

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

<http://www.hawaii.gov/dcca/>

The programs administered by the Department of Commerce and Consumer Affairs, established under section 26-9, Hawaii Revised Statutes, are primarily for the protection of the general public. Headed by the Director of Commerce and Consumer Affairs, the Department develops standards for the licensing and supervision of financial institutions, professions, businesses, and trades.

Office of the Director

This Office provides administrative support services to the Department. Included among the support services provided by this Office are fiscal record keeping, budget preparation and administration, organizational review, management of personnel resources, data processing systems analyses, and the processing of mail.

Office of Administrative Hearings

The Office of Administrative Hearings is responsible for conducting administrative hearings and issuing recommended or final decisions for all divisions within the Department of Commerce and Consumer Affairs that are required to provide contested case hearings pursuant to the provisions of chapters 91 and 92, Hawaii Revised Statutes.

Additional matters heard by the Office of Administrative Hearings are: (1) medical tort claims under the Medical Claims Conciliation Panel; (2) disputes arising from the State's procurement laws pursuant to chapter 103D, Hawaii Revised Statutes; (3) due process hearings involving the Individuals with Disabilities Education Act and the Department of Education, State of Hawaii; and (4) specific kinds of condominium disputes under the Condominium Dispute Resolution Pilot Program.

Administrative Services Office

The Administrative Services Office provides the Department with internal management, fiscal, and office services functions. It provides general internal management assistance to the Director in exercising responsibilities as executive of the Department.

The Fiscal Section implements operational plans for the Department's fiscal management program. It provides general internal management and fiscal guidance to the Director in exercising responsibilities as executive of the Department.

The Budget and Management Analysis Staff initiates and prepares annual operating budgets in cooperation with divisions and summarizes them with appropriate recommendations for presentation to the Director. It studies the Department's organization, management methods, and procedures and submits observations and recommendations to the Director.

The Office Services Staff provides administrative support and coordination of departmental service functions. It provides stenographic, clerical, and general office support services to the Administrative Services Office and the Department.

Information Systems and Communications Office (ISCO)

In the area of Information Systems, ISCO assists the divisions of DCCA in finding, acquiring, implementing, and maintaining information technology that improves the Divisions' operations and allows them to provide better service to businesses and consumers.

In the Communications area, ISCO provides support for telephone services, the DCCA website and the interactive voice response system.

- Telephone Services Support. ISCO staff works with DAGS-ICSD to have the State's telephone service providers make additions, changes, and corrections to telephone services. ISCO staff also maintains phone directories for internal and external use.
- DCCA Web Site. ISCO staff develops and updates DCCA's web site. The web site provides consumers and businesses DCCA contact information, forms, reports, decisions and orders, administrative rules, and other general information.
- The Interactive Voice Response system (IVR) is a computerized telephone system that provides automated audio-messages, fax-on-demand, and telephone routing. The audio messages include general department information and helpful messages to consumers and businesses. These messages, along with forms, can be faxed to the caller. IVR will also route callers to various offices in DCCA.

Office of Consumer Protection

The Office of Consumer Protection, established under section 487-2, Hawaii Revised Statutes, is responsible for protecting the interests of the consumer public in the State. The Office protects these interests by investigating alleged violations of state consumer protection laws, taking appropriate legal action to stop unfair or deceptive practices in the marketplace, and promoting consumer education and awareness.

Business Registration Division

The Business Registration Division fulfils three primary functions. Its ministerial duties include the processing and maintaining for public access registrations of corporations, general and limited partnerships, limited liability partnerships, limited liability companies, trade names, trademarks, and service marks. Its business assistance function provides point-of-service information and assistance to the public to help facilitate, coordinate, and simplify the application process for customers who wish to register with the State in the areas of business, tax, and employment. Its regulatory function includes substantive regulatory oversight of the securities industry in the State of Hawaii in the following areas: (1) licensing and registration of broker-dealers, securities salespersons, investment advisers, investment adviser representatives, securities, and franchises offered for sale in the State; (2) examination of the books and records of broker-dealers, securities salespersons, investment advisers, and investment adviser representatives; (3) examination of securities and franchises offered for sale in the State; and (4) the enforcement of the Uniform Securities Act.

