



LINDA LINGLE
GOVERNOR
JAMES R. AIONA, JR.
LT. GOVERNOR

STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
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P.O. Box 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
www.hawaii.gov/dcca

LAWRENCE M. REIFURTH
DIRECTOR
RONALD BOYER
DEPUTY DIRECTOR

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION, 2010

Wednesday, February 3, 2010
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 2029
RELATING TO PROFESSIONS AND OCCUPATIONS**

WRITTEN TESTIMONY ONLY

TO THE HONORABLE ROBERT N. HERKES, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (Department) appreciates the opportunity to comment on House Bill No. 2029, Relating to Professions and Occupations. My name is Lawrence M. Reifurth, and I am the Department's Director. House Bill No. 2029 proposes to:

- (1) Repeal the regulatory programs of six professions and vocations (Electrology (chapter 448F, Hawaii Revised Statutes (HRS), Hearing Aid Dealers and Fitters (chapter 451A, HRS), Marriage and Family Therapists (chapter 451J, HRS), Occupational Therapists (chapter 457G, HRS), Dispensing Opticians (chapter 458, HRS), and Athlete Agents (chapter 481E, HRS)); and

- (2) Replace responsibility for regulating the occupations of barbering and cosmetology, and speech pathology and audiology from the current boards with the Department.

Although the Department takes no position on the bill, we appreciate the Committee's desire to enhance our efficiency by streamlining our operations. In 1999, the Department initiated similar legislation that proposed the deregulation of certain licensing programs (H.B.1096/S.B.1304), and the elimination of certain boards and the transferring of responsibility for those licensing programs to the Department (H.B.1097/S.B.1305).

The Department suggests that when determining whether and which occupations should be deregulated, or if the regulatory responsibility of a particular board should be transferred to the Department, the Committee consider the recommendations of the Auditor in its sunset evaluation reports and sunrise analysis reports for that particular occupation.

Another indicator of whether deregulation is appropriate is the number of licensing complaints an occupation receives relative to the number of licensees it has. If requested, the Department can provide that information to the Committee.

Thank you for the opportunity to present testimony on the bill.

**PRESENTATION OF THE
BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-FIFTH STATE LEGISLATURE
Regular Session of 2010

Wednesday, February 3, 2010
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 2029, RELATING TO PROFESSIONS AND
OCCUPATIONS.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Candace Ito, Executive Officer for the Board of Speech Pathology and Audiology ("Board"). On behalf of the Board, I would like to express our appreciation for the opportunity to present testimony on House Bill No. 2029, Relating to Professions and Occupations.

House Bill No. 2029 proposes to eliminate the regulatory board for Speech Pathologists and Audiologists and places the regulation of speech pathologists and audiologists with the Director of the Department of Commerce and Consumer Affairs ("DCCA").

The Board has not had the opportunity to meet and establish an official position. However, the Board is scheduled to meet on Thursday, February 4, 2010 to discuss House Bill No. 2029. Subsequent to the meeting, the Board will be able to report back to you regarding their official position on this bill.

Although the Board has not yet met to discuss this bill, the January 2000 Sunset Report by the Office of the Auditor concluded that a professional board within the DCCA

Testimony on House Bill No. 2029
Wednesday, February 3, 2010
Page 2

is cost effective and the most appropriate means of administering the licensure of speech pathologists and audiologists and recommended the continuance of such licensure with the Board.

Thank you for the opportunity to testify on House Bill No. 2029

**PRESENTATION OF THE
BOARD OF BARBERING AND COSMETOLOGY**

TO THE HOUSE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH LEGISLATURE
Regular Session of 2010

Wednesday, February 3, 2010
2:00 p.m.

**TESTIMONY ON HOUSE BILL NO. 2029, RELATING TO PROFESSIONS AND
OCCUPATIONS.**

TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Carla Morioka and I am the Chairperson of the Board of Barbering and Cosmetology ("Board"). Thank you for the opportunity to present testimony on behalf of the Board in opposition to House Bill No. 2029, Relating to professions and occupations.

One of the purposes of this bill is to replace the regulatory board for barbering and cosmetology with the Department of Commerce and Consumer Affairs ("DCCA").

As the Board has not had the opportunity to discuss this bill, my testimony reflects the opinions of the Board members which were collected during a telephone poll conducted within the past few days. The Board hopes to formulate an official position at its next meeting which is scheduled for February 10, 2010.

