceeding shall be
4 conducted in accordance with chapter 91.

5 (d) For the purposes of enforcement of this section, a
6 plea or verdict of guilty, or a conviction after a plea of nolo
7 contendere, shall be deemed a conviction. The record of
8 conviction shall be conclusive evidence of the fact that the
9 conviction occurred.

10 (e) If the related conviction of the licensee is
11 overturned upon appeal, the revocation or denial ordered
12 pursuant to this section shall automatically cease. Nothing in
13 this subsection shall prohibit the board from pursuing
14 disciplinary action based on any cause other than the overturned
15 conviction.

16 (f) Any final order of discipline taken pursuant to this
17 section shall be a matter of public record.

18 (g) The board shall not restore, renew, or otherwise
19 reinstate the license of a person when:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and
3 (2) The victim of the covered offense was a patient or
4 client, or a former patient or client, if the
5 relationship was terminated primarily for the purpose
6 of committing the covered offense."

7 SECTION 30. This Act does not affect rights and duties
8 that matured, penalties that were incurred, and proceedings that
9 were begun before its effective date.

10 SECTION 31. New statutory material is underscored.

11 SECTION 32. This Act shall take effect on July 1, 3000.



Report Title:

DCCA; Registered Sex Offenders; Professional Licenses, Registrations, and Certifications; Automatic Revocation; Denial of Application to Renew, Restore, or Reinstate

Description:

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses, registrations, or certifications of registered sex offenders. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Subchapter 6 (OLIVIA)

Apprentices

16-84-23 Requirements for apprentices.

- (a) The apprenticeship program shall consist of not less than ~~[five hundred seventy]~~ six hundred twenty-five hours and the applicant shall successfully complete a cardiopulmonary resuscitation training program. The first ~~[one]~~ two hundred fifty hours shall be academic and shall not have a time period and shall be completed before the practical training. The course of study shall be as listed in subsections (i)(1) and (2).
- (b) The applicant shall submit an application for apprenticeship training to the board with the certificates of completion of all required courses as listed in subsection (i)(1)(2).
- (c) A letter of agreement from the sponsoring massage therapist as outlined in section 16-84-8 shall be attached to the application.
- (d) The remaining four hundred twenty-~~five~~ hours shall constitute the beginning of the practical phase of the apprenticeship program. A permit shall be issued upon verification of the application for apprenticeship training.
- (e) The apprenticeship training shall begin upon the written approval of the apprentice application by the board.
- (f) The apprenticeship program shall be of not less than six nor more than twelve months duration from the date of issuance of the permit. Extension may be granted by the board for unusual or special circumstances.
- (g) No person may undergo an apprenticeship training program without a permit.
- (h) Upon completion of the apprenticeship training, the applicant is not required to undergo another apprenticeship training.
- (i) The academic course of study shall be ~~[as follows]~~ not less than two hundred hours of anatomy, physiology, and structural kinesiology and shall include:
- (1) Not less than ~~[fifty]~~ one hundred hours ~~[of anatomy, physiology, and structural kinesiology]~~ to cover the function and structure of systems; repair and injury of tissues;
 - (2) ~~Not less than one hundred hours of [theory and demonstration of massage which shall include:]~~ structural kinesiology, including characteristics and components of musculature, joint structure, and function;

~~[(2)]~~ (j) In addition to the academic course of study, the applicant shall submit ~~[N]~~ not less than one hundred sixty-five hours of theory and demonstration of massage which shall include:

~~[(A) The proper procedure in massaging (concerning the protection of both client and massage therapist)]~~ 1) Overview of massage modalities;

~~[(B) Record keeping]~~ 2) Benefits of soft tissue manipulation for specific client populations;

~~[(C) Hygiene]~~ 3) Psychological aspects and benefits of touch;

~~[(D) Theory]~~ 4) Soft tissue techniques;

~~[(E) Technique for specific conditions]~~ 5) benefits and physiological effects of soft tissue manipulation;

~~[(F)]~~ 6) Hygiene and ~~[(C)]~~ contraindications of massage for specific techniques according to conditions;

~~[(G)]~~ 7) Draping; and

~~[(H)]~~ 8) Assessment of the client's condition and the general technique to be applied.

The requirements of subsection (i)(1) and (2) and (j) shall be taught by a school which is licensed by the state Department of Education, the University of Hawaii or other institutions approved by the board. The courses outlined in subsection (i)(1) and (2) and (j) may be obtained through workshops given by a massage therapist who has been licensed in the state of Hawaii for at least three years and who has received approval from the board. The request for such an approval shall include: the subject to be taught, when, where, by whom, and the duration of the workshop. The request for a workshop shall be submitted to the board for approval not less than sixty days before the commencement of each workshop. All courses that are completed as outlined in subsection (i)(1) and (2) and (j) shall be properly certified and a certificate of successful completion shall be issued by the school or an approved massage workshop.