Cable Television Division

The regulatory powers vested in the Director of Commerce and Consumer Affairs over cable television (CATV) companies, under section 440G-4, Hawaii Revised Statutes, are administered by the Cable Television Division. As authorized by the Director, the Division, after proper application, payment of fees, public hearing, and other procedures prescribed by law, issues franchises to qualified applicants for the construction, operation, or expansion of cable television systems. It receives complaints regarding the operation of a cable television system, and revokes, suspends, amends, transfers, or renews franchises on grounds prescribed by law. The Division, as the certified local franchising authority, reviews and approves the maximum permitted rate for the basic service tier, associated equipment, and installation charges.

Division of Consumer Advocacy

The Division of Consumer Advocacy provides administrative support to the Director of Commerce and Consumer Affairs who has been designated the "Consumer Advocate" pursuant to section 269-51, Hawaii Revised Statutes. The Consumer Advocate is charged with the responsibility of representing, protecting, defending, and advancing the interests of consumers of utility and transportation services on a statewide basis. These lifeline services include electricity, gas, telecommunications, property carriage over land and water, private water, and wastewater. In order to carry out this mandate, the Division plans, organizes, directs, and coordinates the observance of laws regulating the conduct and management of all franchised or certified public service companies operating in the State. The Division performs economic, financial, and engineering analyses of applications filed by public utilities and transportation companies which serve Hawaii and whose regulation falls within the jurisdiction of the Public Utilities Commission, and federal regulatory agencies such as the Federal Communications Commission and the Federal Maritime Commission.

Division of Financial Institutions

The Division of Financial Institutions administers and enforces state laws governing the licensure, examination, and supervision of state-chartered and state-licensed financial institutions, including banks, savings and loan associations, financial services loan companies, trust companies, credit unions, and foreign banks to ensure the safety and soundness, and regulatory compliance, of these financial institutions. The Division also administers and enforces state laws governing escrow depositories and money transmitters to ensure regulatory compliance.

The Division is headed by the Commissioner of Financial Institutions who is appointed, pursuant to section 412:2-100, Hawaii Revised Statutes, by the Director of Commerce and Consumer Affairs, subject to approval by the Governor.

Within the Division, there are two branches: (1) the Field Examination Branch and (2) the Licensing and Regulatory Analysis Branch. The Field Examination Branch is responsible for the on-site examinations of financial institutions to determine the financial condition of the institution, evaluate its management, and determine compliance with applicable laws and rules. The Licensing and Regulatory Analysis Branch is responsible for licensing activities and other regulatory approvals, and responding to complaints and inquiries.

Credit Union Advisory Board. The Credit Union Advisory Board, established under section 412:10-125, Hawaii Revised Statutes, advises the Commissioner of Financial Institutions regarding the condition and affairs of state-chartered credit unions, and proposed laws and rules relating to credit unions. The Credit Union Advisory Board consists of five members appointed by the Governor with the advice and consent of the Senate, with at least one member from each of the counties. All members must be persons of proven credit union experience and members of credit unions operating under chapter 412, Hawaii Revised Statutes.

Insurance Division

The Insurance Division is responsible for overseeing the insurance industry in the State of Hawaii, which includes insurance companies, insurance agents, self-insurers, and captive insurance companies. The Division ensures that consumers are provided with insurance services meeting acceptable standards of quality, equity, and dependability at fair rates by establishing and enforcing appropriate service standards. The administration of chapters 431, 431K, 431M, 432, 432D, 432E, 435C, and 435E, Hawaii Revised Statutes, which provide for the licensing, supervision, and regulation of all insurance transactions in the State, and the administration of chapter 488, Hawaii Revised Statutes, Prepaid Legal Services, fall within the Division's duties.

