

PROFESSIONAL AND OCCUPATIONAL REGULATORY
BOARDS AND COMMISSIONS OF THE
STATE OF HAWAII

by

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Legislative Reference Bureau
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FOREWORD

This study on the professional and occupational regulatory boards and commissions has been prepared in response to House Resolution 152 of the Fifth Legislature of the State of Hawaii, Regular Session of 1970.

This report could not have been completed without the assistance, advice and cooperation provided by the staff of the Department of Regulatory Agencies, the Comprehensive Health Planning Office of the Department of Health and the Office of the Ombudsman.

We are especially appreciative of the services so generously provided by the Professional and Vocational Licensing Division of the Department of Regulatory Agencies.

Henry N. Kitamura
Director

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HOUSE RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF
REGULATORY BOARDS AND COMMISSIONS.

1 WHEREAS, regulatory boards and commissions perform a vital
2 function in regulating various trades, professions and industries
3 within the State of Hawaii; and
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5 WHEREAS, effective regulation of such trades, professions
6 and industries so as to promote the public interest is of continu-
7 ing concern to the Legislature; and
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10 WHEREAS, increased activity in the trades, professions and
11 industries has lead to the creation of numerous boards and commis-
12 sions; and
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14 WHEREAS, many individuals contribute their time, energy,
15 knowledge and talent to the general welfare of the public by
16 service on various boards and commissions; and
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19 WHEREAS, compensation for board and commission services vary
20 greatly, with some individuals not being compensated at all; and
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22 WHEREAS, in the past the composition and functioning of such
23 boards and commissions have been such that the trades, professions
24 and industries concerned have exerted influence over the activi-
25 ties of such regulatory bodies, sometimes to the detriment of the
26 public interest; now, therefore,
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29 BE IT RESOLVED by the House of Representatives of the Fifth
30 State Legislature of the State of Hawaii, Regular Session of 1970,
31 that the Legislative Reference Bureau be requested to conduct a
32 study of regulatory boards and commissions for the purpose of
33 determining the extent to which they are functioning and performing
34 as intended by law, and recommending such changes as may be neces-
35 sary to improve the programs and performance of such bodies; and
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1 BE IT FURTHER RESOLVED that such study include, but not be
2 limited to, the following considerations: (1) the objectives of
3 the regulatory boards and commissions, both expressed and implied;
4 (2) the organization, functions and membership of the boards and
5 commissions; (3) the system of regulation of trades, professions
6 and industries; (4) the consolidation or elimination of related
7 boards and commissions; (5) an examination of the compensation
8 and the actual amount of work required of each board and commission;
9 and
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12 BE IT FURTHER RESOLVED that the results of this study by sub-
13 mitted to the Legislature twenty days before the convening of the
14 Regular Session of 1971; and
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17 BE IT FURTHER RESOLVED that duly certified copies of this
18 Resolution be forwarded to the President of the University of Hawaii
19 and the Director of the Legislative Reference Bureau.
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Chapter I

INTRODUCTION

Purpose

House Resolution 152, House Draft 1, of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, requests the Legislative Reference Bureau to conduct a study on state regulatory boards and commissions in order to determine the extent to which such bodies are functioning and performing as intended by law and to recommend changes as may be necessary to improve their programs and performance. Specifically, this study will attempt to determine whether the public interest is being served by examining:

1. The organization, composition, compensation and the work required of each board or commission;
2. The expressed and implied objectives and programs (functions) of the State's regulatory boards and commissions; and
3. The system of regulation of the professions and occupations (trades and industries) by boards and commissions and the feasibility of consolidating or eliminating related boards or commissions.

Scope

This study will be confined to an examination of the professional and occupational regulatory boards and commissions within the administration of the Department of Regulatory Agencies of the State of Hawaii, excepting the Public Utilities Commission.

The Public Utilities Commission has been excluded from this study because the Legislature has provided for a special study

on the public utility and transportation laws of the State by Act 163, Session Laws of Hawaii 1970. Also, unlike other regulatory boards and commissions, the Public Utilities Commission regulates an industry that is franchised by the government, whereas the emphasis of the language contained in House Resolution 152 focuses on those "professions, trades and industry" that are basically competitive in nature. Accordingly, this study will be concerned with the twenty-seven boards and commissions of the Department of Regulatory Agencies which can be generally categorized into two types:

1. Boards and commissions which regulate the professions; and
2. Boards and commissions which regulate the occupations or trades and industries.

Chapter II discusses the composition and organization of the boards and commissions, and in Chapters III and IV the objectives and functions of the professional and occupational regulatory boards and commissions are examined. Chapter V evaluates the system of professional and occupational regulation and, in addition thereto, the findings and conclusions of this study are presented.

Chapter II

HAWAII STATE'S PROFESSIONAL AND OCCUPATIONAL REGULATORY BOARDS AND COMMISSIONS -- COMPOSITION AND ORGANIZATION

The composition and organization of the regulatory boards and commissions (hereinafter collectively referred to in this report as "boards", unless otherwise indicated) are set by law. These statutes specify the number and types of members who are eligible to serve, and the organization of the boards.

Professional Regulatory Boards

It is very difficult to define precisely, the distinction between a profession and an occupation. Generally, however, it can be stated that a profession requires a greater degree of academic excellence and requires persons within the profession to comply with an "established" code of standards, the noncompliance of which will result in discipline. Professor Walter Gellhorn of Columbia University Law School differentiates a profession from an occupation in that the former requires:

1. Completion and certification in a specific area of theoretical knowledge;
2. A personal and lifelong commitment to an established code of ethics; and
3. Service to the community and mankind above and beyond pecuniary profit.

For the purpose of this study, the definition of "profession" by Professor Gellhorn will be used.

Composition. In Hawaii, the professional regulatory boards are the boards of Chiropractic Examiners, Dental Examiners, Examiners in Naturopathy, Nursing, Optometry, Osteopathic Examiners, Pharmacy, Certification for Practicing Psychologists, Veterinary Examiners, Accountancy, and Registration of Professional Engineers, Architects and Surveyors.

TABLE I

PROFESSIONAL REGULATORY BOARDS IN HAWAII

Type: Boards of	Year of Establishment	Statutory Reference in Hawaii Revised Statutes
Chiropractic Examiners	1925	Chapter 442, Chiropractic
Dental Examiners ^a	1903	Chapter 448, Dentistry
Medical Examiners	1896	Chapter 453, Medicine and Surgery
Naturopathy, Examiners in	1937	Chapter 455, Naturopathy
Nursing ^b	1917	Chapter 457, Nurses (Act 71, Session Laws of Hawaii 1970)
Optometry, Examiners in	1917	Chapter 459, Optometry
Osteopathic Examiners	1921	Chapter 460, Osteopathy
Pharmacy	1903	Chapter 461, Pharmacists and Pharmacy
Psychologists, Certifi- cation for Practicing	1967	Chapter 465, Psychologists
Veterinary Examiners	1911	Chapter 471, Veterinary Medicine

^aJurisdiction over dental hygienists authorized in 1920, Chapter 447, dental hygiene.

^bIncludes practical nursing.

Type: Boards of	Year of Establishment	Statutory Reference in Hawaii Revised Statutes
Accountancy	1923	Chapter 466, Public Accountancy
Professional Engineers, Architects and Sur- veyors, Registration of	1923	Chapter 464, Professional Engineers, Architects, Surveyors and Landscape Architects

The members of these boards number from three to fourteen. Only licensed, certified or registered members of the profession are allowed to sit on their respective boards, excepting the Board for the Certification of Practicing Psychologists in which two of the seven members are lay members. Of the professional boards which regulate more than one vocation, such as the Board of Nursing which regulates practical nursing, and the Board of Registration of Professional Engineers, Architects and Surveyors, only the Board of Dental Examiners, which also regulates dental hygiene, does not include dental hygienists in its membership. The statutes for some boards, such as the Boards of Chiropractic Examiners and Optometry, require that the licensee-member shall not be connected with a professional school.² For other professional boards, the statutes require geographical representation on a county basis.³ Additional requirements for board membership are U.S. citizenship,⁴ residency of one to five years⁵ and years of professional practice or experience from five to ten years.⁶

Board members are nominated by and, with the advice and consent of the Senate, appointed by the governor.⁷ All board members may be appointed for no more than two consecutive terms of

four years each,⁸ except for members of the Board of Nursing. The nursing board members can serve for no more than two consecutive terms of three years each.⁹ Finally, the governor may remove any board member for just cause after due notice and a public hearing.¹⁰

Organization. The statutes dealing with the organization of the professional regulatory boards specify that there shall be a president or chairman, and a secretary or treasurer for each board.¹¹ For some boards, there may also be a vice-president or vice-chairman. In all cases, the board members elect these officers from their membership.

For some boards, the minimum number of meetings which a board may hold is set by law, while for other boards the time of the meetings is specified, usually in conjunction with the holding of examinations. The boards may, of course, meet as often as is necessary. The statutes require the presence of a quorum, the majority of the membership, to conduct business, but a majority vote of the membership to which the board is entitled is necessary to take valid board action. Board members are not compensated for attending meetings or serving on the board. While the statutes for only six professional boards expressly provide for reimbursement to board members for expenses of travel, or travel and other costs, or expenses of exam preparation and grading incurred while performing official board duties, in actual practice all boards reimburse their members for actual and reasonable expenses incurred while on official business.¹²

Occupational Regulatory Boards and Commissions

The fourteen boards and commissions which regulate the occupations in Hawaii are the Boards of Examiners of Abstract Makers, Barbers, Cosmetology, Dispensing Opticians, Hearing Aid Dealers and Fitters, Massage, Examiners of Nursing Home Administrators, Private Detectives and Guards, Cemetery, Collection Agency, Contractors License and Motor Vehicle Industry Licensing Boards, and the Boxing and Real Estate Commissions.

Composition. The membership of the occupational regulatory boards numbers from three to thirteen and, depending on the board, the composition of the membership varies. One board has a membership composed entirely of public officials,¹³ while four boards have only licensee members.¹⁴ The remaining boards have a combination of public officials, licensees or lay members.¹⁵ The members of some boards must be licensees of the various specialties or the related types of occupations within the industry being regulated,¹⁶ or represent the various methods of practice or businesses within the occupation being regulated.¹⁷ As in the case of the professional regulatory boards, geographical or county representation may also be required.¹⁸ Other qualifications for board membership are U.S. citizenship,¹⁹ state residency of one to three years²⁰ and active practice or experience within the state from three to five years.²¹

TABLE II

OCCUPATIONAL REGULATORY BOARDS AND
COMMISSIONS IN HAWAII

Name of Board or Commission	Year of Establishment	Statutory Reference in Hawaii Revised Statutes
Abstract Makers, Board of Examiners	1929	Chapter 436, Abstract Makers
Barbers, Board of	1947	Chapter 438, Practice of Barbering
Boxing Commission	1929	Chapter 440, Boxing Contests
Cemetery Board	1967	Chapter 441, Cemeteries and Cemetery Salesmen
Collection Agency Board	1957 (advisory) 1970	Chapter 443; Act 189, Session Laws of Hawaii 1970, Collection Agencies
Contractors License Board	1957	Chapter 444, Contractors
Cosmetology, Board of	1929	Chapter 439, Beauty Culture
Dispensing Opticians, Board of	1949	Chapter 458, Opticians, Dispensing
Hearing Aid Dealers and Fitters, Board of	1969	Chapter 451A, Hearing Aid Dealers and Fitters
Massage, Board of	1947	Chapter 452, Massage and Hawaiian Lomilomi
Motor Vehicle Industry Licensing Board	1939 (county advisory) 1969	Chapter 437, Automobile Dealers and Salesmen
Nursing Home Administrators, Board of Examiners	1970	Chapter 457B, Nursing Home Administrators Act

Name of Board or Commission	Year of Establishment	Statutory Reference in Hawaii Revised Statutes
Private Detective and Guards, Board of	1955	Chapter 463, Private Investigators and Guards
Real Estate Commission	1933	Chapter 467, Real Estate Brokers and Salesmen

Board members may serve for not more than two consecutive terms of four years each, except for the members of the Board of Dispensing Opticians whose terms are limited to a one four year term.²² The members are nominated and appointed in the same manner as that of the professional regulatory boards.²³

Organization. All of the occupational regulatory boards except the Real Estate and Boxing Commissions, elect a president or chairman and a secretary or treasurer from their membership. The chairmen of the Real Estate and Boxing Commissions are selected by the Governor. Some of the boards may also elect a vice-president or vice-chairman. These officers are elected annually by the boards.

The minimum number, time, and place of board meetings may be set by law or, when not mentioned by the statutes, left to the discretion of the board. In all cases, the board may meet whenever it is necessary. A quorum, a majority of the membership, is necessary to conduct business but a majority vote of the membership to which the board is entitled is necessary to take any valid agency action.²⁴

All members of the occupational regulatory boards, except the Board of Cosmetology and the Boxing Commission, do not receive compensation for their services. Cosmetology Board members are authorized by statute to receive compensation at the rate of \$10 per day, while the members of the Boxing Commission receive the same amount, but are limited to \$50 per month. Although only six occupational regulatory boards are expressly authorized by statute to receive reimbursement for travel and actual expenses incurred while on official business, in actual practice the members of all boards receive such compensation.

Role of the Executive Secretary and the Department of Regulatory Agencies

All professional and occupational regulatory boards are placed, administratively, within the Professional and Vocational Licensing Division of the Department of Regulatory Agencies. The rationale behind the placement of these boards within one department is to provide more efficient and economical services through centralized administration and funding.²⁵ The expenses of the division and the salaries of the clerks, stenographers, investigators and executive secretaries are financed through the budget of the Department of Regulatory Agencies and are not dependent upon the collection of licensing and penalty fees.

Each board is assigned an executive secretary who plays an important role in the administration and execution of the professional and occupational regulatory statutes. The executive secretary assists the boards in the following manner:

1. Attends meetings, records the proceedings and prepares the minutes and other documents for the board's scrutiny and approval;
2. Drafts rules and regulations in accordance with policies and directives set by the board;
3. Authenticates all board documents, if so authorized by the board;
4. Answers all inquiries and provides information to the public, including persons desiring to be licensed and licensees;
5. Assists the board in the gathering and reviewing of information relative to the eligibility of applicants for licensure or certification;
6. Receives, in the name of the board, complaints from the public or licensees concerning unauthorized or illegal practices;

7. Assists in the investigation of complaints and, in this connection, may be called upon to coordinate investigatory activities with the enforcement personnel of other departments such as the Department of Health;
8. Provides for the serving of all papers, notices and orders which the board may issue;
9. Handles, with the assistance of other personnel within the division, all license renewals and the collection of fees; and
10. Inquires into other matters as directed by the board.

There are, presently, seven executive secretaries within the Professional and Vocational Licensing Division. Each executive secretary is hired by the Director of Regulatory Agencies in accordance with Chapters 76 and 77, the civil service statutes of Hawaii Revised Statutes. An executive secretary is responsible for serving from two to five boards within the division. In addition, some executive secretaries are also responsible for handling the administration of regulatory statutes not enforced by a board, such as those relating to escort agencies, fair housing, rental agencies and subdivisions.

The executive secretaries are under the immediate supervision of the administrator of the Professional and Vocational Licensing Division. The licensing administrator, in turn, is responsible to the Director of Regulatory Agencies and makes recommendations to the director concerning the division's financial and personnel operations and policies and the approval of rules and regulations of the regulatory boards.

