

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Study on the Licensing of Massage Schools

Summary

This study was conducted in response to Senate Concurrent Resolution No. 128, Senate Draft 1 of the 1997 Regular Session. The resolution requested the State Auditor to conduct a study to determine whether continued regulation of massage schools by the Department of Education or some other state agency is appropriate. The study was to also consider whether repeal or transfer of massage school licensure functions would impact eligibility and participation by massage students receiving federal student aid and other grants and loans. In addition, the study was to consider the impact of changes in licensure on massage school accreditation by private accrediting agencies.

We found that there is a reasonable need to continue state licensing and regulation of massage therapy schools to maintain minimum education standards and to protect students. The federal government also requires that schools be legally authorized by the appropriate state agency or official and accredited before participating in any student financial assistance programs authorized by Title IV of the 1965 Higher Education Act.

New legislation is needed to statutorily define the current purposes for licensing. The statutes do not now include the legislative purpose of licensing nor does the law clarify the Department of Education's responsibilities.

We found that the Department of Education has failed to properly manage the licensing program. It has adopted administrative rules that are inadequate to govern and guide the program. Furthermore, the department's lack of commitment to the program has resulted in assignment of insufficient resources, poor communication with schools, and inadequate recordkeeping. Also, the department does not certify instructors in a timely manner and has licensed schools that do not meet state requirements.

We concluded that there is no single state agency that is comprehensively appropriate to oversee the licensing and regulation of massage therapy schools. We considered and assessed the appropriateness of three agencies: the Department of Education, the Department of Commerce and Consumer Affairs, and the State Board for Vocational Education. Each agency was found to be appropriate to some degree, however, based on our analyses we believe that the State Board for Vocational Education is the *most* appropriate alternative of the three.



Recommendations and Response

We recommend that the State continue to require that massage therapy schools be licensed and that the Legislature consider amending the statutes to define the purpose of private trade, vocational, and technical school licensing and regulation. If licensing and regulation of massage therapy schools remain with the Department of Education, we recommend that the department revise its administrative rules that govern the program to ensure the maintenance of minimum education standards and to protect student consumers. We also recommend that the superintendent ensure that the administrator of the program address the deficiencies pointed out in the study. Should the Legislature consider transferring the massage school licensing program to the State Board for Vocational Education, we recommend that any amendments to the statutes include a definition of the purpose of regulation. Finally, we recommend that if the licensing program is transferred to the State Board for Vocational Education, the board should take into account the above recommendations addressed to the Department of Education.

The Department of Education concurred with all the recommendations presented in the study. The department was especially supportive of the recommendation to transfer the massage school licensing program to the State Board of Vocational Education and recommended that licensing and regulation of *all* private trade, vocational, and technical schools be placed with the board. The University of Hawaii responded that it is open to discussing with the Legislature the possibility of transferring the massage school licensing program to the State Board for Vocational Education. The Department of Commerce and Consumer Affairs responded with two points of clarification, one of which was incorporated into the report.