The Insurance Division is organized, under the direction of the Insurance Commissioner and assisted by the Chief Deputy Insurance Commissioner, into seven branches:

- Financial Surveillance and Examination Branch

- Compliance and Enforcement Branch
- Licensing Branch
- Rate and Policy Analysis Branch
- Captive Insurance Branch
- Motor Vehicle Insurance Fraud Investigations Branch
- Health Insurance Branch

The functions of the Division are supported by an Office Services section, several staff positions, the Joint Underwriting Plan Bureau, and the Joint Underwriting Plan Board of Governors. The seven branches closely interact with each other in attaining the common goal of safeguarding the public interest by monitoring insurance company activities to ensure that acceptable standards are maintained and by fairly administering the Insurance Code.

Financial Surveillance and Examination Branch. The Financial Surveillance and Examination Branch reviews all filings from companies applying for certificates of authority to transact the business of insurance, and audits domestic annual financial statements and premium tax statements. In addition, the staff conducts a continuing program of insurance company, agency, mutual and fraternal benefit societies, and health maintenance organization financial and/or market conduct examinations to assure compliance with insurance laws and financial solvency in an effort to safeguard consumer interests and maintain professionalism in the industry.

Compliance and Enforcement Branch. When a complaint is filed with the Insurance Division, the Compliance and Enforcement Branch conducts an investigation to assure compliance with the applicable statutes and rules. Appropriate disciplinary actions are taken by this Branch when necessary. If it is determined that a case warrants prosecution, it is referred to the Office of the Attorney General for prosecution by the State.

Licensing Branch. The Licensing Branch oversees the examination process and issues licenses to qualified applicants for solicitor, general agent, subagent, nonresident, and adjuster licenses; and maintains records of the licensees. The Licensing Branch also provides support services to the Financial Surveillance and Examination Branch in issuing and amending Certificates of Authority and the maintenance of these records. The Licensing Branch is responsible for renewal notifications, processing of remittance checks, and confirmation and cancellation of these insurance licenses.

Rate and Policy Analysis Branch. The Rate and Policy Analysis Branch devises and implements systems and procedures for the analysis of rate and policy filings by domestic, foreign, and alien insurance companies in order to assure compliance with state insurance laws. The Branch reviews and approves rates used by companies in the sale of their policies to ensure that mandated coverages are provided and that the interests of the buyers are protected.

Captive Insurance Branch. The Captive Insurance Branch provides for dedicated resources to facilitate the monitoring, regulation, and prudent development of the captive insurance industry in the State of Hawaii. The Branch reviews and evaluates each prospective captive application on a case-by-case basis to ensure appropriate economic and social responsibility of each program structure and its related constituencies, as well as compliance with applicable state laws and regulations. On an ongoing basis, the Branch utilizes interim and annual reports and filings and on-site examinations to monitor compliance with the approved applications and business plans.

Motor Vehicle Insurance Fraud Investigations Branch. The Motor Vehicle Insurance Fraud Investigations Branch was formed to conduct a statewide program for the prevention, investigation, and prosecution of insurance fraud cases and violations of all applicable state laws relating to insurance fraud.

Health Insurance Branch. The Health Insurance Branch is responsible for regulating health insurers, including health maintenance organizations and mutual benefit societies. The Branch's primary responsibilities are to: receive inquiries and complaints pertaining to health insurance, including long-term care insurance; receive requests from consumers for external reviews of a health plan's decisions under the Hawaii Patient Bill of Rights and Responsibilities Act, and administer the external review process. The Branch also provides administrative and technical support to the Patient Rights and Responsibilities Task Force, the Mental Health Task Force, and the Medical Privacy Task Force.

Regulated Industries Complaints Office

Enforcing the laws and regulations which apply to licenses issued through the Department of Commerce and Consumer Affairs is the responsibility of the Regulated Industries Complaints Office (RICO). Mediating and resolving consumer complaints, prosecuting disciplinary actions against licensees, and pursuing Circuit Court injunctions and fines against unlicensed persons are all part of RICO's mandate. Its staff also provides consumer education and referral services, and RICO's neighbor island branches serve as liaison offices for other divisions of the Department.