~~[(j)]~~ (k) The course of study for the six months of apprenticeship training program with a minimum of ~~[four hundred twenty]~~ two hundred sixty hours is as follows:

(1) Clinical operations – ~~[seventy]~~ sixty hours

(A) Sanitation – (i. e., application of department of health regulations, linen, towels) – ~~[thirty]~~ fifteen hours

(B) Office procedures – (i.e., answering phone, taking appointments, client rapport) – ~~[thirty]~~ fifteen hours; and

(C) Record keeping – (client records) – ten hours.

(2) Advanced techniques – ~~forty~~ twenty hours

(A) Observations of classroom instructors – (~~twenty~~ ten hours); and

(B) Consulting – (~~twenty~~ ten hours) .

(3) Hands on supervised massage with record keeping – ~~three~~ two hundred ten hours.

~~(k)~~ (l) This apprenticeship does not apply to all persons who are now licensed in this State.

~~(t)~~ (m) The apprentice may request a change in sponsor provided that a written request is submitted to the board for approval. The request shall include the reason or reasons why a change is being made, the date, and the letter or agreement with the new sponsoring massage therapist.

~~(m)~~ (n) The apprentice shall be required to know and understand the laws and rules regulating massage.

~~(n)~~ (o) The applicant shall show proof of having a current certificate of completion of both the infant and adult cardiopulmonary resuscitation (CPR) training course issued by the American Red Cross or American Heart Association. The course cannot be completely online and must have a hands-on training component.

~~(o)~~ (p) Cardiopulmonary resuscitation classes sponsored by other providers will need to show curriculum content consistent with American Heart Association of American Red Cross guidelines. Applicants who have a cardiopulmonary resuscitation certification other than from the American Red Cross or American Heart Association may request for a waiver provided:

(1) That the applicant shows proof of a current certificate of completion;

(2) That the applicant provides the board with a curriculum of the CPR training course;

(3) That the applicant provides the name and the address of the course sponsor; and

(4) That the applicant provides to the board all information pertaining to the course sponsor's credentials and accreditation.

~~(p)~~ (q) The apprenticeship program training report shall be properly completed by the sponsoring massage therapist. A copy of the training report shall be given to the apprentice to be attached to the application for examination.

Subchapter 7* (SHANON)

Examination (*Note that revisions below assume the current proposed rules package changes will be adopted)

§16-84-27 Examination requirements and conduct. (a) An applicant for a license to practice massage shall complete an apprenticeship program as outlined in section 16-84-23 or the course of study as a massage student outlined in section 16-84-48 and pass a written clinical competency examination in the English language. The board may contract with professional testing services to prepare, administer, and grade the examination. The examination shall be designed to test an applicant as follows:

- (1) Applicant's knowledge of anatomy, physiology, and structural kinesiology; and
- (2) Applicant's knowledge of the theory of massage.

A passing grade shall be seventy-five points. An applicant must have a passing grade in order to be licensed.

(b) In accordance with the Americans with Disabilities Act (ADA), requests for exam accommodations must be made in advance and accompanied by appropriate documentation directly with the exam registrar. Blind persons shall not be exempt from taking the examination to qualify, provided that the written clinical competency examination may be administered orally.

(c) An applicant who has taken the massage examination prior to June 4, 1986 and failed one or more parts of the examination shall be given credit for the part or parts passed and be permitted to be reexamined in the parts failed for three consecutive times; provided that reexamination of parts failed will be allowed only through March 1987. Thereafter the applicant forfeits all previous credits and must retake the examination and meet the requirements set forth in this section.

(d) All examination candidates must adhere to security procedures, ethical and respectful behavior during the examination for both onsite and remote testing.

(e) Engaging in dishonest conduct, cheating, using unauthorized materials or devices (e.g., cellphones, notes and any other prohibited items) will result in automatic test invalidation and potential further actions against the candidate.

Subchapter 12 (OLIVIA)

Massage Students

16-84-48 Requirements for massage students.

§16-84-48 Requirements for massage students. (a) The student program shall consist of not less ~~[then] than [five hundred seventy]~~ six hundred twenty-five hours. In addition, the student shall successfully complete a cardiopulmonary resuscitation training program consistent with the requirements in sections 16-84-23(n) and (o).