Five of the six current Board members were polled, and each of these members expressed strong opposition to the provisions of the bill that do away

with the Board and transfer its regulatory authority and function to the Department of Commerce and Consumer Affairs ("DCCA"). These provisions are detailed in sections 1, 7, 9, 10, 11, 15, 16, 17, and 18 of the proposed bill.

The Board believes that its members provide the necessary expertise and knowledge of both the barbering and cosmetology professions that would not be available if the Board's functions and authority were transferred to the DCCA. The Board is made up of two licensed barbers, two licensed cosmetologists, and three members of the public. Each category of Board membership brings its own unique perspective and skill set to comprise the Board as a whole, and all work together to effectively regulate both professions and ensure protection of the public.

Furthermore, the Board notes that the resources of the DCCA are being stretched thin, as are the resources at all other departments within State government, and that this may negatively impact the effective regulation of these license areas. Board members serve as volunteers, donating their time and knowledge to the State with no substantial drain on these limited resources, except for minimal expenses related to the travel of member(s) from the Neighbor Islands to Honolulu for meetings six (6) times a year. These expenses are currently confined to a single member from Kauai.

In closing, we would like to reiterate that the Board members strongly opposes the provisions of H.B. No. 2029 that relate to the barbering and cosmetology licensure areas, and respectfully request that the bill be held.

Testimony on House Bill No. 2029
Wednesday, February 3, 2010
Page 3

Thank you for the opportunity to testify. I will be happy to answer any questions you may have.

HMSA



An Independent Licensee of the Blue Cross and Blue Shield Association

February 3, 2010

The Honorable Robert Herkes, Chair
The Honorable Glenn Wakai, Vice Chair
House Committee on Consumer Protection and Commerce

Re: HB 2029 – Relating to Professions and Occupations

Dear Chair Herkes, Vice Chair Wakai and Members of the Committee:

The Hawaii Medical Service Association (HMSA) appreciates the opportunity to testify on HB 2029 which would repeal the state oversight for certain allied health care providers such as marriage and family therapists (MFTs), occupational therapists (OTs) and dispensing opticians. HMSA has concerns with this measure.

Currently, as part of our credentialing process, we require providers who wish to participate with HMSA to demonstrate they comply with state regulatory oversight. We believe that the state sanctioned recognition requirement adds an additional layer of scrutiny to health care providers working in allied health professions which assists in ensuring quality while protecting our members. The removal of the statutes overseeing the licensure and recognition of these health occupations could end up being detrimental to consumers and would also remove the ability of these individuals to meet current HMSA credentialing standards. If they cannot meet the credentialing standards, HMSA will not contract with these providers, negatively impacting access to care for some members.

We believe that it is in the state's best interest to continue to hold allied health providers to the same regulatory gold standard as other health professionals in the community.

Thank you for the opportunity to testify today.

Sincerely,

A handwritten signature in black ink, appearing to read "JDiesman", with a long horizontal flourish extending to the right.

Jennifer Diesman
Vice President
Government Relations



THE QUEEN'S MEDICAL CENTER

1301 Punchbowl Street • Honolulu, Hawaii 96813 • Phone (808) 538-9011 • FAX: (808) 547-4646

February 2, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION – HB 2029, Relating to Professions and Occupations**

Hearing: Wednesday, February 3, 2010, 2:00 p.m. – Conference Room 325

Dear Representative Herkes and Members of the Consumer Protection Committee:

We are occupational therapists employed at The Queen's Medical Center and we are opposed to HB 2029 – in regards to Section 14 which would repeal HRS Chapter 457G – Occupational Therapy Practice Act.

At The Queen's Medical Center, the occupational therapists provide rehabilitation services to patients to regain, develop or build skills necessary to resolve problems, improve their ability to perform daily tasks. Our patients have a broad range of health conditions ranging from strokes, head injuries, multiple sclerosis, cardiac impairments, arthritis, cancer and Alzheimers to name a few.

We are opposed to HB 2029 for the following reasons:

- 1) Deregulation of Occupational Therapists would not protect our patients or your constituents from unqualified practitioners. There would always be that potential for an unqualified practitioner to provide care in Hawaii.
- 2) Deregulation would eliminate our OT Practice Act which currently addresses such topics as scope of practice, supervision and licensure/registration requirements. As OT practitioners we are very uncomfortable with the thought of this being eliminated.
- 3) Hawaii would be the only state in the nation without some form of government oversight. Without this oversight, it would also limit access to 3rd Party payors such as HMSA, Hawaii State Workers Compensation system along with Medicare and Medicaid who recognize services provided by a licensed/registered professional. Our patients would be affected as Occupational Therapy services may not be recognized as a covered benefit. Our patients would then either need to pay privately or opt to forego needed treatment. Would you want this situation to happen if it was you or your constituents needing Occupational Therapy services?