Professional and Vocational Licensing Division

The Professional and Vocational Licensing Division provides administrative and advisory services to the various regulatory boards and commissions in the Department of Commerce and Consumer Affairs. The Division administers the various licensing examinations and issues or renews licenses of qualified applicants. The Division provides administrative assistance to each regulatory board or commission. In addition, the Division proposes policies and rules and recommends amendments to existing law. The Department has assigned the following programs to the Division to administer (the Hawaii Revised Statutes chapter follows each program): activity providers and activity desks (chapter 468M); cemetery and funeral trusts (chapter 441); collection agencies (chapter 443B); commercial employment agencies (chapter

373); condominium property regimes (chapters 514A and 514B); dispensing opticians (chapter 458); electrologists (chapter 448F); hearing aid dealers and fitters (chapter 451A); marriage and family therapists (chapter 451J); mental health counselors (chapter 453D); mortgage brokers and solicitors (chapter 454); nurse aides (chapter 457A); nursing home administrators (chapter 457B); occupational therapy (chapter 457G); port pilots (chapter 462A); real estate appraisers (chapter 466K); social workers (chapter 467E); subdivisions (chapter 484); time sharing plans (chapter 514E); and travel agencies (chapter 468L).

ATTACHED FOR ADMINISTRATIVE PURPOSES

The following regulatory boards and commissions are administratively attached to the Department. Pursuant to section 26-34, Hawaii Revised Statutes, the members of each board and commission are nominated and, by and with the advice and consent of the Senate, appointed by the Governor. Unless otherwise provided by law, the term of appointment is for four years, and no person may be appointed consecutively to more than two terms as a member of the same board or commission.

Board of Public Accountancy. The Board of Public Accountancy, established under section 466-4, Hawaii Revised Statutes, consists of nine members. Seven of the members must hold current licenses as public accountants or certified public accountants, six of these seven members must hold current permits to practice and be in active practice, and two are public members. The Board is required to examine the qualifications of applicants for licensure and to adopt rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Acupuncture. The Board of Acupuncture, established under section 436E-6, Hawaii Revised Statutes, consists of five members. Three members are licensed acupuncturists and two are private citizens. The Board examines all applicants for licensing in the practice of acupuncture. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Barbering and Cosmetology. The Board of Barbering and Cosmetology, established under section 438-3, Hawaii Revised Statutes, consists of seven members. Two members are barbers, two members are beauty operators, and three members represent the public. The two barber and two beauty operator members must have practiced in the State for at least five years. The primary function of the Board is to ensure the protection of the general public by establishing licensing standards that include training, entry level competence, scope of practice, and disciplinary sanction requirements. The practice of barbering includes licensure of barbers and barber shops and the registration of barber apprentices, and the practice of cosmetology includes licensure of beauty operators, instructors, beauty shops and beauty schools, and the registration of beauty apprentices. The Board adopts rules designed to maintain the entry level competence of licensing for the protection of the consumer.

Boxing Commission. The Boxing Commission, established under section 440-2, Hawaii Revised Statutes, consists of five members. One of the members is a member of the local chapter of USA Boxing, Inc. One member is designated by the Governor as Chairperson of the Commission. The Commission is vested with the sole jurisdiction, direction, management, and control over professional and amateur boxing within the State. The Commission adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Commission also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Chiropractic Examiners. The Board of Chiropractic Examiners, established under section 442-3, Hawaii Revised Statutes, consists of five members. Three members are chiropractors and two members represent the public. Each chiropractic member of the Board must be a licensed chiropractor and have practiced chiropractic in this State for at least five years immediately prior to the date of appointment. No person connected with any chiropractic school or college is eligible for appointment. The primary function of the Board is to examine applicants, issue licenses, and order disciplinary action against licensees including fine, suspension, or revocation of license. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer.