The Director of Regulatory Agencies is then responsible for the final determination of the administrative operations and policies for this division and for the final approval of the rules and regulations promulgated by the regulatory boards. In addition, the director is empowered to appoint hearings officers to hear and decide any case or controversy regarding licenses and the application and enforcement of the rules and regulations.²⁶

Chapter III

HAWAII STATE'S PROFESSIONAL REGULATORY BOARDS-- OBJECTIVES AND FUNCTIONS

Objectives and Functions of the Professional Regulatory Boards

Hawaii's professional regulatory boards were created to serve and protect the public. Specifically, they are charged with licensing and disciplinary or enforcement functions which serve to protect the public from unscrupulous and incompetent practitioners of the regulated profession and to promote and enforce high performance standards.¹

In Hawaii, the statutes regulating the various professions, except the professions of psychology, accountancy, and engineering, architecture and surveying, prohibit a person from engaging in such professional practice unless he is found duly qualified or licensed.² In the practice of psychology,³ accountancy, and engineering, architecture and surveying, the statutes prohibit the use of the title "certified" or "professional" by the practitioner unless he has been found qualified by the respective regulatory board. These statutes delineate the means or standards by which the competency of applicants for professional practice is judged, and the licensure functions of the regulatory boards. The licensure functions consist of the determination by the boards of the eligibility of candidates entering the profession or the issuance of initial licenses, and the renewal of licenses.

Licensure Functions of the Professional Regulatory Boards

Eligibility of candidates; initial licensure. The eligibility of a candidate is judged on the basis of his personal, education and experience qualifications and his passing

of the examinations given by the professional regulatory boards. Personal qualifications that applicants must satisfy for initial licensure in the regulated professions include U. S. citizenship or the declaration of intent to become a citizen, minimum period of residency in the state, minimum age and good moral character. In Hawaii, U. S. citizenship is required of the applicants of all of the regulated professions, except in the fields of naturopathy, nursing, osteopathy, pharmacy, psychology, veterinary, and professional engineering, architecture and surveying. Of the licensed professions having U. S. citizenship qualifications, only medicine and public accountancy accept applicants who declare their intention to become U. S. citizens.

Residency of at least one year is required of all licensed applicants, except those entering the fields of nursing, osteopathy, psychology and professional engineering, architecture and surveying. Of the regulated professions which require a one year state residency for licensure, the license applicants in medicine, pharmacy and public accountancy who do not meet the residency requirement may be granted a temporary and/or a limited license, provided that they satisfy the educational requirements, work under the supervision of licensed practitioners or for public agencies, or are licensed in another jurisdiction with equivalent standards.

A minimum age requirement must be met by license applicants for the professions of dentistry (21 years; dental hygiene-18 years), optometry (21 years), osteopathy (21 years), pharmacy (20 years), veterinary (20 years) and public accountancy (21 years). The regulatory statutes for the remaining professions do not require satisfaction of an age requirement by the license applicants.

All professions (including the sub-profession of dental hygiene but excepting nursing professionals and other sub-professionals) regulated in Hawaii require the applicants to be of

good moral character. While the phrase "good moral character" has not been defined by statute or in the rules and regulations of the boards, this qualification is usually judged on the basis of whether an applicant has a criminal record and especially whether the crime for which he was convicted involved the practice of his profession or whether, in the case of an out-of-state licensee-applicant, his license was suspended or revoked in another jurisdiction.⁴ The submission of references or affidavits attesting to the candidate's good moral character is the standard procedure to satisfy this requirement.

The boards, in determining the eligibility of an entrant into the regulated professions, also examine his technical, educational and experience qualifications. Education or academic preparation requirements include the graduation from high school or the equivalent, two to four years of study at a university or college and/or graduation from a school, college or program teaching the profession.

High school graduation is required of the applicants in chiropractic, naturopathy, nursing (including practical nursing), optometry, certified public accountancy and dental hygiene. The equivalent of a high school education is accepted in chiropractic and nursing (including practical nursing).⁵ Equivalence is judged by the exams given by the Adult Education Branch of the Department of Education, State of Hawaii.

Two years of liberal arts or science education are required of the applicants in chiropractic and naturopathy,⁶ while four years of education at a college or university, accredited by the U.S. Department of Health, Education and Welfare or the Regents of the University of Hawaii, are a requirement for applicants who are seeking a certified public accountant certificate. Graduation from a school or college, approved by the board, is a requirement for applicants desiring to register as a professional engineer, architect or surveyor.

The licensure statutes of the health professions require graduation from a professional school, college, or program approved by the board (chiropractic, dentistry, including dental hygiene, nursing, including practical nursing, and optometry) or accredited by the national professional association (medicine, osteopathy, pharmacy and veterinary) or graduation from a legally chartered school, college or university (naturopathy), while the regulatory statutes governing the practice of psychology require a doctoral or masters degree from an accredited institution of higher education. The applicants for licensing in professional engineering, architecture and surveying must complete a professional curriculum or course approved by the board. Thus, in those instances where the applicant must be a graduate of a state approved professional school or program, the board has the additional duty of evaluating the schools, programs and curriculum.⁷

Minimum years of experience or training are another requirement for licensure. The applicants for licensure as physicians, osteopathic physicians and surgeons, pharmacists, certified public accountants, and professional engineers, architects and surveyors must satisfy, in addition to the educational requirements, experience requirements, such as internship in hospitals approved by the national professional association and/or working experience under the supervision of a licensed, certified or registered professional.⁸ Experience qualifications may be coupled with less demanding educational requirements as an alternative method for meeting the licensure standards, as in the case for the certification of psychologists where a masters degree and years of experience may be substituted for a doctoral degree in satisfying the education requirements.⁹ In other instances, such as in the professions of veterinary and professional engineering, architecture

and surveying, years of experience may be accepted in lieu of formal educational requirements.¹⁰

Examinations or tests to further verify the eligibility of candidates are another requirement of the initial licensure process. The laws governing the administration of examinations vary from generally worded statutes that merely charge the board with the duty of conducting examinations to statutes specifying the content of the exams, as in the case of the exams for chiropractic, optometry, pharmacy, naturopathy and certified public accountancy. Professional licensing examinations, are of two types--a written exam of several parts and a practical or oral exam. Both types of examinations are given to each professional license applicant (including dental hygiene license applicant), except applicants in chiropractic, nursing (including practical nursing) and certified public accountants who are given only written exams.

The written examinations given by the Boards of Dental Examiners (including dental hygiene exams), Medical Examiners, Nursing (including practical nursing exams), Examiners in Osteopathy, Pharmacy, Certification for Practicing Psychologists, Veterinary Examiners, Accountancy and Registration of Professional Engineers, Architects and Surveyors are prepared by a professional testing service. These exams, commonly known as national board exams, uniformly test the qualifications of the applicant in those states which subscribe to the exam, and serve to promote nationwide quality standards that are desired and set by the national professional association.¹² The Boards of Chiropractic Examiners and Examiners in Naturopathy and Optometry administer exams which they have prepared or drafted.¹¹ While there is no national board exam for chiropractic and naturopathy license applicants, there is a national board exam for applicants in optometry, but it is not used by the regulatory board of this state. All of the written

exams consist of several parts which test the applicant's knowledge of theory, fundamentals, clinical or specialty aspects, and regulatory statutes and ethics of his profession.

In addition to the written exams, the Boards of Dental Examiners, Medical Examiners, Examiners in Naturopathy and Optometry, Osteopathic Examiners, Pharmacy and Veterinary Examiners administer practical examinations in which the applicants' (including dental hygiene license applicants) clinical knowledge is tested through demonstrations and oral questioning. This type of exam is prepared by the board, since there is no practical national board exam available.¹²

The time at which exams may be held or the frequency with which exams are given each year may be specifically set by statute¹³ or left to the discretion of the board.¹⁴ Most professional regulatory boards conduct their exams in Honolulu, but the Boards of Accountancy and Registration of Professional Engineers, Architects and Surveyors also conduct exams on the neighbor islands if there is a sufficient number of applicants (five or more). The exams given on the neighbor islands are proctored by board members residing on that island or staff members of the branch office of the State Department of Regulatory Agencies. In Honolulu, the examination branch of the licensing division of the department proctors the written examinations.

The grading of written examinations is performed by the national professional boards for the national board exams and by the Examination Branch of the Licensing Division of the Department of Regulatory Agencies for exams prepared by the state boards. Passing scores may be stated in the statutes,¹⁵ or in the rules and regulations of the boards,¹⁶ or if not specified by either, the passing score set by the national professional board is used.¹⁷ All of the boards which administer practical exams, except

the Boards of Osteopathic Examiners and Veterinary Examiners, do not specify in their rules and regulations, the passing score for practical examinations nor do they state what value or weight is given to the written or practical exam in the computation of the final passing score. The regulatory statutes are also silent in this area.

The retaking of examinations by applicants who fail is allowed by all of the professional regulatory boards. Only the statutes for chiropractic specify that the entire exam must be re-taken by failing applicants. The Boards of Dental Examiners, Examiners in Optometry, Accountancy and Registration of Professional Engineers, Architects and Surveyors provide guidelines through their rules and regulations for the retaking of exams by those who fail. These rules and regulations usually specify whether the entire exam must be retaken or just the portions which the applicant has failed. The rules also state the number of times an applicant may retake an exam or a time period during which the applicant must take the entire exam and pass. For those professions where there are neither statutes nor rules and regulations concerning the retaking of examinations, the applicant who fails must apparently retake the entire exam each time it is given or, in the case of national board exams, the rules regarding the retaking of exams of the national professional association are employed.

Waiver of both written and practical examinations is allowed by statute in medicine, nursing, osteopathy and psychology, if the applicants possess personal, educational and training qualifications and a diplomate certificate from the national professional board, which indicates that the applicants have passed the national board exams with scores that coincide with those required by the state regulatory boards.¹⁸ The Boards of Accountancy and Registration of Professional Engineers, Architects and Surveyors may

also waive examinations if the applicant has been certified in another foreign or domestic jurisdiction with equivalent certification standards.¹⁹ This process of licensing without examination is commonly known as endorsement.²⁰ Licenses may not, however, be issued unless the applicant satisfies the personal, and in some cases, the educational qualifications.

Some of the professional regulatory statutes contain provisions which allow temporary and/or limited practice by an applicant who does not satisfy one or more of the requirements for licensure. Temporary licenses are issued for specific periods that may be extended or shortened by the boards. Limited licenses, which allow the applicant to practice only in hospitals under proper supervision and in governmental agencies or in charitable institutions, may also be issued. The Board of Medical Examiners is authorized to issue licenses that are both temporary and limited to otherwise qualified applicants who do not meet the residency requirements or are waiting to take their examinations. The Board of Dental Examiners may also issue the same kind of license to a resident or a non-resident applicant who has satisfied all the requirements but has not yet taken the exam or is licensed in another state and will provide dental care only to leprosy patients of the Department of Health. The Board of Nursing grants temporary licenses to qualified registered and practical nursing applicants who are awaiting the holding of an exam, the exam results, or endorsement. Finally, the Boards of Pharmacy and Accountancy may also issue temporary licenses to qualified applicants who do not meet the residency requirements.

Temporary work permits are also authorized by the statutes regulating the practice of pharmacy, psychology, public accountancy and professional engineering, architecture and surveying. In pharmacy an applicant who does not meet the experience requirement

but who is otherwise qualified, may apply for a temporary permit to work but such employment must be supervised by a licensed pharmacist. In psychology, accountancy, and professional engineering, architecture and surveying, the temporary work permit is a means by which licensed out-of-state practitioners may perform services in Hawaii for a limited time.

Renewal of licenses or re-registration; fees. The statutes governing the regulation of the professions require annual renewal of licenses or certificates, or annual registration by licentiates. The times of renewal or re-registration each year are usually on a calendar or fiscal year basis.²¹ About one month prior to the expiration date, the licensing division of the Department of Regulatory Agencies mails out renewal notices or applications to the licentiates. If the licentiate fails to renew his license by the annual expiration date, he must forfeit his license. His license is reinstated upon application and the payment of renewal and penalty fees. In the case of chiropractors, optometrists, certified psychologists, certified public accountants and professional engineers, architects and surveyors, the application for reinstatement must be made within a certain time period, or the delinquent licensee must repeat the initial licensure process in order to regain his license.²²

Applicants for a professional license and licentiates, including those in the dental hygiene and practical nursing sub-professions, are assessed a variety of fees that are set by statute, except for the accountancy exam fee which is set by rule or regulation. The various types of fees and the range of the fee charges are as follows:

Application fee: \$10-\$30 (nursing, and professional engineering, architecture and surveying)

Examination fee: \$5-\$50 (all professions regulated by statute)

Re-examination fee: \$3-\$50 (all professions regulated by statute)

Registration fee: \$15-\$25 (public accountancy, and professional engineering, architecture and surveying)

Re-registration or license renewal fee: \$3-\$15 (all professions regulated by statute)

Temporary license fee: \$8-\$50 (medicine, pharmacy, public accountancy, and professional engineering, architecture and surveying)

Registration in county (except Honolulu) fee: \$2.50 (dentistry)

Application for endorsement fee: \$100 (osteopathy)

In addition, all of the boards impose a penalty fee for delinquent license renewal or re-registration ranging from \$5-\$50.

Although the fee amounts are set by statute or by the board when authorized by statute, the boards may decrease or increase the fee amounts by 50 per cent by administrative action in accordance with Section 92-28, Hawaii Revised Statutes. All fees and penalty monies collected are deposited in the general fund of the State.

Disciplinary Functions of the Professional Regulatory Boards

In addition to licensing, the professional regulatory boards are also charged with enforcement functions in order that they may fulfill their responsibility of protecting the public interest. Enforcement or disciplinary functions consist of preventing illegal, unauthorized or unethical practices and taking proper action against those who are guilty of such activities.

The statutes of the regulated professions delineate specific actions or practices in which a professional practitioner must not engage. A person, of course, may not engage in professional

practice, or represent himself as being a professional without first obtaining a license. Other prohibitions include fraudulent, improper and unprofessional conduct, misrepresentation or false promises, especially in the practice of the health professions, assisting and employing unlicensed practitioners, practicing under an assumed name and wilfully violating the rules and regulations of their respective fields. The statutes also state that behavior such as habitual intemperance, drug addiction, moral turpitude, manifest incompetence and felony convictions, especially those involving fraud and deceit and fraud in obtaining a license, shall affect the good standing of the licentiate or the eligibility of an applicant for licensure.

Revocation, suspension or refusal to permit the issuance of licenses. The professional regulatory boards are empowered by statute to penalize practitioners or applicants who commit any of the prohibited acts stated previously by suspending, revoking or refusing to renew the license of a holder or refusing to issue a license to an applicant. The boards may also impose penalties of up to \$1,000 and/or imprisonment of up to one year upon any licensee committing illegal or unprofessional acts or practices.

Generally, the disciplinary functions of the boards are exercised only upon the registering of a complaint. The number of complaints registered has been relatively few and the professional regulatory boards, to a large extent, depend on the professional conduct and self-policing of the vocations in the timely administration of their enforcement functions.

Complaints, when registered, may come from two sources, the public and the licensees or the profession. Upon receipt of a complaint, the normal processing procedure is as follows:

1. Receipt of the complaint by the executive secretary or the board;
2. Investigation and gathering of facts relevant to the complaint by the Investigation Branch of the Professional and Vocational Licensing Division with direction from the executive secretary and board; and
3. Review of the complaint and facts of the investigation by the board and the rendering of the board's decision.

If the board decides that the complaint is justified and that it has sufficient grounds to take action against the licensee, it will then, through its executive secretary, send a written notice to the licensee informing him of the charges and the time and place set by the board for a hearing to show cause why his license or certificate should not be suspended or revoked.