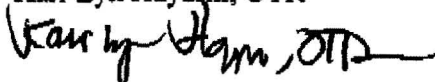
We kindly ask that language to repeal Occupational Therapy (HRS Chapter 457G) be removed from HB 2029. Thank you for this opportunity to submit testimony.

Sincerely,

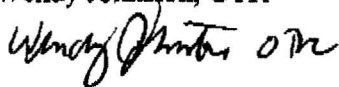
Hui-I Chen, OTR
Manager, Rehab Services



Kari-Lyn Hayashi, OTR



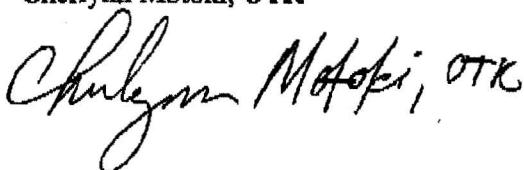
Wendy Johnston, OTR



Mildred Mikuni, OTR



Cherlynn Motoki, OTR

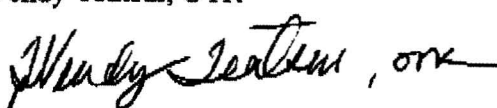


Anna Santos, OTR

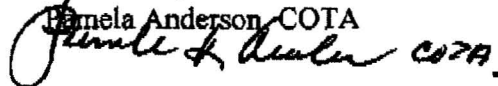


Fran Shimomura, OTR

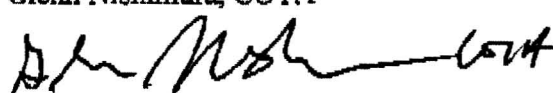
Wendy Tsutsui, OTR



Patricia Anderson, COTA



Glenn Nishimura, COTA





**Representative Robert N. Herkes
Consumer Protection & Commerce Committee Chairperson**

**Representative Glenn Wakai
Consumer Protection & Commerce Committee Vice Chairperson**

Re: HB 2029 Relating to Professions and Occupations

Opposed to HB 2029

02/01/10

Dear Representative Herkes and Representative Wakai,

We are Occupational Therapists representing Kaiser Permanente's outpatient clinics in Hawaii. We are testifying in strong opposition of HB 2029 relating to Professions and Occupations.

In our profession as Occupational Therapists working in outpatient clinics, we provide essential and medically necessary therapy to patients who have suffered various medical illness or injuries such as strokes, head injuries, neurological diseases, sensitive post-operative orthopedic conditions, etc. All of these patients require and deserve highly skilled Occupational Therapy services in order for the patients to recover and regain optimum function. These services include training individual patients to restore the ability to bathe themselves, put on/remove clothing independently, feed themselves, coordinate balance and thought organization when cooking meals, positioning themselves when lifting and carrying to avoid increased back pain, training a patient to use a hand that is missing several fingers in order to do a job, training a patient to deal with the frustrations of painful symptoms, ensuring that an open injury is not infected and if so to notify the physician, etc. Those are just a few of the tasks that are required of Occupational Therapists. These patients, in these hard economic times, also desire to regain as much function in as short a period of time in order to resume important daily life tasks such as returning to gainful employment and caring for their families, etc.

We understand that HB 2029 is asking to repeal the regulatory program for Occupational Therapy. This bill would significantly impact consumers in receipt of Occupational Therapy services.

Without governmental oversight, as we currently have, the repeal of Occupational Therapy regulatory program would result in medical insurance

**Kaiser Mapunapuna Clinic
2828 Pa'a Street
Honolulu, Hawaii 96819
Phone: (808) 432-5770**

carriers such as HMSA, HMAA, and workers' compensation insurance carriers to not recognize Occupational Therapy services thus causing consumers to not be able to access Occupational Therapy services at all.

In closing, we as Occupational Therapists strongly oppose HB 2029 that would repeal Occupational Therapy regulation (Chapter 457G).

Thank you for your consideration on this matter,

Kaiser Permanente Outpatient Occupational Therapists,

Cathy Collins, OTR

Sharon Clower, OTR

Kathy Davis, OTR

Jeffrey, OTR

Sarah Yokota, OTR

Scott, OTR

Dear Mr. Glenn Wakai,

We as Occupational Therapists at Hilo Medical Center strongly oppose HB 2029.