Contractors License Board. The Contractors License Board, established under section 444-3, Hawaii Revised Statutes, consists of thirteen members. Ten of the members must be licensed contractors actively engaged in contracting for a period of not less than five years preceding their appointment. Of the thirteen members, five are general engineering or building contractors, five are specialty contractors, and the remaining three members are noncontractors. The primary functions of the Board are to establish rules, grant licenses, and enforce the regulatory provisions of the law. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer.

Board of Dental Examiners. The Board of Dental Examiners, established under section 448-5, Hawaii Revised Statutes, consists of twelve members. Eight members are practicing dentists, two are practicing dental hygienists, and two members represent the public. The Board consists of one dentist member from each of the counties of Hawaii, Kauai, and Maui, and five dentists from the City and County of Honolulu. The dentist members must have been practicing dentists in the State for a period of at least five years preceding their appointment. The two licensed practicing dental hygienists must have practiced as dental hygienists in the State for at least five years preceding their appointment. No member who has any connection with or financial interest in a dental supply company is eligible for appointment to the Board. The primary function of the Board is to examine and license dentists and dental hygienists. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Electricians and Plumbers. The Board of Electricians and Plumbers, established under section 448E-2, Hawaii Revised Statutes, consists of seven members. Two members are from the electrical trade and two members from the plumbing trade. The remaining three members of the Board are private citizens not connected with either industry. The primary function of the Board is to ensure the protection of the general public through licensure of journey worker electricians, journey worker industrial electricians, journey worker specialty electricians, supervising electricians, supervising industrial electricians, supervising specialty electricians, master plumbers, journey worker plumbers, and maintenance electricians in electrical wiring work or plumbing work. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Elevator Mechanics Licensing Board. The Elevator Mechanics Licensing Board, established under section 448H-3, Hawaii Revised Statutes, consists of seven members. Four are licensed elevator mechanics and two are lay members not connected or associated with the elevator or building industry. The seventh member is the Director of Labor and Industrial Relations or the Director's designee who is an employee of the Department of Labor and Industrial Relations and who has expertise in elevator and escalator installation and maintenance. The primary function of the Board is to ensure the protection of the general public through the licensure of elevator mechanics and registration of apprentices in elevator mechanic work. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Professional Engineers, Architects, Surveyors, and Landscape Architects. The Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, established under section 464-6, Hawaii Revised Statutes, consists of fourteen members. The Board is composed of four professional engineers, three professional architects, two professional surveyors, two professional landscape architects, and three public members. Each member must have been a resident of the State for at least three years. Each professional member must have been engaged in the practice of the member's profession for at least five years immediately preceding the date of appointment. Each county is represented by at least one member who is a resident of the county. The primary function of the Board is to qualify, license, and issue certificates of licensure to eligible professional engineers, architects, surveyors, and landscape architects. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Massage Therapy. The Board of Massage Therapy, established under section 452-4, Hawaii Revised Statutes, consists of five members. Three members of the Board must have three years of practical experience as licensed massage therapists and be actively employed as massage therapists, and two members represent the public. The primary function of the Board is to ensure the protection of the general public by establishing licensing standards that include training, entry level competence, scope of practice, and disciplinary sanction requirements. The

Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer.

Board of Medical Examiners. The Board of Medical Examiners, established under section 453-5, Hawaii Revised Statutes, consists of eleven members. Seven are licensed physicians or surgeons, two are licensed osteopathic physicians, and two are lay members from the public at large. Of the nine members who are physicians or osteopathic physicians, at least five must be appointed from the City and County of Honolulu and at least one shall be appointed from each of the other counties. The Board licenses qualified applicants to practice medicine and surgery under chapter 453, Hawaii Revised Statutes, osteopathic medicine under chapter 460, Hawaii Revised Statutes, and podiatric medicine under chapter 463E, Hawaii Revised Statutes. The Board also licenses physician assistants and certifies emergency medical services personnel pursuant to chapter 453, Hawaii Revised Statutes. The Board adopts rules to implement the licensing laws and has the power to grant, deny, suspend, or revoke the license or certificate of any person who violates the licensing laws or rules of the Board.