In the revocation or suspension of a license or certificate, the boards are bound by the provisions of their statutes, Chapter 91 of the Hawaii Revised Statutes, and the rules of evidence regarding the conduct of the hearings for license revocation or suspension. In this connection, the boards are authorized by law to administer oaths, subpoena and examine witnesses and records relevant to the proceedings. Moreover some boards are authorized through their statutes to petition the judge of a circuit court to cite any witness who refuses to testify, except as privileged by law, to show cause why he should not be punished for contempt.²³ The statutes for two of these boards, the Boards of Medical and Osteopathic Examiners, also contain provisions regarding the commission of perjury by witnesses.²⁴ Any disciplinary action taken by the board must be by majority vote of all the members to which the board is entitled. Following the revocation or suspension of a license, the board may, at any time, restore or reinstate such license with all privileges and rights.

If charges are brought against persons practicing without a license, the board may conduct an investigation and report all relevant data and information to the Attorney General of the State of Hawaii for the prosecution of these persons.

Chapter IV

HAWAII STATE'S OCCUPATIONAL REGULATORY BOARDS--OBJECTIVES AND FUNCTIONS

Objectives and Functions of the Occupational Regulatory Boards

Hawaii's occupational regulatory boards, like the professional regulatory boards, have as their objective the protection of the public interest and welfare. They, too, are charged with licensing or certification and enforcement programs which protect the consuming public from unscrupulous and incompetent members of the regulated occupations, trades and industries.

The occupations, trades and industries regulated by the boards in Hawaii are abstract makers, barbering, boxing, ceme-teries and pre-need funeral authorities and salesmen, collection agencies, contractors, cosmetology, dispensing opticians, hearing aid dealers and fitters, massage, motor vehicle industry, nursing home administrators, private detectives and guards, and real estate brokers and salesmen. The statutes regulating these occupations and trades prohibit a person from engaging in such practices without first being found duly qualified or licensed.

Licensure Functions of the Occupational Regulatory Boards

Eligibility of applicants; initial licensure. The eligi-bility of a candidate for initial licensure is determined

on the basis of his personal, educational, and training or experience qualifications and his passing of an examination given by the occupational regulatory boards. Personal qualifications consist of U.S. citizenship or a declaration of intention to become one, minimum period of state residency, minimum age and good moral character.

U.S. citizenship requirements must be satisfied by license applicants for the occupations of abstract makers, collection agencies and private detectives and guards.¹ A minimum period of state residency is required of an applicant for a collection agency license (1 year), operator or instructor in cosmetology (60 days), masseur (1 year), private detective or guard (1 year), and real estate broker or salesman (2 years).² Minimum age requirements must be met by applicants in the occupations of barbering (barber-18 years, apprentice-16 years), cemetery or pre-need funeral salesman (20 years), collection agent (20 years), contractor (20 years), private detective and guard (25 years), and real estate broker and salesman (20 years). The statutes of all occupations, trades and industries regulated by the boards in Hawaii require the applicants to be of good moral character. As in the case of the professional licensing laws, good moral character is not defined by statute. Generally, however, this requirement is judged on the basis of whether the applicant has a criminal record and especially whether the applicant was convicted of a crime involving moral turpitude³ or whether his license to practice, in the case of an out-of-state licensed applicant, was suspended or revoked.⁴ Certain regulatory statutes require the posting of bonds ranging from two thousand dollars to fifty thousand dollars by the applicant,⁵

while other statutes require financial integrity or a sound business reputation⁶ or a satisfactory and adequate business premise.⁷ Additional personal requirements are temperate habits and good health for license applicants in barbering and massage, and good physical condition for boxing participants.⁸

Some boards are also required to judge the educational, training and experience qualifications of applicants. Educational requirements are set by statute for barbers (eighth grade), collection agents (high school graduation or equivalent), operators or instructors in cosmetology (four years of high school or equivalent) hearing aid dealers and fitters (high school graduation) and private detectives and guards (high school graduation or equivalent).⁹ Training or experience requirements consist of completion of certain courses of study,¹⁰ apprenticeship under the supervision of a licensee,¹¹ and work experience in a specialized area.¹²

Examinations or tests to verify the educational and/or training or experience qualifications of candidates are given by the Board of Abstract Makers, Board of Barbers (for apprentice and registered barbers), Collection Agency Board, Contractors License Board, Board of Cosmetology, Board of Dispensing Opticians, Board of Hearing Aid Dealers and Fitters, Board of Massage, Board of Examiners of Nursing Home Administrators, Board of Private Detectives and Guards, and the Real Estate Commission.¹³ The examinations given by these boards may be written or oral.¹⁴ The Boards of Barbers, Cosmetology, Dispensing Opticians, Hearing Aid Dealers and Fitters, and Massage give, in addition, practical examinations to their applicants.¹⁵

Each board, except the Board of Massage, prepares its own written examinations with the assistance of the Examination

Branch of the Professional and Vocational Licensing Division of the Department of Regulatory Agencies. The Board of Massage gives a standardized national written exam to its applicants.¹⁶ All practical exams, of course, are prepared by each board.

The scope of the examinations given to applicants for hearing aid dealers' and fitters' and real estate brokers' and salesmen's license is fixed by statute.¹⁷ The scope or type of exam given by the remaining boards, except the Board of Examiners of Abstract Makers which does not have rules or regulations, is specified in their rules and regulations. The written examinations consist of several parts which test the theoretical knowledge required in the applicant's occupation or trade and knowledge of laws and rules and regulations relating to his vocation. Additional examinations in specialized areas of knowledge are given by the Contractors License Board for each classification or type of contractor's license being sought. The practical examinations, which enable the boards to judge applied skills and knowledge, consist of demonstrations performed by the applicants.

The times at which examinations for occupational license applicants are held are not set by statutes, but are specified by the rules and regulations.¹⁸ The Contractors License Board and Real Estate Commission may, by their rules and regulations, administer exams at anytime. Most boards conduct their examinations in Honolulu. The Boards of Barbers and Massage, however, allow written examinations to be conducted on the neighboring islands if there is a sufficient number of examinees, but the practical exams are administered in Honolulu. All examinations are proctored in the same manner as are the professional licensing examinations.

The grading of written examinations is performed by the Examination Branch of the Professional and Vocational Licensing Division but the practical examinations are graded by the members of the boards requiring such exams. Passing scores of the examinations are set by the rules and regulations of each board, except for the Collection Agency Board. In the case of the Board of Barbers, the passing score for the entire exam is specified, but the rules and regulations do not specify whether more value or weight is placed on certain portions of the examinations when computing the final score.

The retaking of examinations is allowed by all boards which require examinations for licensure or certification. The rules and regulations of the Boards of Cosmetology and Dispensing Opticians specify that the applicant may retake only those portions of the exam which he has failed.¹⁹ The rules and regulations for the remaining boards are silent and it has been the practice to require the applicants to retake the entire examination upon failure.²⁰

Waiver of examinations is allowed by statute for applicants for hearing aid dealers' and fitters' and masseurs' license, but endorsement, the licensing of applicants without examination, is contingent upon whether the applicant holds a valid license from another state or territory of the United States which has requirements equivalent to Hawaii's.

The issuance of temporary certificates or permits to applicants who do not meet all of the licensure requirements is usually authorized by statute or by rules and regulations. The Boards of Barbers, Cosmetology, and Hearing Aid Dealers and Fitters are authorized to issue temporary certificates or permits by statute, while the rules and regulations of the Contractors License Board authorize the issuance of temporary licenses to

work. These temporary certificates or permits allow the applicants who are otherwise qualified, but have not yet taken their examinations or are awaiting examination results, to practice their trade or occupation.²¹ The Board of Cosmetology may also issue temporary work permits to qualified instructors who wish to teach for the purpose of demonstrating cosmetics or cosmetology methods for a limited time, but do not satisfy the residency requirements. The Board of Barbers may issue to a registered barber who is licensed in another jurisdiction having standards equivalent to Hawaii's or a person who has had long years of experience in barbering in another jurisdiction, and satisfies the personal and educational requirements, a temporary certificate to work as a journeyman barber until he has taken an examination for licensure as a registered barber. The Board of Barbers may also issue to a qualified apprentice barber registered in another jurisdiction having standards equivalent to Hawaii's, a temporary certificate to work until he has taken the board examination.²² The Board of Examiners of Nursing Home Administrators may issue a temporary license to any administrator serving in the State prior to January 1970. This temporary licensing provision serves as a transitional measure until such time as the 1970 statutes governing nursing home administrators, Act 63, Session Laws of Hawaii 1970, may be fully implemented.

The licensure functions of the occupational regulatory boards differ from those of the professional regulatory boards in that the former may also approve, by registration, schools and shops or business premises operated by the licensees. The Board of Cosmetology registers both beauty schools and beauty shops, while the Boards of Barbers and Massage, and the Motor Vehicle Industry License Board approve or register barber shops, massage salons or motor vehicle industry premises, respectively. The

requirements for registration as a beauty school include teaching a course of training that is consistent with statutory or board requirements, maintenance of satisfactory student-teacher ratio, and a library. The requirements for barber and beauty shops and massage parlors or salons are sanitary and building safety conditions as specified in the boards' rules and regulations and those of the Department of Health.

Renewal of licenses and certificates or re-registration; fees. The statutes regulating the occupations, trades and industries require annual renewal of licenses or certificates or re-registration at the end of the calendar or fiscal year.²³ If a licensee fails to renew his license or certificate by the expiration date, he must, in most instances, forfeit his license.²⁴ His license or certificate may be reinstated upon application and payment of a renewal and penalty fee. Several boards, however, require that the application for restoration of the forfeited license or certificate must be made within a certain time period or the delinquent licensee must repeat the initial licensure process in order to regain his license or certificate.²⁵

Applicants for licenses are assessed a variety of fees, the amounts of which are set either by statute or by rules and regulations.²⁶ The various types of fees and the range of the fee charges are as follows:

Application fees: \$5-\$50 (abstract makers, cemetery or pre-need funeral authority and salesmen, contractors, dispensing opticians, motor vehicle industry members, nursing home administrators and real estate brokers and salesmen)

Examination fees: \$10-\$50 (barbers, including apprentices, cosmetology operators and instructors, dispensing opticians and masseurs)

License or certificate fees: \$5-\$200 (cemetery or pre-need funeral authority and salesmen; collection agencies; contractors, all classes - \$100-\$200; hearing aid dealers and fitters, private detectives and guards and real estate brokers and salesmen; for motor vehicle industry board, and boxing promoters and participants - fees set by rules and regulations)

Renewal of license or certificate or re-registration: \$3-\$75 (all occupations, trades and industries regulated by a board)

Registration of students or apprentices fees: \$3-\$10 (barbering, cosmetology and massage)

Some boards assess additional charges such as fees for duplicate licenses or certificates and penalty fees for delinquent renewals or re-registration.²⁷ Other boards impose fees ranging from \$2-\$500 for re-registration of licensees' premises, branch offices, shops and schools.²⁸

As in the case of the professional regulatory boards, all fees may be decreased or increased by 50 per cent through administrative action of the occupational regulatory boards, pursuant to Section 92-28, Hawaii Revised Statutes. All fees and penalty monies are deposited in the state's general fund.

Disciplinary Functions of the Occupational Regulatory Boards

The disciplinary or enforcement functions of the boards consist of preventing illegal and unauthorized activities by

persons within the occupations, trades and industries. This function also includes the taking of whatever action that is necessary against those persons who violate the regulatory laws, and rules and regulations of the boards.

The statutes regulating the occupations, trades and industries are diverse and complex. The statutes prohibit unlicensed or unauthorized practice and require the licensees to conduct their business in an ethical manner. Felony or misdemeanor convictions involving moral turpitude, fraud, dishonesty, alcohol or drug addiction, affliction with contagious diseases, and gross carelessness and incapacity may prevent continued or initial licensure. Some statutes specify in detail, what are considered illegal business practices. The specific prohibitions include false advertising or promises, consumer fraud, misrepresentation, speculation and the mismanagement of funds.²⁹ The boards may also require conformance to the state's tax and retail installment sales laws, the submission of financial statements and statements of proprietorship, and the inspection of work premises, place of business, and the books and records of the licensees.³⁰ Special requirements to further protect the public and the industry include such requisites as the possession of a franchise to sell new cars by motor vehicle dealers, the maintenance of a trust by cemetery or pre-need funeral authorities and prompt payment for goods and services by contractors to sub-contractors.³¹

Revocation, suspension or refusal to issue or renew licenses or certificates. The boards may take disciplinary action against erring licensees and license applicants by revoking, suspending or refusing to renew their licenses or certificates or refusing to issue an initial license to an applicant. The boards may, in

addition, impose penalties of up to one thousand dollars fine and/or one year imprisonment, depending upon the nature of the violation. All legal actions against unlicensed persons are prosecuted by the Attorney General.

The process of receiving, registering and investigating of complaints and the proceedings conducted by the board for the suspension or revocation of licenses or certificates are similar in method to those of the professional regulatory boards. Unlike the professional regulatory boards, however, the occupational regulatory boards receive a large number of complaints from the public and licensees. In addition, complaints received by other agencies, such as the Department of Health, the Office of the Consumer Protector, and the Office of the Ombudsman are referred to the appropriate regulatory boards for proper disposition since the boards are primarily responsible for the enforcement of the laws regulating the occupations.

Chapter V

HAWAII STATE'S PROFESSIONAL AND OCCUPATIONAL REGULATORY BOARDS--FINDINGS AND ALTERNATIVES

The examination of the composition, operation and programs of the professional and occupational regulatory boards in the three preceding chapters reveals that there are certain practices and requirements which could be modified in the regulation of professions and occupations in the State of Hawaii. This chapter will attempt to point out these inequities and possible alternatives to alleviate the problems discussed.

Objectives of Professional and Occupational Regulation

The subject of vocational regulation and the public interest is a much studied area of public administration. Such studies have been initiated by public suspicion that the professions and occupations have, through the years

...worked within the states and increasingly on a national scale to enhance their professional status and prestige, to raise the standards of preparation for their professions and occupations, to protect themselves from competition, and to increase the price of their services by limiting the number of persons able to perform these services...[and that] ...they have turned to the police power of government to secure these blessings, believing that they might influence and accommodate themselves to the licensing requirements adopted by the government.¹

Thus, in order to determine whether the objective of governmental regulation, the protection of the public interest, is being met by the professional and occupational regulatory statutes, the

following questions must be answered:

1. Do licensing and regulation of the professions and occupations represent and protect the public interest or the interests of special groups; and
2. Is there a better method or system for the protection and promotion of the interests of the public.

Representation and Protection of the Public Interest

Whether the laws regulating the professions and occupations in Hawaii were initiated by the needs of the public or the needs of the professions and occupations cannot be definitely ascertained and perhaps, at this time, it may be an irrelevant query.² What is relevant, however, is the present system of professional and occupational regulation by the state's boards and commissions, their composition and their licensing and enforcement programs and powers.