This bill would significantly impact consumers in receiving OT services at HMC as we provide services in the acute, behavioral health, long term care, and outpatient areas. Without any government oversight, insurances such as HMSA and Workers Comp. Will not recognize Occupational Therapy services, and as a result consumers would not be able to access out services as needed.

The OT Association of Hawaii (OTAH) worked for 10 years to have an OT Practice Act in Hawaii. This Act was to ensure that our services are regulated and provided by qualified therapists. Please do not take this away from us.

Please oppose HB 2029.

Sincerely,

Cynthia Saturo, OTR
Debbie Hackney, OTR
Joy Shida Anderson OTR
Clare Hagston, OTR

888 South King Street
Honolulu, Hawai'i 96813-3009

STRAUB
CLINIC & HOSPITAL
An Affiliate of Hawai'i Pacific Health

808-522-4000
www.straubhealth.org

Wednesday, February 3, 2010 - 2:00 pm
Conference Room 325

The House Committee on Consumer Protection

To: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

From: Avis Sakata, OTR
Kate Johnson, OTR
Hee Sook Kim, OTR
Andrea Muraoka, OTR
Melissa Pang, OTR
Chantel Chang, OTR
Tisha Taba, OTR

Re: Testimony in OPPOSITION to HB 2029

We are writing on behalf of Straub Clinic & Hospital. Straub Clinic & Hospital founded in 1921, Straub Clinic & Hospital is a fully integrated nonprofit health care system with a 159-bed hospital in Honolulu, a network of neighborhood clinics and a visiting specialist program that reaches throughout the state of Hawai'i. With 200 employed or contracted physicians who are leaders in their fields, Straub provides its patients with expert diagnoses and treatments for more than 32 different medical specialties, including bone and joint, heart, cancer, endocrinology/diabetes, family medicine, gastroenterology, geriatric medicine, internal medicine, vascular and urology. Straub is home to the Pacific Region's only multi-disciplinary burn treatment center. The hospital consistently brings new technologies and innovative medical practices to Hawai'i, such as minimally invasive cardiac surgery and total joint replacement. Straub is an affiliate of Hawai'i Pacific Health, the state's largest health care provider. Learn more at: www.straubhealth.org.

We are writing in strong opposition to HB 2029 Relating To Professions And Occupations which, among other amendments, repeals the regulatory program of occupational therapists (HRS Chapter 457G).

At Straub, the occupational therapists provide rehabilitation services to patients from young adults to the elderly, who, because of illness and/or injury need specialized intervention to regain, develop or build skills necessary to resolve problems, improve their ability to perform daily tasks and further prevent additional injuries and thus maximize their potential. Our patients have a broad range of health conditions ranging from neurological conditions such as strokes, head injuries, multiple sclerosis; cardiac impairments; cancer and Alzheimers to name

a few. Occupational therapists play a pivotal role in Straub's Bone and Joint Center treating patients that have undergone total hip and knee replacements and those patients with hand/elbow/shoulder injuries. Another area of expertise is on the Burn Unit which is the only unit that serves Hawai'i and the Pacific Basin.

Deregulation of Occupational Therapists is not in the best interest of the consumer. There would always be that potential from unqualified practitioners. Hawaii would be the only state in the nation without any form of government oversight of occupational therapists.

Deregulation would lead to elimination of Chapter 457G – Occupational Therapy Practice Act which currently addresses such topics as scope of practice, supervision and licensure/registration requirements.

HMSA, the State Workers Compensation system, and even Medicare & Medicaid only recognize services carried out by licensed and/or registered professionals. Repealing the occupational therapist registration program would cause the occupational therapists throughout the state, especially those providing outpatient services, to be unable to obtain payment or reimbursement for the services rendered.

Therefore, we ask that language to repeal HRS Chapter 457G – Occupational Therapy be removed from HB 2029 which would maintain the regulatory program of occupational therapists through the Department of Commerce and Consumer Affairs.

Thank you for the opportunity to testify on this bill.