(b) The curriculum of the massage school shall contain the following:

(1) Not less than ~~[fifty] two hundred~~ hours of anatomy, physiology, and structural Kinesiology which shall include:

(A) Not less than one hundred hours to cover the function and structure of systems; repair and injury of tissues;

(B) Not less than one hundred hours of structural kinesiology to include characteristics and components of musculature, joint structure, and function;

(2) Not less than one hundred ~~sixty-five~~ hours of theory and demonstration of massage which shall include:

(A) ~~[The proper procedure in massaging (concerning the protection of both client and massage therapist)]~~ Overview of massage modalities;

(B) ~~[Record keeping]~~ Benefits of soft tissue manipulation for specific client populations;

(C) ~~[Hygiene]~~ Psychological aspects and benefits of touch;

(D) ~~[Theory]~~ Soft tissue techniques;

(E) ~~[Technique for specific conditions]~~ Benefits and psychological effects of soft tissue manipulation;

(F) Contraindications of massage for specific techniques according to conditions;

(G) Draping; and

(H) Assessment of the client's condition and the general technique to be applied;

(3) Not less than ~~[four hundred and twenty]~~ two hundred sixty hours of practical massage

training under the supervision of a teacher in a school setting.

(c) Students who ~~[complete a course consisting of at least five hundred and seventy hours course from a curriculum approved school by the American~~

~~Massage Therapy Association (AMTA) or the Rolf Institute shall be eligible to sit for the written clinical competency examination] have graduated from a massage therapy school that offers a curriculum that meets or is substantially equivalent to the standards set forth in subsection (b) above; and that is licensed or approved by the regulatory authority for schools of massage therapy in the state, province, territory, or country in which it operates or is exempt by law.~~

~~(d) [Students who complete a course of study in a school approved by the state department of education shall be eligible to sit for the written clinical competency examination if the curriculum of the school meets the requirements of subsection (b)] An applicant shall provide the board with written proof that the applicant has successfully completed the required course of study in a massage therapy school approved by the regulatory authority for schools of massage therapy in the state, province, territory, or country in which it operates or is exempt by law.~~

~~[(e) An applicant shall provide the board with written proof that the applicant has successfully completed the required course of study in a massage school approved by the department of education, American Massage Therapy Association (AMTA), or the Rolf Institute.]~~

Subchapter 13* (SHANON)

Continuing Education (*Note that this Subchapter has not yet been adopted and is part of the current rules package)

Comments w/o specific language yet:

- Many states are now requiring a class on Human Trafficking completed during renewal cycles. The human trafficking course does not count towards the 12 CE hours and is its own additional requirement.
- Including the language before going into requirements like: "to renew a license, a massage therapist must complete 12 hours of continuing education every two years" Then, go into *(a)
- Is there any type of business requirement we can included every 2 years when they renew their business license? Perhaps this is where the suggestion above idea, could fit in with a Human Traffic course completed by the business establishment. We could consider partnering up with a organization that has a training we could require establishes watch before they renew? Logistics wise would be a challenge, unless its imbedded in their renewal process and they can't pay their renewal fee until it's completed.
- I think we should adopt the CE Broker *online platform that many boards use at FSMTB and some board in Hawaii already use it too!- This way LMT's can upload their CE certificates and more efficient audits can be done at a higher volume than snail mail!

§16-84-49. Continuing education courses; providers. (a) All eligible continuing education categories shall be learning experiences that enhance and expand the skills, knowledge, professionalism, or ethics of massage therapists that enable them to render competent professional service to clients, the profession, and the public.

(b) Two of the continuing education hours shall include first aid, cardiopulmonary resuscitation, or other emergency-related training courses. The courses shall require the following:

- (1) Be completed and include a hands-on training component;
- (2) Be sponsored by the American Red Cross or American Heart Association. Cardiopulmonary resuscitation classes sponsored by other providers will need to show curriculum content consistent with American Red Cross or American Heart Association guidelines; and

- (3) Be limited to a maximum of two continuing education hours per biennium.
- (c) The remaining ten continuing education hours shall be in any category that enhances the skills and knowledge of the massage therapist, including but not limited to professional ethics, theory and practice of massage therapy, modalities, and professional development.
- (d) Practice-building business courses will not be approved.
- (e) Distance learning courses will be approved. Distance learning includes courses taken by home study, whether delivered synchronously or asynchronously online by computer means, by live or recorded video or audio media, or by printed materials.
- (f) One continuing education hour must consist of at least fifty minutes of any one clock hour during which the student participates in a learning activity in the presence of an instructor, or in a distance learning activity designed and delivered by a provider.
- (g) Providers of the continuing education courses shall include:
 - (1) Massage schools approved by a state board of massage;
 - (2) Nationally accredited massage certifying organizations; and
 - (3) Local or national professional associations.

[Eff and comp] (Auth: HRS §452-6) (Imp: HRS §452-16)

§16-84-50 Completion certificates. (a) Upon completion of the continuing education course, the continuing education provider shall issue written evidence of attendance to each attendee. This certificate of attendance shall include the following information:

- (1) Name of attendee;
 - (2) Name of provider;
 - (3) Course or program title, date, and location; and
 - (4) Number of continuing education hours.
- (b) Each licensee shall be responsible for maintaining their own completion certificates in the case that they are audited. [Eff and comp] (Auth: HRS §452-6) (Imp: HRS §452-16)