Board composition and public representation. In Hawaii, the public may be represented on ten of the twenty-six regulatory boards. In practice, however, there is public representation on only eight boards and one commission.³

The professional regulatory boards, whose memberships consist entirely of licensee members, appear to have been structured in such fashion for the following reasons:

Once the legislature decides to exercise the police power to license the members of the profession, it is logical (on the surface) to transfer the licensing power to those with expertise, the existing members of the profession. The reason for licensing individuals is that the public is ignorant and incapable of judging the qualification of sellers. The legislature, essentially, is no more qualified to determine competency than is the general public. It is logical to assume that those already qualified in the profession can judge the competence of others to practice the profession.⁴

However, in the discussions of Chapter III, it was revealed that some of the professional boards depend on the assistance of persons more experienced than they in judging competence. For example, the applicants' educational qualifications are determined on the basis of their graduation from a professional school or college which has been accredited by the national professional association or the U.S. Department of Health, Education and Welfare and on their passing of written examinations prepared and graded by the national professional associations' boards of examiners.⁵ Determinations of this nature do not appear to require technical knowledge on the part of board members. While lay members sitting on professional regulatory boards may not be qualified to administer and grade practical examinations,⁶ it appears that the lack of such knowledge is not limited merely to public members. In a survey conducted by the Educational Testing Service, it was found that:

...many [professional] board members lack expertise in the field of testing. As a result, the examinations vary widely in the quality and difficulty of questions. Performance ratings for practical examinations were singled out for special criticism, as they lacked standardization and grading was usually subjective.⁷

Some public administrators believe that lay members on a professional board would serve in a capacity which would offset the disadvantages which arise from their lack of expertise. Marver Bernstein in his study of regulatory commissions indicates that the expertness of commissions or boards creates problems of perspective in public policy:

As a result, broad public considerations tend to be interpreted in the light of special knowledge and special interests. Considerations of public interest receive little attention apart from special circumstances of particular regulatory situations.⁸

The same pro and con discussions can be applied to the occupational regulatory boards, especially those boards that draft and administer their own examinations.⁹ Perhaps, in the case of licensee-public member regulatory boards, the preparation of an examination which adequately tests the applicant may be assumed by an examination advisory committee. A similar arrangement is presently being used by the Contractors License Board, which employs the expertise of groups of specialty contractors in drafting specialty contractors' examinations.

The problems of perspective are present in enforcement functions as well as licensing functions of the regulatory boards. J. F. Barron, in writing on business and professional licensing for the Stanford Law Review, points out the dangers of discipline by public regulatory bodies composed of only licensee members:

There is evidence that many boards exercise their powers in many ways that are not in the interest of buyers. This is not an indictment of the honesty or good intentions of all board members. However, they are members of the profession they govern, and they cannot help but be influenced, if only subconsciously, by the fact that their actions will affect their own and their colleagues' well being. More importantly, they cannot avoid exposure to the influence of their colleagues and professional organizations. The pressures to which a board is exposed are not those brought by a unorganized, inarticulate public, but those of an articulate professional group which is bound together in well-organized associations. These associations have as one of their goals the improvement of the profession and for this purpose have full-time 'councils', 'congresses', or 'boards' of their own. These associations are influential in designing rules and requirements that are enacted into law by legislatures, and in designing rules of professional conduct that are adopted by the boards. Many of the proposals of professional associations can be related to the protection of the public only by the most tenuous of arguments.¹⁰

The regulatory boards' power to promulgate rules and regulations is an important adjunct to the implementation and effective administration of regulatory statutes. Yet, as discussed in the preceding chapters, some regulatory boards lack written policies covering such situations as the passing scores on examinations and the value or weight given to portions of the examination in computing total passing scores, the retaking of examinations and the approval of premises. While, perhaps, these situations may be considered trivia to some, they are, nevertheless, important to the license applicant and ultimately to the public. The 1959 Joint Legislative Committee on Government Reorganization, recognized the importance of public representation in rule-making and stated in its Report on the Organization of the Hawaii State Government to the First Hawaii State Legislature that:

It would also be appropriate to have someone other than those belonging to the profession or occupation participate in the determination of rules and regulation[s].¹¹

Another public administration report makes the following comment on public representation and this delegation of public power:

To admit simply that professional groups exercise a powerful role affords no answer. Considerable authority has been delegated by government to private groups. In many instances, no distinction can be made between private groups and the governmental form which they take. Certainly it is erroneous to assume that professional licensing bodies have no impact upon, or bear no relationship to, the public. If professional groups are made the custodians of professional licensing, then the question should be asked, 'who guards these guardians?' Since licensing bodies have a public role, then the issue becomes one of ensuring the responsibility of these bodies. In no avenue of life can government give a blank check to any group of men. Nor should one be given to the professions. To the degree to which

licensing boards exercise a public function, no phase of their operation can ever be immune from public scrutiny.¹²

Lay membership for health professional regulatory boards has been vigorously opposed in the past. There are indications, however, which point towards increased lay participation in the health field:

The Surgeon General has said that health belongs not just to the doctors but to everybody. It belongs to the people, and if we are to raise health care to the level of our aspirations, the consumers of care must have a strong voice in shaping patterns of its delivery.¹³

In California, under a recent reorganization plan which became effective in November, 1970, the number of public members on boards and commissions is, in many instances, being increased to a total of two. Some of the boards or commissions affected by this reorganization plan are: State Board of Accountancy, California State Board of Architectural Examiners, California State Board of Landscape Architects, State Board of Barber Examiners, State Board of Registration of Professional Engineers, Contractors License State Board and State Board of Cosmetology. The Council on Occupational Licensing, Incorporated, in reporting on this reorganization states:

The substitution of public members for licensee members will result in greater objectivity in the regulatory process and increased responsiveness to the public interest by the boards affected.¹⁴

It has been further stated that lay membership on regulatory boards and commissions may not only lessen the autonomous control by the professions and occupations but also serve to foster and insure public responsibility:

Every encouragement should be given to the continuation of development of concern by laymen for professional problems. Advisory and governing boards in professional agencies, for example, should have as much lay representation as possible. Public health is too important to be left to the doctors, and public education too important to be left to the school teachers.¹⁵

A comparison of Hawaii with the other forty-nine states and the number of licensee and public members on their regulatory boards which are similar to those of this state is found in Table III in the Appendix of this report.

Another aspect relating to the composition of regulatory boards which is worthy of consideration is the representation on the boards of all professions or occupations being regulated. In Hawaii, the Board of Dental Examiners, which regulates dental hygiene does not include dental hygienists in its board membership, and the Real Estate Commission which regulates both brokers and salesmen does not include real estate salesmen in its membership. Likewise, the Board of Cosmetology, which regulates beauty schools, does not include beauty school representatives in its membership. It appears, in all cases, that one aspect of the profession or occupation is overly autonomous and members the sub-profession and sub-occupation being regulated by the board have little or no voice in their regulation. The comments of the 1959 Joint Legislative Committee on Government are, perhaps, relevant to this situation:

...it should be recognized that the authority of government is being employed to restrict the occupational freedom of the person or persons involved. It is, therefore appropriate that where there is no privileged contractual arrangement...those whose occupational freedom is restricted should have a...voice in determining the nature and degree of restriction.¹⁶

On the other hand, the Board of Accountancy has both public accountant members as well as certified public accountant members on the board. The public accountant members are, however, precluded by Section 466-4(6), Hawaii Revised Statutes, from acting

on any matter which concerns only the certified public accountants while the C.P.A. members may act on any accountancy matter.

With respect to the compensation of regulatory board members, such information is contained in Table IV, which compares the compensation of Hawaii's regulatory board members with members of similar boards in other states.

Licensing programs and the public interest. As stated earlier, the regulatory boards and commissions in Hawaii, for the most part, judge the eligibility of an entrant into the regulated professions and occupations on the basis of his personal and technical qualifications, which include education, training or experience and the passing of board or commission examinations. These requirements have been summarized in Table V in the Appendix of this report.

Personal or non-technical requirements consist of U.S. citizenship, state residency, minimum age and good moral character. The Educational Testing Service in its 1968 study for the U.S. Department of Labor has stated that these requirements "... appear to be excessive in the light of job performance standards."¹⁷ Among these requirements, the residency qualification has been most frequently discussed. The proponents for maintaining the residency requirement have stated that a certain period of time is needed for investigation into the applicants' competence to practice his trade or profession and his background. A contrary view is that:

...in Hawaii whatever investigation is made in most instances is not begun when the new resident arrives, but when he attempts to enter the occupation. In other words, it is obvious that the residence requirement is not presently used or needed for investigation purposes because the fact is that during the residence period, no investigation is even commenced. Moreover, in this day of rapid communication, complete records, employee dossiers, and so forth, any person's fitness

and competency can be ascertained within a few weeks, and therefore a residence requirement ranging from one to three years certainly has no reasonable administrative need.¹⁸

It has been pointed out that residency requirements also appear to be unconstitutional on the basis of the commerce clause, the equal protection clause, the privileges and immunities clause of the Fourteenth Amendment and the privileges and immunities clause of Article IV of the U.S. Constitution.¹⁹

The minimum age requirement, especially for professional license applicants, does not appear to be a necessary requirement, since they are required to possess many years of technical education or training, and such requirements are usually fulfilled after the applicants have passed the minimum required age of 20 or 21 years. According to a study conducted by the Council of State Governments, "the minimum age requirement generally seems to have slight effect or none at all on the actual ability of technically competent applicants to secure licenses."²⁰ It does preclude, however, the license applicant who has been able to complete the technical education or training requirements at an earlier date, and who, merely because of his age, and not his incompetence, is denied a right to be eligible for admission to practice.

Good moral character is another area where modification should be considered. Guidelines for determining good moral character are not specified by many boards and commissions. In most instances, policies relating to the eligibility of applicants with criminal records are not clearly discernible. Such policies, if not more clearly defined, may negate the public policy of encouraging manpower entry and mobility:

Requiring evidence of 'good moral character' may also bar potential practitioners, especially the urban poor who often have criminal records. Convictions for felonies or 'crimes of moral turpitude' are the usual grounds for ineligibility, but arrests in themselves or misdemeanor convictions sometimes also disqualify an individual....When arrests and convictions are not related to an individual's capacity to perform the job, barring him from the trade of his choice counters efforts of correctional institutions and rehabilitation programs to obtain gainful employment for offenders.²¹

The failure on the part of an applicant to disclose his arrest record because of his fear of denial, may also result in license denial by the board or commission, which routinely performs character checks and investigations. The moral character requirements, then, should be tempered with provisions which consider the rights of reformed persons and avert the fears of persons who merely have an arrest rather than a conviction record.

The technical, education, training and experience requirements for eligibility into a profession or occupation are, perhaps, the most difficult to assess and this study is unable to fully judge the adequacy or necessity of these qualifications which should be further studied and examined by persons competent in testing and evaluation.

High school education and experience requirements, in particular, have been subject to criticism. For example, in some vocations, such as cosmetology, high school education, or its equivalent, in addition to training or experience, is required of license applicants. The necessity of a high school education for technical competence of such license applicant is highly debatable. Such a requirement would seem to be an unnecessary hindrance on the applicant and could bar high school drop-outs from being meaningfully and gainfully employed.

In addition to the educational requirements that a license applicant must meet, the eligibility requirements for many professions and occupations stipulate a minimum number of years of experience and training. The experience requirement may be overly restrictive, especially in the occupational fields where a fast learner may have the necessary training and skills but because of his lack of experience must wait several years before being eligible for licensure. The Educational Testing Service has questioned the adequacy of the experience and training requirements:

In occupations where job skills can be learned through practice, however, requiring training in 'approved' institutions and additional work experience unnecessarily prolongs the period when an individual is working at low wages if at all.²²

Perhaps, the satisfactory passage of a board examination, including a practical exam, is the answer to permitting an applicant to become licensed sooner. Most examining boards, however, do not administer examinations to applicants unless they have first satisfied personal and technical eligibility requirements.

On the other hand, it has been stated by some boards that examinations alone do not adequately evaluate the competence of an applicant, including the fast learner. In this connection, the Educational Testing Service conducted a survey and found that "...several licensing examinations emphasized recall of facts and small details. Moreover, several vocational administrators interviewed in the survey complained that the tests continued to include questions about obsolete practices and trivial material.... Such shortcomings of exams raise serious doubts about whether they can be used to measure an individual's potential ability to perform the job or whether they serve simply as achievement tests for training school graduates."²³

In the health vocations, particularly, there are doubts as to whether examinations and other technical licensure requirements reflect the rapid changes in health and medical knowledge and practices. Numerous recent studies point to the accelerating change, technological explosion, and growth of specialization and their effect on health professionals and the services they render. The following comments were made by Anne R. Somers in Hospital Regulation: The Dilemma of Public Policy with regard to inadequacies of present health occupational, and especially medical, licensure:

1. Rather than elevating standards of professional education, outmoded laws are now constraining educational innovation. Dr. E. H. Forgotson, physician, lawyer, and authority of licensing, comments on this point:

In the case of medicine, many specific statutory curricular requirements were prescribed in the pre-Flexner era to give physicians some exposure to certain pre-clinical and clinical subjects. Most specific requirements, however, were the product of implementation of the recommendations of the Flexner Report and were designed to close down or improve inadequate medical schools, diploma mills, and commercialized educational programs. However, these problems have long since been resolved and other problems such as requirements for curricular innovation in subjects ranging from medical genetics to community medicine have arisen while the statutes have been neither modified substantively nor given flexibility to respond to changing requirements by administrative rather than legislative revision.

It should be noted also that there are no requirements for continuous coordinated education of allied and auxiliary health personnel with physicians and dentists. Such a requirement could elevate the qualifications of allied and auxiliary personnel and of the physicians and dentists who work with them. Such innovations need to be tried.

Similarly, the statutory requirements for licensure of physicians in over 30 jurisdictions specifying the internship as a separate entity rather than as part of a program of graduate medical education

can operate as a barrier to innovation in graduate medical education and more effective coordination of undergraduate and graduate medical education.

This last point is also emphasized in the Report of the AMA Citizens Commission on Graduate Medical Education (the Millis Report).

2. One-time, lifetime, licensure is grossly inadequate for many professions in this day of rapid progress in scientific medicine.

Licensure laws evolved at a time when the amount of knowledge relevant to delivery of personal health care was clearly finite. These laws were enacted before the technological and information explosion which began in the late 1930's... Laws did not recognize that development of new information would render a person's initial qualifications to practice obsolete unless they were upgraded periodically by a program of continuing education. The laws relating to medicine, dentistry, professional and practical nursing, and physical therapy have no requirements relevant to prevention of educational obsolescence through mandatory continuing education programs.

3. Most medical licensing laws are too weak or too vague with respect to discipline and are particularly inadequate with respect to professional competence....Even where incompetence is specified in the law as a basis for disciplinary action, disciplinary procedures in nearly all the states are so weak and so weighted in favor of the doctor that effective action is virtually impossible. In all but seven states--Delaware, Illinois, Louisiana, Maine, Nebraska, Rhode Island, and the District of Columbia--the disciplinary bodies are controlled by the practitioners. The typical pattern is for the disciplinary board to be named by the Governor from nominees submitted to him by the state medical society. In the seven states listed, disciplinary control has been assigned to the courts or some other public body.²⁴

Thus, studies on the adequacy of all technical licensure requirements for all health professions and sub-professions, including allied

health or paramedical personnel and studies on the necessity for requirements of continuing education or re-examination in the re-licensing of these practitioners, are needed. In Hawaii, such studies are being proposed by the Comprehensive Health Planning Office of the Department of Health and the community health councils. While there are no proposals for studies on the occupational technical licensing requirements, this area, perhaps, should also be studied for reasons stated earlier.

Fees. The types and amounts of fees charged by the regulatory boards and commissions vary widely. Although, most fee amounts appear to be nominal, there are exceptions such as the fifty dollar examination and application fees for dispensing opticians and the one hundred dollar application for endorsement fee for osteopaths. Since the boards do not depend on fees for their existence, such fees, often called the hidden costs of licensing, appear to be unduly excessive and may be unduly restrictive to the low income applicant. In addition, the fees charged to similar categories of applicants in different occupations should be set at equitable amounts. For example the student or apprentice registration fee imposed by the Board of Cosmetology is \$3 while a student or apprentice registration fee imposed by the Board of Massage is \$10. Uniformity in fee amounts should also be given consideration because their standardization promotes more efficiency in administrative procedures. Thus, a review by the boards and commissions of their fee amounts with these considerations in mind, and the appropriate adjustment of fees, including the initiation of required legislation, appear necessary.