Motor Vehicle Industry Licensing Board. The Motor Vehicle Industry Licensing Board, established under section 437-5, Hawaii Revised Statutes, consists of seven members. Three of the seven members must be engaged in the motor vehicle industry, and the remaining four members are private citizens not connected with the industry. The Board adopts rules covering the motor vehicle industry in the State and has the power to grant, deny, suspend, or revoke licenses for motor vehicle dealers, salespersons, or persons otherwise engaged in the business of selling or negotiating for the purchase of motor vehicles in the State.

Motor Vehicle Repair Industry Board. The Motor Vehicle Repair Industry Board, established under section 437B-3, Hawaii Revised Statutes, consists of seven members. Three are members connected with the motor vehicle repair industry, and at least two of the three are mechanics. The remaining four members are lay members not connected with the motor vehicle repair industry. The Board supervises motor vehicle repair by motor vehicle repair dealers. It establishes the qualifications for the registration of dealers and mechanics and adopts rules relating to the motor vehicle repair industry. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer.

Board of Examiners in Naturopathy. The Board of Examiners in Naturopathy, established under section 455-4, Hawaii Revised Statutes, consists of five members. Three members are licensed to practice naturopathy in the State and two members represent the public. The primary function of the Board is to examine applicants for licenses to practice naturopathy. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Nursing. The Board of Nursing, established under section 457-3, Hawaii Revised Statutes, consists of nine members. Six of the members are registered nurses, of whom one must meet the requirements for recognition as an advanced practice registered nurse, and one is a licensed practical nurse. Both nursing education and nursing service are represented on the Board. Two members represent the public. Six members are residents of the City and County of

Honolulu, and three are residents of counties other than Honolulu. The Board functions primarily to maintain high standards of quality in the nursing profession. The Board reviews the curricula of educational programs and approves nursing educational programs meeting the requirements of the Board and the law. The Board licenses qualified applicants and performs other duties necessary to the achievement of its purposes. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Examiners in Optometry. The Board of Examiners in Optometry, established under section 459-3, Hawaii Revised Statutes, consists of seven members. Five members are licensed optometrists and two members represent the public. Of the five licensed optometrists, one must be from a county other than the City and County of Honolulu. The licensed optometrists must have been actively engaged in the practice of optometry for at least five years prior to their appointment. No person who is a stockholder, faculty member, or member of the board of trustees of any school of optometry is eligible for appointment. The primary functions of the Board are to examine and issue certificates to qualified applicants. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Pest Control Board. The Pest Control Board, established under section 460J-2, Hawaii Revised Statutes, consists of nine members. Four members must be operators actively engaged in the pest control business for not less than five years prior to their appointment. Two members represent the public. The remaining three members of the Board are the Chairperson of the Board of Agriculture, the Director of Health, and the Chairperson of the Department of Entomology, College of Tropical Agriculture and Human Resources of the University of Hawaii, or their representatives. No two members of the Board may be employed by or associated with the same business firm engaged in pest control. The Board is empowered to enforce the laws and rules governing pest control operators. It has the authority to grant licenses to qualified operators; to adopt rules designed to maintain a high standard of licensing for the protection of the consumer; and to order disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Pharmacy. The Board of Pharmacy, established under section 461-2, Hawaii Revised Statutes, consists of seven members. The five professional members must be graduates of a school or college of pharmacy, be licensed as pharmacists, and have practiced pharmacy in Hawaii for at least five years prior to their appointment. Two members represent the public. Four members are residents of the City and County of Honolulu, and three are residents of other counties. The primary functions of the Board are to examine applicants and issue licenses to those qualified. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Physical Therapy. The Board of Physical Therapy, established under section 461J-4, Hawaii Revised Statutes, consists of seven members. Four members are physical therapists. Two members are consumers. The seventh member is a physician or surgeon with a permanent license under chapter 453 (medical doctors), chapter 460 (osteopaths), or a dentist with a permanent license under chapter 448, Hawaii Revised Statutes. The primary functions of the Board are to examine applicants, issue licenses, adopt rules designed to maintain a high standard of licensing for the protection of the consumer, and order disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Private Detectives and Guards. The Board of Private Detectives and Guards, established under section 463-2, Hawaii Revised Statutes, consists of seven members. Two are chiefs of police of any of the four counties, two are private citizens, one is a licensed private detective, and one is a licensed guard, and the Director of Commerce and Consumer Affairs is an ex officio nonvoting seventh member. The primary functions of the Board are to examine and license private detectives and guards. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Psychology. The Board of Psychology, established under section 465-4, Hawaii Revised Statutes, consists of seven members. Five of the members represent varied specialties of the profession, each of whom are licensed to practice psychology under chapter 465, Hawaii Revised Statutes, and have a minimum of five years of post-doctoral professional experience, and two are lay members from the community. The Board's primary function is to examine the qualifications of applicants for licensure. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Real Estate Commission. The Real Estate Commission, established under section 467-3, Hawaii Revised Statutes, consists of nine members. The Governor designates the Chairperson of the Commission. Four of the members are residents of the City and County of Honolulu, and three are residents of each of the counties of Hawaii, Kauai, and Maui. Two members represent the public. At least four members are licensed real estate brokers who have been engaged as licensed brokers or salespersons for at least three years immediately preceding their appointment. The primary functions of the Commission are to license qualified real estate brokers and salespersons and to protect the general public in real estate transactions. In addition, the Commission has partial authority over the condominium property regime law and limited equity housing cooperatives. The Commission adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Commission also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Speech Pathology and Audiology. The Board of Speech Pathology and Audiology, established under section 468E-6, Hawaii Revised Statutes, consists of seven