An alternative to the setting of fees by regulatory boards or by statute is to authorize the Director of Regulatory Agencies to set all licensure fees. Such legislative action would fix the responsibility for the establishment of equitable and reasonable fees in one person or office and promote uniformity in fee charges

and efficiency in administrative and financial operations within the Department of Regulatory Agencies. Public protection may be insured by providing for legislative review of the established fee schedule or to subject the fee schedule promulgated by the director to the Administrative Procedures Act and its requirements for public hearings.

Enforcement or disciplinary programs and the public interest.

In Hawaii, the immediate problem in the enforcement program of the regulatory boards is the lack of enforcement or investigative personnel. There is, presently, an enforcement staff of 14 investigators and one supervisor within the Department of Regulatory Agencies. These persons are responsible for the investigation of complaints received by the board, investigations requested by the boards, investigations initiated by the staff of the division, and the inspection of licensed premises. In the fiscal year 1968-69, this staff conducted 509 investigations and 1,019 inspections and, in addition, due to the shortage of clerical and secretarial assistance, prepared and typed most of its own reports.²⁵ Sometimes the Enforcement Branch is assisted by the executive secretary of the several boards and commissions, but these instances are infrequent since the executive secretary himself is burdened with many administrative duties. The boards usually do not concern themselves with the details of an investigation but concentrate on the disposition of complaints and the licensing of applicants.²⁶

The shortage of enforcement or investigative personnel is being felt even more acutely with the addition of the Motor Vehicle Industry Licensing Board and the Board of Nursing Home Administrators to the Professional and Vocational Licensing Division. No budgetary increase in the number of enforcement personnel was authorized for fiscal 1970-71. The division is presently, however, contemplating a reorganization of the administrative assignments and duties of the executive secretaries who are overwhelmed with paperwork and routine functions,

such as the recording of minutes.²⁷ The division is considering a proposal for the addition of clerk-reporters to assist the executive secretary in the recording and preparation of minutes and handling of requests for information. It is believed that the reorganization will enable the executive secretary to concentrate his abilities on more substantial matters, such as the reviewing of applications and the financial statements of licensees, the up-dating of the boards' rules and regulations and other duties of a non-clerical nature.

Irrespective of any reorganization attempt, however, it seems that the present number of investigative and enforcement personnel is far too few to properly handle all of the complaints, investigations and inspections in an adequate manner. This personnel shortage, then, prevents the regulatory boards from being responsive to the public needs and hinders them from taking effective and timely disciplinary action against erring licensees or unlicensed practitioners. The staffing of the enforcement branch should be increased in order that the public interest may be adequately protected.

Improvements to the System of Regulation

This portion of the study examines the system of regulating the professions and occupations and the feasibility of consolidating or eliminating boards that perform related functions. On first glance, many regulatory boards can be grouped together by related

occupations or professions and perhaps the most obvious are the health professions.

Some states have already consolidated the regulation of health professions in one board or commission. For example, the boards for the licensure of doctors of medicine also license osteopaths in 26 states, chiropractors in 6 states, and psychologists in 2 states.²⁸ In Hawaii, as indicated previously, there are separate boards for the regulation of each type of health vocation, excepting the Board of Dental Examiners which regulates dental hygiene. Some of the arguments raised against the consolidation of related health professional boards are that such a consolidation would produce an ineffective board because its licensee members would constantly bicker and jealously protect the interests of their own profession or would establish a pecking order, according to the various levels of professional education and training of the licensee members, which may be detrimental or unjust to the professions with lesser educational and training backgrounds. On the other hand, the consolidation of professional health regulatory boards is advantageous in that it provides for a more centralized and, possibly, a more standardized licensing administration.

While both views of consolidation have their merits, it does not appear feasible at this time to consolidate the professional health boards because of the current concern, both at the national and state levels, over the delivery and quality of health care. The standards for the measurement of quality, and the traditional method of regulating health personnel through state licensure boards and commissions, are being seriously questioned as both

government and the professions search for a viable system of regulation of the personnel, facilities and services in a field that is undergoing rapid changes and growth.²⁹ It is therefore recommended that no consolidation or elimination of these boards be made until further knowledge is gained, possibly through a study by public and private health officials, concerning the type and quality of health personnel needed for Hawaii in the future and the system of regulation which will best assure a high quality of health care to the public.

Other boards which may be considered for consolidation are the Boards of Barbers and Cosmetology. It appears that consolidation is feasible because both occupations engage in similar activities which are described in much the same terms in the Hawaii Revised Statutes, Section 438-1, barbering, and Section 439-1, cosmetology. Both boards also carry on similar programs, such as the registration of barber and beauty shops. Moreover, if the proposals of the Board of Barbers relating to the qualifications for license applicants in barbering, which have been submitted to the legislature in the past, are enacted into law, both boards will be administering similar standards for licensure.

Future considerations for vocational regulation. The completion of this study on regulatory boards in Hawaii portends a need for additional inquiry into the broader aspects of the system of vocational regulation, which is beyond the scope of this report. This inquiry would delve into ways by which the professions, trades and occupations may be better regulated for the protection of the public.

In Hawaii, there are approximately 114 licensed or regulated professions and occupations. Of this amount, 27 are regulated by either a board or commission and the remaining are regulated by departments of state government, as in the case of insurance

salesmen or laboratory technicians. Some of the regulatory boards were established as far back as 1896. In view of changing technology and new developments that may be applicable to the various professions and occupations, a review may be in order to determine whether a profession or occupation may be best regulated by a part-time board or by full-time government employees. Perhaps the enforcement or discipline of licensees and their accountability to the public may be better maintained by full-time government employees, such as hearings officers, hearing boards or administrative judges, rather than by boards, whose memberships, in many instances, are composed entirely of licensees and who, justifiably, are unable to devote much time to the enforcement of the regulatory statutes.²⁹ Conversely certain occupations, such as podiatrists, or sanitarians, which are presently regulated by full-time government employees, may be better regulated by part-time boards.

Answers to these questions would also be helpful in determining how the government could best regulate the increasing amount of professions and occupations, whose regulation is being sought either by interest groups or consumers.

FOOTNOTES

Chapter II

1. Walter Gellhorn, Individual Freedom and Governmental Restraints (Baton Rouge: Louisiana University Press, 1956), p. 105.
2. Sections 442-3 and 459-3, Hawaii Revised Statutes.
3. Boards of Dental Examiners, Medical Examiners, Nursing and Registration of Professional Engineers, Architects and Surveyors.
4. Boards of Nursing and Accountancy.
5. Boards of Nursing, Optometry, Pharmacy, Accountancy and Registration of Professional Engineers, Architects and Surveyors.
6. Boards of Dental Examiners, Nursing, Pharmacy and Veterinary Examiners.
7. Section 26-34, Hawaii Revised Statutes.
8. Ibid.
9. Act 71, Session Laws of Hawaii 1970.
10. Section 26-34, Hawaii Revised Statutes.
11. Although provided for by statute, in practice, the professional and occupational boards no longer elect a treasurer or have need for such an office.
12. The statutes are for the Boards of Chiropractic Examiners, Medical Examiners, Examiners in Naturopathy, Certification for Practicing Psychologists, Accountancy and Registration of Professional Engineers, Architects and Surveyors.
13. Board of Examiners of Abstract Makers.
14. Boards of Barbers, Cosmetology, Dispensing Opticians and Massage.
15. Cemetery Board, Collection Agency Board, Contractors License Board, Board of Hearing Aid Dealers and Fitters, Motor Vehicle Industry Licensing Board, Board of Examiners of Nursing Home

Administrators, Board of Private Detectives and Guards and Real Estate Commission. The statute creating the seven member Real Estate Commission merely states that at least four members shall be licensed real estate brokers (HRS, 467-3). The Boxing Commission is composed entirely of lay members, although one member is in an area related to boxing-the Hawaiian Association of Amateur Athletic Union of the United States of America.

16. Contractors License Board and Board of Hearing Aid Dealers and Fitters. The Real Estate Commission which regulates both brokers and salesmen does not have any salesmen members.
17. Board of Cosmetology and Motor Vehicle Industry Licensing Board. In the case of the Cemetery Board, no two members may be employed by the same cemetery authority.
18. Board of Barbers, Cemetery Board, Contractors License Board and Real Estate Commission.
19. Board of Massage and Real Estate Commission.
20. Board of Hearing Aid Dealers and Fitters and Real Estate Commission.
21. Board of Barbers, Cemetery Board, Collection Agency Board, Contractors License Board, Board of Cosmetology and Board of Massage.
22. Section 458-2, Hawaii Revised Statutes.
23. Section 26-34, Hawaii Revised Statutes.
24. Section 467-3, Hawaii Revised Statutes, specifies that the quorum for the seven member Real Estate Commission shall be three members. The rules and regulations of the commission, however, state that the quorum shall be a majority of the membership.
25. Hawaii, Legislature, 1959 Joint Legislative Committee on Government Reorganization, Report on Organization of the Hawaii State Government to the First Hawaii State Legislature (Honolulu August 31, 1959), pp. IIIF-1-IIIF-4. Letter to Representative Hiroshi Kato from Charles H. Silva, Treasurer, Department of Treasury and Regulation, March 1, 1961.
26. Section 26-9, Hawaii Revised Statutes.

Chapter III

1. Hawaii, Legislature, 1959 Joint Legislative Committee on Government Reorganization, Report on the Organization of the Hawaii State Government to the First Hawaii State Legislature (Honolulu, August 31, 1959), p. F-III-2. U.S. Department of Labor, Manpower Administration, Occupational Licensing and the Supply on Non-professional Manpower, Manpower Research Monograph No. 11 (Washington, D.C.: Government Printing Office, 1969), p. 1.
2. As mentioned in Chapter II, the professions which are regulated in Hawaii are: chiropractic, dentistry, medicine, naturopathy, nursing, optometry, osteopathy, pharmacy, psychology, veterinary, public accountancy and professional engineering, architecture and surveying. Although dental hygiene and practical nursing are sub-professions, these fields will be cited at appropriate places in this chapter because these vocations are regulated by professional regulatory boards.
3. See Opinions of the Attorney General, State of Hawaii, Number 70-21.
4. Information provided by executive secretaries in interview with researcher.
5. For practical nurses, knowledge of eighth grade English is required of applicants from non-English speaking countries. (Rules and Regulations, Chapter 14, Nursing, No. 2, 4f.)
6. For naturopathy, the two years of liberal arts or science study must be taken at an accredited university or college (HRS, Section 455-3).
7. For chiropractic and naturopathy, the statutes set forth the kinds of courses which must be taught in the respective schools (HRS, Sections 442-2 and 455-3).
8. The Board of Accountancy allows up to one year of credit in experience to applicants who take 30 hours of courses in accounting and related areas. (Rules and Regulations, Chapter 2, Accountancy, No. 3, 2).
9. Section 465-7, Hawaii Revised Statutes.
10. Sections 464-8 and 471-8, Hawaii Revised Statutes.

11. The Board of Registration of Professional Engineers, Architects and Surveyors prepares exams for specialty engineers, for whom there is no national board exam.
12. For the medical profession, there is, however, an examination known as FLEX which contains a written practical exam. FLEX was prepared by the Federation of Medical Boards and not by the National Board of Medical Examiners.
13. Examinations in chiropractic, dentistry, including dental hygiene, optometry, osteopathy, pharmacy, veterinary and public accountancy. The Boards of Chiropractic Examiners, and Examiners in Optometry are, however, also authorized to hold exams at such other times as they deem necessary (HRS, Sections 442-6 and 459-6). The Board of Accountancy must hold an exam if five or more persons apply within not less than four months after the annual exam (HRS, Section 466-7).
14. Examinations in medicine (specific time set in rules and regulations), naturopathy, nursing, including practical nursing, psychology, and professional engineering, architecture and surveying.
15. Chiropractic, naturopathy, optometry and pharmacy statutes. The Board of Chiropractic Examiners may also give credit towards the examination score for each year of actual practice by the applicant.
16. Dentistry, including dental hygiene, nursing, including practical nursing, osteopathy, veterinary, public accountancy, and professional engineering, architecture and surveying rules and regulations.
17. Medicine and psychology federation or national board exam passing scores.
18. There is no endorsement of license applicants in dentistry, including dental hygiene. However, if the applicant has a certificate from the national professional board, he is exempt from taking the theory portion of the state exam. The osteopathy license applicant who is a graduate of an approved osteopathic college and has passed an exam for admission into the medical corps of the U.S. Army or Navy or Public Health Service may also be licensed without examination.

19. The Board of Medical Examiners may, likewise, issue a license without examination to a licensed practitioner from another jurisdiction, who intends to perform hyperbaric medical research and is an internationally recognized physician engaged in hyperbaric research and has been engaged in hyperbaric research during the past three years.
20. Endorsement, which is frequently confused with reciprocity, has been described by the National Center for Health Statistics of the U.S. Department of Health, Education and Welfare in their report, State Licensing of Health Occupations (Public Health Service Publication No. 1758, 1968), page 17, as follows:

In licensing by endorsement the members of the State board in the State where licensing is being sought, determine whether the qualifications of the applicant were equivalent to those required in their State at the time the applicant was initially licensed. Most states also specify that initial licensure must have been by examination which was comparable to theirs.

21. Renewal of licenses or certificates: osteopaths (6/30), certified psychologists (6/30), veterinarians (6/30), certified public accountants (1/2), professional engineers, architects and surveyors (4/30). Re-registration of licensees: chiropractors (1/31), dentists (1/1), physicians (1/31), naturopaths (1/31), optometrists (12/31).
22. Sections 438-11, 459-7, 465-11, 466-14, and 464-9, Hawaii Revised Statutes.
23. Boards of Dental Examiners, Medical Examiners, Osteopathic Examiners and Veterinary Examiners.
24. Sections 453-12 and 460-14, Hawaii Revised Statutes.

Chapter IV

1. Declaration of intent to become a U.S. citizen is allowed for collection agency license applicants (HRS, Section 443-7).
2. The Board of Cosmetology may issue to a license applicant who satisfies the 60 day residency requirement and other qualifications a temporary certificate or permit to practice as an operator while awaiting the examination results (HRS, Section 439-16).
3. Applicant for cemetery or pre-need funeral salesman's license, if convicted of a felony or misdemeanor involving moral turpitude, must have full and free pardon or proof that he has led an upright and moral life for five years immediately preceding his application (HRS, Section 441-26).
4. Requirements for employees of a private detective or guard agency.
5. The statutes for boxing (promoters only), cemeteries and cemetery salesmen, collection agencies, contractors, motor vehicle industry members and private detectives and guards.
6. The statutes for cemetery or pre-need funeral authority and contractors, who must also have workmen's compensation insurance or be authorized to act as self-insurer under Chapter 386, Hawaii Revised Statutes, The Workmen's Compensation Law.
7. The statutes for the motor vehicle industry.
8. Sections 438-7, 452-13 and 440-12, Hawaii Revised Statutes.
9. Eighth grade education or equivalent is required for employees of a private detective or guard agency and registration as an apprentice barber. Students or apprentices in cosmetology are required to possess a high school education or the equivalent to be registered as such.
10. Applicants in cosmetology for operator's license. Applicants for license as instructors in cosmetology are required to complete a course in the theory and practice of education and possess three years active experience as a registered operator in a state with equivalent standards.

11. Applicants for license as registered barber or operator in cosmetology. Although not a requirement for initial licensure, the Board of Massage requires through its rules and regulations that any person, who meets the personal qualifications of the board and wishes to learn massage must register as an apprentice masseur.
12. Applicants for contractor's, dispensing optician's, nursing home administrator's, private detective's and guard's and real estate broker's licenses. The Contractors License Board requires such experience by board rules and regulations and accepts technical and business training or equivalent knowledge as credit towards or satisfaction of the experience requirement (Rules and Regulations, Chapter 8, Contractors, Nos. 3.1 to 3.3). It is a policy of the Real Estate Commission to allow one year of credit towards satisfaction of the experience requirement for course work taken at the University of Hawaii or Real Estate Institute by the applicant for a broker's license.
13. All of these occupational regulatory boards, except the Boards of Dispensing Opticians, Private Detectives and Guards and the Contractors License Board, which administer exams pursuant to their rules and regulations, are authorized by statute to conduct examinations.
14. The Boards of Barbers and Massage permit their examinations to be conducted in a foreign language. In most instances, examinations given in a foreign language are conducted orally with the aid of a translator-interpreter who is hired at the expense of the applicant.
15. Practical examinations are also given to applicants for registration as apprentice barbers.
16. The Board of Cosmetology is anticipating the use of standardized national examinations in the near future.
17. Sections 451A-6 and 467-8, Hawaii Revised Statutes.
18. Boards of Hearing Aid Dealers and Fitters and Examiners of Nursing Home Administrators have not as yet adopted any rules and regulations.

19. The Board of Cosmetology requires the retaking of the entire examination if the license applicants fail for the third time. Applicants who fail the operator's exam may work as a junior operator under the supervision of a licensee. The Board of Barbers requires by rules and regulations that an apprentice barber, who has failed the registered barber examination three times, may no longer work as an apprentice barber (Rules and Regulations, Chapter 3, Barbers, No. 4.2).
20. The rules and regulations of the Contractors License Board require that the applicant who has failed twice, wait six months before he is once more eligible to retake the exam.
21. The applicant who holds a temporary certificate issued by the Board of Hearing Aid Dealers and Fitters must work under the supervision of a licensee.
22. The content of the apprentice examinations is not specified in the statutes or rules and regulations of the Board of Barbers.
23. Annual renewal of license or certificates or re-registration: abstract makers (12/31); barbers, apprentices and shops (12/31); cosmetology operators, instructors, students, apprentices, shops and schools (12/31); boxing contest promoters and participants (12/31); cemetery and pre-need funeral authority and salesmen (1/1); collection agencies (6/30); contractors, all classes (4/30); dispensing opticians (7/1); hearing aid dealers and fitters (1/30); masseurs and massage salons (6/30); motor vehicle industry license members (6/30); nursing home administrators (to be set by rules and regulations); private detectives and guards (6/30); and real estate brokers and salesmen (1/1).
24. No such regulation in the statutes on the motor vehicle industry. The collection agency licensee is allowed a twenty day grace period (HRS, Section 443-12).
25. Boards of Examiners of Abstract Makers, Barbers, Cosmetology, Dispensing Opticians, Hearing Aid Dealers and Fitters, Massage, and Private Detectives and Guards, Cemetery and Contractors License Boards; requirements set by statute.
26. Except for certain fees which are set by the rules and regulations (the Motor Vehicle Industry Licensing Board and the Boxing Commission), all fees are set by statute.

27. Duplicate license fee: Boxing and Real Estate Commissions and Cemetery and Contractors License Boards. Penalty fees for delinquent renewals or re-registration: Abstract Makers, Barbers, Cosmetology, Cemetery, Collection Agency, Contractors License, Dispensing Opticians, Hearing Aid Dealers and Fitters, Massage and Private Detectives and Guards Boards and Real Estate Commission.
28. Premise registration fees: Barbers, Cosmetology, Collection Agency, Massage and Private Detectives and Guards Boards and Real Estate Commission.
29. For example in motor vehicle industry (HRS, Sections 437-4 and 437-28), cemetery sales (HRS, Section 441-28) and real estate (HRS, Section 467-14) regulation.
30. Motor vehicle industry regulation (HRS, Chapter 437).
31. Motor vehicle industry (HRS, Section 437-3) cemetery authority and salesmen (HRS, Section 441-22.2) and contractors (HRS, Section 444-25) regulation.

Chapter V

1. Lynn W. Eley, "Michigan's Professional and Occupational Licensing Boards: Organization and Powers", University of Detroit Law Journal, Vol. 41, No. 4, April, 1964, p. 349.
2. The Illinois Legislative Council in its exploratory research memorandum entitled, Vocational Licensing and the Public Interest (File No. 7-301, 1969), states at page 5:

There are no statistics on who promotes licensing legislation. It is generally assumed, however, that the occupation or trade itself petitions for licensing legislation. This is due to the fact that (1) the public, no matter how aggrieved, cannot organize into lobby groups strong enough to convince a legislature that licensing the occupation would provide adequate remedies, and (2) an occupation or trade has much to be gained by being licensed, that is, acquisition of a professional status for their occupation, and a monopolistic situation which will eliminate competition and raise prices.

3. Public or lay members (proportion, number of lay members in total board membership follows board name) may sit on one professional regulatory board, the Board of Certification for Practicing Psychologists (2/7) and nine occupational regulatory boards or commissions: Boxing Commission (4/5), Cemetery Board (3/7), Collection Agency Board (5/7), Contractors License Board (4/13), Board of Hearing Aid Dealers and Fitters, Motor Vehicle Industry License Board (4/7), Board of Examiners of Nursing Home Administrators (5/7), Board of Private Detectives and Guards (1/3) and the Real Estate Commission. The statutes creating the seven member Real Estate Commission, Section 467-3, Hawaii Revised Statutes, merely state that at least four members shall be licensed real estate brokers. Consequently, more than four licensed real estate brokers, or real estate salesmen or public members may be appointed. The present Real Estate Commission is composed of seven licensed brokers. The statutes creating the seven member Board of Hearing Aid Dealers and Fitters contain similar language (HRS, 451A-3), and three public members have been appointed to the present board.
4. J. F. Barron, "Business and Professional Licensing in California, A Representative Example", Stanford Law Review, Vol. 18, No. 3, February, 1966, p. 649.
5. Excepting the Board of Examiners in Optometry which does not subscribe to the national board examinations.
6. Boards of Chiropractic Examiners, Dental Examiners, Nursing, Optometry and Registration of Professional Engineers, Architects and Surveyors are also required by statute to evaluate and approve schools. In actual practice, all these boards, except the Board of Chiropractic Examiners, depend on the national professional associations' accreditation lists in determining state approved schools or colleges.
7. Karen Greene, "Occupational Licensing, Protection for Whom?" Manpower, Vol. 1, No. 6, July, 1969, p. 4.
8. Marver Bernstein, Regulating Business by Independent Commission (Princeton: Princeton University Press, 1955), p. 160.
9. See Chapter IV, p. 27 for discussion of examinations of occupational boards and commissions.
10. J. F. Barron, p. 650.

11. Hawaii, Legislature, 1959 Joint Legislative Committee on Government Reorganization, Report on the Organization of the Hawaii State Government to the First State Legislature (Honolulu, August 31, 1959); p. III-F-2.
12. Robert J. Frye, Government and Licensing, University of Alabama, Bureau of Public Administration, (University: University of Alabama, 1958), p. 76. Furthermore, Frances E. Rourke in Bureaucracy, Politics and Public Policy (Boston: Little Brown and Co., 1969), states at page 54:

Of course, the private interests which members of an administrative agency serve need not be their own. As noted earlier, there are many public agencies which, either in their initial establishment or eventual development, exist mainly as satellite organizations for outside groups. A licensing board, for example, may be set up for the manifest purpose of insuring that certain professional standards are adhered to in the practice of a certain skill. But in actual fact the latent function of such an agency may be that of limiting entry into the profession to protect the economic position of the present members of the group, thus inflicting costs upon the public which it is supposed to serve.

13. U.S., Public Health Service, Papers on U.S. Public Health Service-Labor Seminar on Consumer Health Services, Public Service Publication No. 1845 (Washington, D.C.: Government Printing Office, 1968), p. 2. See also U.S. Department of Health, Education and Welfare, Proceedings of the White House Conference on Health, November 3 and 4, 1965 (Washington, D.C.: Government Printing Office, 1965), which states:

Increasingly the consumer is going to be part of the decision making process with respect to the product he purchases or the services he receives. This has been true with commercial goods for some time. It is beginning to happen in education. Medicine and health may be the Last Stronghold in which the consumer or the client does not have any voice in planning the quality, quantity, cost, or general merchandising of the product which he can be expected to purchase or use in greater measure than ever in years to come. This pattern will change in health care, too, as the social forces behind more consumer involvement or "citizen participation" continue to rise in tempo.

14. Leighton Hatch, Council on Occupational Licensing, Inc. Newsletter, Vol. II, Issue 1, September, 1970, p. 10.
15. Willbern York, "Professionalization in the Public Service: Too Little or Too Much?", Public Administration Review, Winter, 1954, p. 21.
16. Hawaii, Legislature, 1959 Joint Legislative Committee on Government Reorganization, p. III-F-2.
17. U.S. Department of Labor, Manpower Administration, Occupational Licensing and the Supply of Non-Professional Manpower, Manpower Research Monograph No. 11 (Washington, D.C.: Government Printing Office, 1969), p. 5.
18. Steven K. Christensen, "The New Resident: Hawaii's Second Class Citizen", Hawaii Bar Journal, Vol. V, No. 3, April, 1968, p. 81.
19. Ibid., p. 79.
20. Council of State Governments, Western Office, Professional and Occupational Licensing in the West, MS-26 (San Francisco, 1964), p. 3.
21. Karen Greene, p. 4.
22. Ibid., p. 5.
23. Ibid., p. 4.
24. Anne R. Somers, Hospital Regulation: The Dilemma of Public Policy. Princeton University, Industrial Relations Section (Princeton: Princeton University, 1969), p. 82-84. See also: Edward H. Forgotson, Ruth Roemer and Roger W. Newman, "Licensure of Physicians", Washington University Law Quarterly, Vol. 1967, Summer 1967, pp. 247-413.
U.S., Public Health Service, Papers on Public Health Service-Labor Seminar Consumer Health Services, Public Health Service Publication No. 1845, (Washington, D.C.: Government Printing Office, 1968), 144 pp.
U.S., Department of Health, Education and Welfare, The Allied Health Professions Personnel Training Act of 1966, as amended; Report to the President and Congress. Bethesda, 94 pp.

Blue Cross Association, Inquiry: A Journal of Medical Care Organization, Provision and Financing, Vol. VII, No. 1, March, 1970, 136 pp.

25. These figures do not include the investigations and inspections conducted in motor vehicle industry licensing which was transferred from the county to the state. Figures obtained from the Motor Vehicle Industry Licensing Board reveal that there are 1078 licensees subject to regulation, excluding new categories of the motor vehicle industry which must also be licensed. During the period 11/69 to 8/70 the board reports that there were 93 registered complaints.
26. In fiscal year 1969, the regulatory boards handled a total of 7,015 license applications and administered 143 examinations. There were 25,439 active licensees subject to their regulation.
27. See Chapter II, Role of the Executive Secretary and the Department of Regulatory Agencies.
28. U.S., Public Health Service, State Licensing of Health Occupations, Public Health Service Publication No. 1758 (Washington, D.C.: Government Printing Office, 1968), p. 114.
29. In the fiscal year 1969-70, the 26 regulatory boards held a total of 188 meetings. This averages out to approximately seven meetings per board or about one meeting for each board every two months.

TABLE III
PUBLIC MEMBERSHIP ON PROFESSIONAL AND OCCUPATIONAL REGULATORY BOARDS AND COMMISSIONS
COMPARISON OF HAWAII AND OTHER STATES¹

States	BOARDS AND COMMISSIONS - COMPOSITION							
	Chiropractic	Dental Examiners	Medical Examiners	Naturo- pathy	Nursing	Optometry Examiners	Osteopathic Examiners	Pharmacy
Hawaii	3L ²	7L	7L	3L	7L	3L	3L	5L
Alabama	5L	5L	10L	3P	7L	5L	10L	5L
Alaska	3L	5L	5L	None	5L	3L	Medical Bd.	5L
Arizona	3L	5L	5L	3L	5L	3L	4L, 1P	5L
Arkansas	3L	5L	9L	None	9L	5L	5L	5L
California ¹²	5L	7L, 1P	11L, 1P	Medical Bd.	5L, 1P	5L, 1P	5L	7L, 1P
Colorado	4L, 1P	5L	9L	None	9L	5L	Medical Bd.	5L
Connecticut	3L	5L	5L	3L	5L	5L	5L	5L
Delaware	3L	5L	10L	None	5L	3L	None	5L
Florida	3L	7L	10L	3L	7L	5L	6L	5L
Georgia	5L	7L	12L	None	5L	5L	Medical Bd.	5L
Idaho	3L	5L, 1P	7L, 1P	None	5L	None	None	3L, 1P
Illinois	1L, 6P	7L	7L	None	7L	5L	Medical Bd.	7L
Indiana	Medical Bd.	5L	5L, 2P	None	5L	5L	Medical Bd.	5L
Iowa	3L	5L	8L	None	5L	3L	Medical Bd.	3L
Kansas	Medical Bd.	3L	11L	None	5L	3L	Medical Bd.	5L
Kentucky	3L	7L	6L, 4P ²⁰	None	7L	5L	Medical Bd.	5L
Louisiana	None	7L	5L	None	(24)	5L	5L	19L
Maine	5L	5L	6L	None	5L	5L	5L	5L
Maryland	3L	9L	8L	None	5L	2L, 3P	5L	5L
Massachusetts	5L ⁵⁰	5L	7L	None	6L, 6P	5L	Medical Bd.	5L
Michigan	No reply							
Minnesota	No reply							
Mississippi	No reply							
Missouri	5L	5L	7L	None	7L	N.A.	Medical Bd.	5L
Montana	3L	5L	7L	None	8L	3L	3L	3L
Nebraska	No reply							
Nevada	5L	7L	5L	None	7L	3L	3L	5L
New Hampshire	5L	3L	5L	None	5L	5L	None	3L
New Jersey	Medical Bd.	8L	13L	None	5L	5L	Medical Bd.	5L
New Mexico	3L	5L	5L	None	7L	3L	5L	5L
New York	No reply							
North Carolina	3L	6L	7L	None	12L	5L	5L	5L
North Dakota	No reply							

TABLE III (continued)

States	B O A R D S A N D C O M M I S S I O N S - C O M P O S I T I O N							
	Chiropractic	Dental Examiners	Medical Examiners	Naturo- pathy	Nursing	Optometry Examiners	Osteopathic Examiners	Pharmacy
Ohio	Medical Bd.	5L	8L	None	8L	5L	Medical Bd.	N.A.
Oklahoma	3L	8L	7L	None	8L	3L	5L	5L
Oregon	3L	5L	7L	3L	N.A.	3L	Medical Bd.	5L
Pennsylvania	5L, 1P	7L, 2P	6L, 1P	None	5L, 1P	7L, 1P	7L, 1P	5L, 1P
Rhode Island	No reply							
South Carolina	No reply							
South Dakota	3L	5L	5L	None	9L	3L	Medical Bd.	3L
Tennessee	3L	6L	5L	None	11L	5L	5L	5L
Texas	9L	6L	12L	None	6L	6L	Medical Bd.	6L
Utah	N.A.	5L	N.A.	N.A.	2L, 3P ³⁴	3L	3L	5L
Vermont	3L	5L	7L	None	6L	3L	3L	5L
Virginia	Medical Bd. ⁴⁷	6L	15L	Medical Bd. ⁴⁷	6L	5L	Medical Bd. ⁴⁷	5L
Washington	3L	5L	5L	3L	5L	5L	3L	3L
West Virginia	No reply							
Wisconsin	3L	5L	8L	None	5L, 5P ³⁹	5L	Medical Bd.	5L
Wyoming	No reply							

TABLE III (continued)