members. Two members are speech pathologists, two are audiologists, and three are public members, one of whom must be a licensed physician certified by the American Board of Otorhinolaryngology. The Board administers and enforces chapter 468E, Hawaii Revised Statutes, and adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board reviews and licenses speech pathologists and all applicants for licensure as audiologists. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Board of Veterinary Examiners. The Board of Veterinary Examiners, established under section 471-3, Hawaii Revised Statutes, consists of seven members. Four members are from the City and County of Honolulu, and three are from other counties. Two members represent the public. The five professional members must be veterinarians who have been licensed to practice in the State for at least five years and are actively engaged in the practice of veterinary medicine at the time of appointment, or, if not active, were previously so engaged for ten years. The Board selects its own officers. The primary functions of the Board are to examine and license qualified applicants. The Board adopts rules designed to maintain a high standard of licensing for the protection of the consumer. The Board also orders disciplinary action against licensees including fine, suspension, or revocation of license for any violation of the licensing law or rules of the Board.

Medical Claim Conciliation Panels. Before any lawsuit regarding medical torts can be filed, the claim must first be submitted to the Medical Claim Conciliation Panel (MCCP), established under section 671-11, Hawaii Revised Statutes. A separate Panel is convened to hear each claim. Each Panel is comprised of a chairperson, a licensed attorney, and a licensed physician or surgeon. The Panel reviews the information presented by all of the parties and then renders a written advisory decision regarding liability. If liability is found, the Panel's decision will also indicate the amount of damages that should be awarded to the claimant. If any party rejects the Panel's decision, or if the claim is not decided by the MCCP within eighteen months, the claimant may then file a lawsuit.

Hawaii Hurricane Relief Fund

The Hawaii Hurricane Relief Fund (HHRF), established under section 431P-2, Hawaii Revised Statutes, is placed within the Department for administrative purposes. The HHRF establishes and administers a plan of operation for providing hurricane insurance coverage in the State if unavailable from the private insurance market. Its Board of Directors consists of six members and the Insurance Commissioner as an ex officio voting member. Of the six members appointed by the Governor with the advice and consent of the Senate, two are from a list of nominations submitted by the President of the Senate and two from a list of nominations submitted by the Speaker of the House of Representatives. The Governor selects the Chairperson and Vice Chairperson from among the members. HHRF suspended its insurance operations as of December 1, 2001, because the private market returned to the provision of hurricane insurance in Hawaii.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