States	B O A R D S A N D C O M M I S S I O N S - C O M P O S I T I O N								
	Psychologists, Certification of	Veterinary Examiners	Accountancy	Professional Engineers, Architects and Surveyors	Abstract Makers, Examiners of	Barbers	Boxing	Cemetery	Collection Agency
Hawaii	5L, 2P	5L	7L	14L	(3)	5L	5P	4L, 3P	2L, 5P
Alabama	5L	5L	5L	5L	None ⁸	None	3P	None	None
Alaska	3L	3L	5L	9L	None	5L	4P	None	2L, 1P
Arizona	5L	5L	5L	9L	None	3L	3L	7L	5L
Arkansas	5L	4L, 1P	3L	7L ¹⁰	2L, 1P	3L, 1P	5P	N.A.	3L
California ¹²	Medical Bd. ⁴³	5L, 1P	7L, 1P	8L, 1P	None	4L, 1P	5P	5L, 1P	5L, 1P
Colorado	5L	5L	3L	7L ¹³	3L	3L	3P	3L, 2P	3L
Connecticut	5L	5L	3L	5L ⁴⁴	None	3L	None	None	None
Delaware	5L	3L	4L, 1P	5L ¹⁴	None	7L	None	None	None
Florida	5L	5L	5L	7L ¹⁵	None	7L	None	None	None
Georgia	3L	5L	4L, 1P	5L ¹⁶	None	3L	None	None	None
Idaho	3L	4L, 1P	3L, 1P	5L	None	5L	N.A.	2L, 1P	3L
Illinois	5L	3L	5L	5L ¹⁷	None	5L	5P	None	None
Indiana	5L	5L	5L	5L ¹⁸	None	3L	N.A.	None	None
Iowa	None	3L	3L	5L	None	3L	None	None	None
Kansas	7L	5L	5L	5L ²¹	3L	3L	3L	None	None
Kentucky	5L	4L, 1P	5L	8L ²³	None	3L	5P	None	None
Louisiana	5L	5L	5L	9L ²⁵	None	5L	5P	None	None
Maine	5L	3L	6L	5L	None	3L, 1P	3P	None	4L, 1P
Maryland	5L	5L	3L, 2P	5L ⁴⁴	None	5L	3P	None	None
Massachusetts	None	5L	5L	6L ⁵¹	None	3L	3L	None	None
Michigan	No reply								
Minnesota	No reply								
Mississippi	No reply								
Missouri	None	5L	5L	7L	None	3L	3P	None	None
Montana	N.A.	5L	5L	7L	3L	3L	3P	None	None
Nebraska	No reply								
Nevada	5L	4L, 1P	5L	5L ²⁶	None	3L, 1P	5P	None	None
New Hampshire	3L	5L	3L, 2P	5L ⁴⁵	None	2L, 1P	3P	None	None
New Jersey	7L	5L	5L	5L	None	4L	None	None	None
New Mexico	5L	5L	5L	5L	None	3L	None	None	2L, 1P
New York	No reply								
North Carolina	N.A.	5L	4L	6L ²⁷	None	3L	None	None	None
North Dakota	No reply								

TABLE III (continued)

BOARDS AND COMMISSIONERS - COMPOSITION									
States	Psychologists, Certification of	Veterinary Examiners	Accountancy	Professional Engineers, Architects and Surveyors	Abstract Makers, Examiners of	Barbers	Boxing	Cemetery	Collection Agency
Ohio	None	5L	5L	N.A.	None	3L	None	Real Estate Com.	None
Oklahoma	5L	5L	5L	5L ²⁹	None	3L, 1P	None	5L	None
Oregon	5L	5L	5L	9L	None	3L	None	5L	6L
Pennsylvania	None	5L, 1P	5L, 1P	5L, 1P ⁴⁶	None	5L, 1P	3L, 1P	None	None
Rhode Island	No reply								
South Carolina	No reply								
South Dakota	None	3L	4L, 1P	5L, 2P	3L	3L	3 ³⁰	None	None
Tennessee	5L	5L	6L, 1P ³¹	6L	None	6L	5P	None	None
Texas	6L	6L	9L	6L ³³	None	3L	None	None	None
Utah	5L	3L	3L	7L ³⁵	3L	3L	3P	N.A.	N.A.
Vermont	None	3L	2L, 1P	3L ³⁷	None	3L	3 ³⁶	None	None
Virginia	5L	5L	6L, 1P	9L	None	2L, 3P	3L	None	3L
Washington	5L	5L	5L	5L	None	5L	N.A.	N.A.	None
West Virginia	No reply								
Wisconsin	3L	5L	5L	9L, 5P ⁴²	None	3L	3P	Real Estate Com.	None
Wyoming	No reply								

TABLE III (continued)

States	BOARDS AND COMMISSIONS - COMPOSITION								
	Contractors License	Cosmetology	Dispensing Opticians	Hearing Aid Dealers and Fitters	Massage	Motor Vehicle Industry	Nursing Home Administrators	Private Detectives and Guards	Real Estate
Hawaii	9L, 4P	5L	3L	(4)	3L	3L, 4P	(5)	(6)	(7)
Alabama	5L	7L	None	None	3L	None	9L	None	5L
Alaska	None	5L	None	None	None	None	None	None	5L
Arizona	N.A. ⁹	3L	5L	None	3L	None	6L, 1P	None	7L
Arkansas	5L	6L	Optometry Bd.	5L, 2P	3L	None	N.A.	3P	3L
California ¹²	8L, 1P	6L, 1P	Medical Bd.	None	None	4L, 5P ¹¹	None	None	6L, 2P
Colorado	None	3L	None	None	3L	None	8L, 1P	None	3L
Connecticut	4L, 1P	None	5L	None	None	None	7L, 2P	None	4L, 1P
Delaware	None	4L, 1P	None	None	None	None	4L, 3P	None	3L
Florida	3L, 4P	7L	5L	3L, 2P	3L, 1P	None	None	None	3L
Georgia	None	5L	5L	5L	None	8L, 2P	7L, 1P	None	3L
Idaho	5L	3L	None	None	None	None	1L, 4P	None	3L
Illinois	None	5L	Optometry Bd.	None	None	None	5L, 2P	1L, 2P	5L
Indiana	None	2L, 1P	None	8L, 1P	None	None	8L, 1P	None	11L, 2P
Iowa	None	3L	None	None	None	None	6L, 3P ¹⁹	None	4L, 1P
Kansas	None	4L, 1P	N.A.	3L, 2P	None	None	1L, 9P ²⁰	None	(22)
Kentucky	None	5L	None	None	None	8L, 1P	8L, 1P	None	3L
Louisiana	9L	6L, 2P	None	7L, 1P	None	None	3L, 7P	None	5L
Maine	None	5L, 1P	None	3L, 2P ¹⁹	None	None	None	None	3L
Maryland	None	3L	None	5L	None	None	4L, 5P	None	7L
Massachusetts	None	3L	5L	None	None	None	11L	None	4L, 1P
Michigan	No reply								
Minnesota	No reply								
Mississippi	No reply								
Missouri	None	5L	Optometry Bd.	None	None	None	8L	None	3L
Montana	None	3L	11	5L	3L	None	5L	None	3L, 2P
Nebraska	No reply								
Nevada	7L	5L	3L	None	None	None	4L, 1P	4L, 1P	5L
New Hampshire	None	3L	None	None	None	None	8L, 1P	None	2L, 3P
New Jersey	6L, 1P	5L	5L	None	None	None	9L	None	5L
New Mexico	4L, 1P	5L	None	4L, 1P	None	None	5L	None	5L
New York	No reply								
North Carolina	3L, 2P	3L	5L	7L	None	None	6L	None	2L, 3P
North Dakota	No reply								

TABLE III (continued)

States	BOARDS AND COMMISSIONS - COMPOSITION								
	Contractors License	Cosmetology	Dispensing Opticians	Hearing Aid Dealers and Fitters	Massage	Motor Vehicle Industry	Nursing Home Administrators	Private Detectives and Guards	Real Estate
Ohio	None	2L, 1P ²⁸	None	5L	Medical Bd.	5L	None	5L	3L
Oklahoma	None	8L	None	None	None	None	7L, 2P	None	3L
Oregon	None	5L	Optometry Bd.	5L	N.A.	None	5L, 2P	None	5L
Pennsylvania	None	5L, 1P	None	None	None	7L, 1P	5L, 1P	None	6L, 1P
Rhode Island	No reply								
South Carolina	No reply								
South Dakota	N.A.	3L	None	N.A.	None	None	N.A.	None	N.A.
Tennessee	5L	3L	5L	5L	None	10L	6L, 2P	None	5L
Texas	None	3L	Optometry Bd.	6L, 3P ³²	None	None	9L	4L, 3P	6L
Utah	N.A.	5L	None	None	None	5L	5L	None	N.A.
Vermont	N.A.	3L	None	None	None	None	N.A.	None	4L, 1P
Virginia	7L	5 ⁴⁹	2L, 3P	4L, 3P	None	None	4L, 3P	None	5L
Washington	None	5L	3L	None	None	None	6L, 3P	None	6L, 1P
West Virginia	No reply								
Wisconsin	None	6L, 1P	None	5L, 1P ⁴⁰	3P ⁴¹	None	9 ³⁰	None	2L, 1P
Wyoming	No reply								

TABLE III FOOTNOTES

1. Source: Legislative Reference Bureau Questionnaire on Regulatory Boards and Commissions, 1970.
2. L= Licensee member
P= Public member
3. Consists of 3 members: Judge of Land Court
Registrar of Conveyances
Attorney General
4. Consists of 7 members: 1 hearing aid dealer and fitter
1 otolaryngologist
1 audiologist
At present there are 2 dealers and 3 public members.
5. Board must have 2 licensee members: No specifications for remaining 5 members.
6. Consists of 3 members: 1 police chief, any county
1 lay member
1 licensee member
7. Commission must have at least 4 licensed real estate brokers or salesmen. No specification for remaining 3 members. All seven members are real estate brokers.
8. None= no regulatory board or commission.
9. N. A.= not available
10. Separate board for architects: 5L
11. Appeals Board.
12. Reflects composition of boards and commissions prior to Reorganization Act which is effective in November, 1970.

13. Separate board for architects: 4L, 1P.
14. Separate board for architects: 5L.
15. Separate board for architects: 5L.
16. Separate board for architects: 5L.
17. Separate board for engineers: 9L.
18. Separate board for architects: 5L.
19. Public members are in health professions.
20. Board of Health; public members and in health and related health occupations.
21. Separate board for architects: 5L.
22. Licensee member - not more than 4.
Public member - not more than 2.
Total: 5.
23. Separate board for architects: 5L.
24. Board of Registered Nurse Examiners: 5L and 2 licensed physicians, Board of Practical Nurse Examiners: 2L and 2 registered nurses and 5 licensed physicians.
25. Separate board for architects: 5L.
26. Separate board for architects: 5L.
27. Separate board for architects: 5L and landscape architects: 5L.
28. Public member must be physician.
29. Separate board for architects: 7L.
30. No requirements.
31. Public member is lawyer.

32. Includes 1 audiologist and 1 otolaryngologist.
33. Separate board for architects: 6L and surveyors: 3L.
34. Includes 2 members from medical profession.
35. Separate board for architects: 5L.
36. Requires 1 physician, remainder not specified.
37. Separate board for architects: 5L and surveyors: 5L.
38. Separate board for architects.
39. Includes state health officers and hospital and medical association members.
40. Hearing aid users.
41. Lay educators in biological or physical science.
42. Includes education in engineering and architecture.
43. Also Psychology Examining Committee: 76, 1P.
44. Separate board for architects: 5L.
45. Separate board for each profession: 5L each.
46. Separate board for architects: 5L, 1P.
47. Includes 1 chiropractor, 1 osteopath, 1 naturopath.
48. 10 M.D.'s; 5 from related health professions.
49. Not specified by statute.
50. Includes 2 M.D.'s.
51. Separate board for architects: 6L.

TABLE IV
 COMPENSATION OF MEMBERS ON PROFESSIONAL AND OCCUPATIONAL REGULATORY BOARDS AND COMMISSIONS
 COMPARISON OF HAWAII AND OTHER STATES

States	B O A R D S A N D C O M M I S S I O N S - C O M P E N S A T I O N							
	Chiropractic	Dental Examiners	Medical Examiners	Naturopathy	Nursing	Optometry Examiners	Osteopathic Examiners	Pharmacy
Hawaii	None(e) ¹	None(e)	None(e)	None(e)	None(e)	None(e)	None(e)	None(e)
Alabama	10/day(e)	25/day(e)	Yes(e)	None	5/day(e)	10/day(e)	Yes(e)	25/day(e)
Alaska	30/day(e)	30/day(e)	30/day(e)	--	30/day(e)	30/day(e)	Medical Bd.	30/day(e)
Arizona	30/day(e)	30/day(e)	30/day	30/day(e)	30/day(e)	30/day(e)	30/day(e)	30/day(e)
Arkansas	20/day(e)	50/day(e)	N.A.	--	10/day(e)	25/day(e)	N.A.	20/day(e)
California	25/day(e)	25/day(e)	25/day(e)	Medical Bd.	25/day(e)	25/day(e)	25/day(e)	25/day(e)
Colorado	20/day(e)	50/day(1200) ³ (e)	None(e)	--	None(e)	30/day(e)	Medical Bd.	15/day(e)
Connecticut	74.11/day(e)	74.11/day(e)	74.11/day(e)	74.11/day(e)	37.06/day(e)	74.11/day(e)	71.95/day(e)	15.00/yr. chairman(e) 500/yr. mem.(e)
Delaware	10/day(e)	10/day(e)	10/day(e)	--	10/day(e)	15/day(e)	--	25/day(e)
Florida	25/day(e)	25/day(e)	25/day(e)	25/day(e)	25/day(e)	25/day(e)	25/day(e)	25/day(e)
Georgia	10/day(e)	25/day(e)	25/day(e)	--	25/day(e)	15/day(e)	Medical Bd.	25/day(e)
Idaho	None	25/day(e)	Yes	--	25/day(e)	--	--	25/day(e)
Illinois	25/day(e)	25/day(e)	25/day(e)	--	25/day(e)	25/day(e)	Medical Bd.	25/day(e)
Indiana	25/day(e)	25/day(e)	25/day(e)	--	25/day(e)	25/day(e)	Medical Bd.	25/day(e)
Iowa	40max/day(e)	40max/day(e)	40max/day(e)	--	40max/day(e)	40max/day(e)	Medical Bd.	40max/day(e)
Kansas	Medical Bd.	20/day(e)	35/day(e)	--	20/day(e)	10/day(20) ² (e)	Medical Bd.	15/day(e)
Kentucky	25/day(e)	50/day(e)	20/day(e)	--	10/day(e)	None(e)	Medical Bd.	75max/day(e)
Louisiana	--	50/day(e)	10/day(e)	--	25-50/day	35/day(e)	20/day(e)	25/day
Maine	10/day(e)	50/day(e)	500-2000/yr.(e)	--	None	25/day(e)	10/day(e)	25/day(e)
Maryland	25/day(e)	Yes	100-125/day(e) ³	--	25/day(e)	25/day(e)	Yes	20/day(e)
Massachusetts	15/day(e)	1,250/yr. chairman(e) 1,000/yr. mem.(e)	1,250/yr. chairman(e) 1,000/yr. mem.(e)	--	500/yr.(e)	575/yr(e)	Medical Bd.	None(e)
Michigan	No reply							
Minnesota	No reply							
Mississippi	No reply							
Missouri	25/day(e)	25/day(e)	None	--	10/day(e)	25/day(e)	Medical Bd.	25/day(e)
Montana	25/day(e)	15/day(e)	25/day(e)	--	15/day(e)	25/day(e)	20/day(e)	15/day(e)
Nebraska	No reply							
Nevada	25/day(e)	25/day(e)	25/day(e)	--	25/day(e)	25/day(e)	25/day(e)	25/day(e)
New Hampshire	20/day(e)	10/day(e)	35/day(e)	--	10/day(e)	15/day(e)	--	25/day(625) ² (e)
New Jersey	Medical Bd.	225/exam(1125) ³	250/exam	--	15/day(e)	250/exam	Medical Bd.	10/day(e)
New Mexico	20/day(e)	20/day(e)	20/day(e)	--	20/day(e)	20/day(e)	20/day(e)	20/day(e)
New York	No reply							
North Carolina	None(e)	10/day(e)	10/day(e)	--	Yes	10/day(e)	10/day(e)	10/day(e)
North Dakota	No reply							

TABLE IV (continued)

B O A R D S A N D C O M M I S S I O N S - C O M P E N S A T I O N								
States	Chiropractic	Dental Examiners	Medical Examiners	Naturopathy	Nursing	Optometry Examiners	Osteopathic Examiners	Pharmacy
Ohio	Medical Bd.	50/day(e)	50/day(e)	--	50/day(e)	50/day(e)	Medical Bd.	50/day(e)
Oklahoma	20/day(e)	25/day(e)	Yes(e)	--	25/day(2500) ³ (e)	Yes(e)	N.A.	15/day(e)
Oregon	20/day(e)	20/day(e)	20/day(e)	20/day(e)	N.A.	20/day(e)	Medical Bd.	20/day(e)
Pennsylvania	30/day(e)	30/day(e)	30/day(e)	--	30/day(e)	30/day(e)	30/day(e)	30/day(e)
Rhode Island	No reply							
South Carolina	No reply							
South Dakota	10/day(e)	10/day(e)	25/day(e)	--	15/day(e)	5/day(e)	Medical Bd.	30/day(e)
Tennessee	25/day(e)	50/day(e)	25/day(e)	--	25/day(e)	25/day(e)	25/day(e)	35/day(e)
Texas	25/day(e)	25/day(e)	50/day(2500) ² (e)	--	25/day(e)	25/day(e)	Medical Bd.	25/day(e)
Utah	15/day	15/day	15/day	N.A.	15/day	15/day	15/day	15/day
Vermont	None	None	None	--	None	N.A.	None	15/day(e)
Virginia	Medical Bd.	25/day(e)	25/day(e)	Medical Bd.	25/day(e)	25/day(e)	Medical Bd.	25/day(e)
Washington	15/day(e-10 max)	15/day(e-10max)	15/day(e-10max)	15/day(e-10 max)	15/day(e-10 max)	15/day(e-10max)	15/day(e-10max)	25/day(e)
West Virginia	No reply							
Wisconsin	25/day(e)	25/day(e)	25/day(e)	--	N.A.	25/day(e)	Medical Bd.	25/day(e)
Wyoming	No reply							

TABLE IV (continued)

States	BOARDS AND COMMISSIONS - COMPENSATION								
	Psychologists Certification of	Veterinary Examiners	Accountancy	Professional Engineers, Architects and Surveyors	Abstract Makers, Examiners of	Barbers	Boxing	Cemetery	Collection Agency
Hawaii	None (e)	None (e)	None (e)	None (e)	None (e)	None (e)	50/mo. (e)	None (e)	None (e)
Alabama	Yes (e)	20/day (e)	25/day (e)	15/day (e)	--	--	10/day (600) ² (e)	--	--
Alaska	None	30/day (e)	30/day (e)	30/day (e)	--	30/day (e)	30/day (e)	--	30/day (e)
Arizona	30/day (e)	30/day (e)	30/day (e)	None	--	30/day (e)	30/day (300) ² (e)	Real Estate Com.	None
Arkansas	None (e)	25/day (e)	None (e)	None	25/day (e)	25/day (e)	None	None (e)	None (e)
California	Medical Bd.	25/day (e)	25/day (e)	25/day (e)	--	25/day (e)	25/day (e)	25/day (e)	25/day (e)
Colorado	None (e)	25/day (e)	25/day (1200) ² (e)	None (e)	10/day (e)	16/day (e)	None (e)	None (e)	10/day (200) ² (e)
Connecticut	74.11/day (e)	45/day (e)	71.95/day (e)	1,867/yr. (e) Arch. Bd. 1,300/yr. (e)	--	7,252/yr. chairman 5,666/yr. mem.	--	--	--
78 Delaware	16/day (e)	None	10/day (e)	N.A.	--	None	--	--	--
Florida	25/day (e)	25/day (e)	25/day (e)	25/day (e)	--	25/day (e)	--	--	--
Georgia	15/day (e)	20/day (e)	25/day (e)	10-20/day (e)	--	20/day (e)	--	--	--
Idaho	25/day (e)	25/day (e)	None (e)	20max/day (e)	--	25/day (e)	25/day (e)	None (e)	None
Illinois	25/day (e)	25/day (e)	25/day (e)	25/day (e)	--	25/day (e)	25/day (e)	--	--
Indiana	None	25/day (e)	25/day (e)	25/day (e)	--	25/day (e)	25/day (e)	--	--
Iowa	--	40max/day (e)	40max/day (e)	40max/day (e)	--	40max/day (e)	Yes (e)	--	--
Kansas	10/day (e)	25/day (e)	10/day (e)	25/day (e)	10/day (e)	20/day (900) ² (e)	None (e)	--	--
Kentucky	Yes (e)	25/day (e)	35/day (e)	10-25/day (e)	--	35/day (e)	None (e)	--	--
Louisiana	None (e)	25/day (e)	15/day	20-25/day (e)	--	35/day (e)	None	--	--
Maine	None (e)	20/day (e)	5/hr. (e)	None (e)	--	20/day (e)	1,000/yr. (e)	--	None (e)
Maryland	Yes	Yes	Yes	Yes	--	30/day (e)	1,500/yr. chair- man (e) 1,200/yr. mem. (e)	--	--
Massachusetts	--	250/yr. (e)	50/day (3000) ² (e)	(e) ⁵	--	6,400/yr. chairman (e) 5,700/yr. mem. (e)	4,300/yr. (e)	--	--
Michigan	No reply								
Minnesota	No reply								
Mississippi	No reply								
Missouri	--	25/day (e)	25/day (e)	40/day (e)	--	25/day (e)	10/day (1800) ² (e)	--	--
Montana	N.A.	None (e)	20/day (e)	25/day (e)	5/day (e)	25/day (e)	None (e)	--	--
Nebraska	No reply								
Nevada	15max/day	25/day (e)	25/day (e)	25/day (e) ⁴	--	25/day (e)	25 full day (e)	--	--
New Hampshire	None (e)	25/day (e)	25/day	25/day (e)	--	15/day (e)	10/day (e)	--	--
New Jersey	None (e)	350/yr. (e)	None (e)	50/day (1000) ³ (e)	--	None	None	--	--

TABLE IV (continued)

States	BOARDS AND COMMISSIONS - COMPENSATION								
	Contractors License	Cosmetology	Dispensing Opticians	Hearing Aid Dealers and Fitters	Massage	Motor Vehicle Industry	Nursing Home Administrators	Private Detectives and Guards	Real Estate
Hawaii	None (e)	10/day (e)	None (e)	None (e)	None (e)	None (e)	None (e)	None (e)	None (e)
Alabama	10/day (e)	15/day (e)	--	--	Yes ⁴ (e)	--	50-100/day (e)	--	20/day (e)
Alaska	--	30/day (e)	--	--	--	--	--	--	30/day (e)
Arizona	N.A.	30/day (e)	None	--	30/day (e)	--	None	--	30/day
Arkansas	15/day (e)	20/day (e)	Optometry Bd.	25/day (e)	10/day (e)	--	15/day (e)	None	10/day (e)
California	25/day (e)	25/day (e)	Medical Bd.	--	--	25/day (e)	--	--	25/day (e)
Colorado	--	10/day (e)	--	--	None (e)	--	None (e)	--	10/day (e)
Connecticut	37.02/day (e)	--	37.06/day (e)	--	--	--	25/day (e)	--	(e)
Delaware	--	15/day (300) ²	--	--	--	--	None (e)	--	10/day (e)
Florida	25/day (e)	25/day (e)	25/day (e)	25/day (e)	25/day (e)	--	--	--	25/day (e)
Georgia	--	25/day (e)	15/day (e)	None (e)	--	20/day (900) ² (e)	25/day (e)	--	25/day (e)
Idaho	10/day (e)	25/day (e)	--	--	--	--	25/day (e)	--	25/day (e)
Illinois	--	25/day (e)	Optometry Bd.	--	--	--	25/day (e)	25/day (e)	25/day (e)
Indiana	--	25/day (e)	--	25/day (e)	--	--	25/day (e)	--	25/day (e)
Iowa	--	40max/day (e)	--	--	--	--	40max/day (e)	--	40max/day (e)
Kansas	--	10/day (e)	N.A.	Yes	--	--	15/day (e)	--	10/day (e)
Kentucky	--	30/day (e)	--	--	--	40/day (800) ² (e)	None (e)	--	25/day (e)
Louisiana	None (e)	35/day (e)	--	None (e)	--	--	25/day (e)	--	20/day (e)
Maine	--	20/day (e)	--	20/day (1000) ³	--	--	--	--	25/day (e)
Maryland	--	25/day (3750) ² (e)	--	Yes	--	--	Yes	--	Yes
Massachusetts	--	(7000) ² (e)	125/yr. (e)	--	--	--	(e)	--	(e)
Michigan	No reply								
Minnesota	No reply								
Mississippi	No reply								
Missouri	--	25/day (300) ² (e)	Optometry Bd.	--	--	--	25/day (e)	--	25/day (e)
Montana	--	20/day (e)	Optometry Bd.	20/day (e)	15/day (e)	--	25/day (e)	--	15/day (e)
Nebraska	No reply								
Nevada	25/day (e)	25/day (e)	25/day (e)	--	--	--	Yes (e)	Yes (e)	25/day (e)
New Hampshire	--	10/day (e)	--	--	--	--	None (e)	--	None (e)
New Jersey	25/day (1000) ³ (e)	None (e)	250/exam	--	--	--	None (e)	--	4,000/yr. (e)
New Mexico	20/day (e)	20/day (e)	--	20/day (e)	--	--	20/day (e)	--	--
New York	No reply								
North Carolina	None	8/day	20/day (e)	20/day	--	--	20/day (e)	--	15/day
North Dakota	No reply								

TABLE IV (continued)

States	B O A R D S A N D C O M M I S S I O N S - C O M P E N S A T I O N								
	Contractors License	Cosmetology	Dispensing Opticians	Hearing Aid Dealers and Fitters	Massage	Motor Vehicle Industry	Nursing Home Administrators	Private Detectives and Guards	Real Estate
Ohio	--	50/day(e)	--	50/day(e)	Medical Bd.	15/day(e)	--	50/day(e)	50/day(e)
Oklahoma	--	25/day(e)	--	--	--	--	20/day(e)	--	25/day(1300)(e)
Oregon	--	20/day(e)	Optometry Bd.	20/day(e)	--	--	20/day(e)	--	20/day(e)
Pennsylvania	--	30/day(e)	--	--	--	30/day(e)	30/day(e)	--	30/day(e)
Rhode Island	No reply								
South Carolina	No reply								
South Dakota	None(e)	20/day(e)	--	20/day(e)	--	--	20/day(e)	--	20/day(e)
Tennessee	None(e)	None(e)	25/day(e)	25/day(e)	--	10/day(200) ² (e)	25/day(e)	--	25/day(e)
Texas	--	None(e)	Optometry Bd.	Yes(e)	--	--	25/day(e)	None(e)	25/day(1000)(e)
Utah	--	15/day	--	--	--	15/day	N.A.	--	N.A.
Vermont	N.A.	15/day(e)	--	--	--	--	15/day(e)	--	15/day(e)
Virginia	25/day(e)	25/day(e)	25/day(e)	25/day(e)	--	--	25/day(e)	--	25/day(e)
Washington	--	15/day(e-20 max)	15/day(e-10 max)	--	--	--	15/day(e-10max)	--	15/day(e-10 max)
West Virginia	No reply								
Wisconsin	--	25/day(e)	--	25/day(e)	25/day(e)	--	25/day(e)	--	25/day(e)
Wyoming	No reply								

(e) reimbursement for travel and/or other reasonable or actual expenses.

N.A. not available

Yes per diem paid but fixed by board or commission or governor or division of board income among members.

1. money amounts within parenthesis indicate maximum amount which can be received per month.
2. money amounts within parenthesis indicate maximum amount which can be received per year.
3. President receives additional \$500/yr.; vice president \$300/yr.
4. for Architects - None(e)
5. for Architects \$750/yr. (e)

TABLE V
PERSONAL AND TECHNICAL REQUIREMENTS FOR LICENSE APPLICANTS:
PROFESSIONS AND OCCUPATIONS REGULATED IN HAWAII (1970)

Professions	PERSONAL REQUIREMENTS				TECHNICAL REQUIREMENTS				EXAMINATIONS		
	U.S. Citizen-ship	Hawaii Residency	Age	Good Moral Character	Secondary Education	Higher Education (liberal arts or science)	Professional or Occupational Education or Training	Experience Apprenticeship	Written	Practical	Waiver
Chiropractic	x	1 yr.		x	HS grad ⁴	2 yrs.	x		x		
Dentistry	x	1 yr.	21 yrs.	x			x		x	x	
dental hygiene	x ¹	1 yr.	18 yrs.	x	HS grad		x		x	x	
Medicine	x ¹	1 yr.		x			x	x	x	x	x
Naturopathy		1 yr.		x	HS grad		x		x	x	
Nursing (RN, LPN)				x	HS grad ⁴		x		x		x
Optometry	x	1 yr.	21 yrs.	x	HS grad		x		x	x	
Osteopathy			21 yrs.	x			x	x	x	x	x
Pharmacy		1 yr.	20 yrs.	x			x	x	x	x	
Psychology				x			x		x	x	x
Veterinary		1 yr.	20 yrs.	x			x		x	x	
Accountancy	x ¹	1 yr.	21 yrs.	x	HS grad	4 yrs.		x	x	x	
Professional Engineers, Architects, Surveyors				x			x	x	x	x	
<u>Occupations</u>											
Abstract Makers	x			x					x		
Barbering			18 yrs. ²	x	8th grade			x	x	x	
Boxing				x							
Cemetery and pre-need funeral authority, salesmen			20 yrs. ³	x							

TABLE V (continued)

Professions	PERSONAL REQUIREMENTS				TECHNICAL REQUIREMENTS				EXAMINATIONS		
	U.S. Citizen-ship	Hawaii Residency	Age	Good Moral Character	Secondary Education	Higher Education (liberal arts or science)	Professional or Occupational Education or Training	Experience Apprenticeship	Written	Practical	Waiver
Collection Agency	x	1 yr.	20 yrs.	x	HS grad ⁴				x		
Contractors			20 yrs.	x					x ⁵		
Cosmetology		60 days		x	HS grad ⁴		x		x	x	
Dispensing Opticians				x					x	x	
Hearing Aid Dealers and Fitters				x	HS grad				x	x	x
Massage		1 yr.		x				x	x	x	x
Motor Vehicle Industry (dealers, salesmen, auctioneers, agents)				x							
Nursing Home Administrators				x					x		
Private Detectives and Guards	x	1 yr.	25 yrs.	x	HS grad ⁴				x		
Real Estate (brokers, salesmen)		2 yrs.	20 yrs.	x					x		

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1. Or legal declaration of intention.
2. Apprentice - 16 years of age.
3. Cemetery or pre-need funeral salesmen.
4. Or equivalent.
5. For operators only.