55 Merchant Street
Honolulu, Hawai'i 96813-4333

HAWAII PACIFIC HEALTH
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808-535-7401
www.hawaiipacifichealth.org

Wednesday, February 3, 2010; 2:00 pm

Conference Room 325

The House Committee on Consumer Protection

To: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

From: Virginia Pressler, MD, MBA
Executive Vice President
Hawai'i Pacific Health

Re: **Testimony in OPPOSITION to HB 2029**

My name is Virginia Pressler, Executive Vice President for Hawai'i Pacific Health (HPH). Hawai'i Pacific Health is a nonprofit health care system and the state's largest health care provider, committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four affiliated hospitals, 44 outpatient clinics and more than 2,200 physicians and clinicians. The network is anchored by its four nonprofit hospitals: Kapi'olani Medical Center for Women & Children, Kapi'olani Medical Center at Pali Momi, Straub Clinic & Hospital and Wilcox Memorial Hospital. Collectively, they lead the state in the areas of women's health, pediatric care, cardiovascular services, bone and joint services and cancer care. Hawai'i Pacific Health ranks among the top 3.8 percent of hospitals nationwide in electronic medical record adoption, with system-wide implementation that allows its hospitals to offer integrated, coordinated care throughout the state. Learn more at: <http://www.hawaiipacifichealth.org>

We are writing in strong opposition to HB 2029 Relating To Professions And Occupations which, among other amendments, repeals the regulatory program of occupational therapists.

Deregulation of Occupational Therapists is not in the best interest of the consumer. While the rationale of repealing the regulatory program of occupational therapists may be to reduce costs, doing so would leave consumers with no regulatory recourse if they received services from unqualified practitioners. Hawaii would be the only state in the nation without any form of government oversight of occupational therapists.

With access to Occupational Therapy services, patients are able to receive immediate care as an inpatient and continue ongoing treatments as an outpatient. Early intervention assists patients to increase their independence with self-care/activities of daily living; improve overall strength and function; and prevent further complications that would otherwise keep the patient from returning to school and/or work. Access to services not only means increased independence, but also enables the patient or injured worker to return to school, work or gainful



Affiliates of Hawai'i Pacific Health

employment in a more timely and expedient manner. This decreases the overall costs to insurance companies; decreases loss time benefits and workers compensation costs.

With the deregulation of occupational therapists, patients would either need to pay out of pocket or in stark reality, many would not seek occupational therapy services even though they may badly need it. HMSA, the State Workers Compensation system, and even Medicare & Medicaid only recognize services carried out by licensed and/or registered professionals. Repealing the occupational therapist registration program would cause the occupational therapists throughout the state, especially those providing outpatient services, to be unable to obtain payment or reimbursement for the services rendered. This in turn would have a negative impact on patients.

Therefore, we ask that the measure be amended to maintain the regulatory program of occupational therapists through the Department of Commerce and Consumer Affairs.

Thank you for the opportunity to testify on this bill.



OCCUPATIONAL THERAPY ASSOCIATION OF HAWAII

1360 S. Beretania St., Suite 301, Honolulu, Hawaii 96814

Testimony by:

Avis Sakata, OTR

HB 2029, Professions and Occupations

House CPC Hearing – Weds. Feb. 3, 2010

Room 325 – 2:00 pm

Position: Oppose

Chair Herkes, and Members of the House CPC Committee:

I am Avis Sakata, OTR and president of the Occupational Therapy Association of Hawaii, (OTAH), which represents 507 occupational therapists (OTs) licensed in Hawaii. OT's work in many settings throughout the State, including hospitals, schools, prisons, skilled nursing to private facilities and community-based programs.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages, from infants to the elderly, to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability.

Occupational Therapists are recognized members of the Healthcare Rehabilitation team which is comprised also of physicians, nurses, physical therapists, speech therapists, social workers and others. As a healthcare provider, OTs provide, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focused on daily living skills (including self-care), work readiness, play or educational performance skills, 3) and interventions that include sensorimotor, neuromuscular functioning, cognitive or psychosocial components.

We strongly oppose this bill that would repeal Occupational Therapy (HRS Chapter 457G). The de-regulation of occupational therapists is not in the best interest of the consumer. Regulating the practice of occupational therapy protects consumers from unqualified practitioners and protects qualified practitioners' rights to provide OT services. From 1991 to present, DCCA has not received any complaints of consumer harm or questions regarding our practice. OT practitioners in Hawaii have been providing quality care while adhering to ethical standards of practice. However, with deregulation, there is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Lastly, Hawaii would be the only state in the nation that would not have some form of government oversight.

Finally, if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill were implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Major insurance carriers such as HMSA and Hawaii State Workers Compensation system along with Medicare and Medicaid and other 3rd party payors only recognize services carried out by licensed and/or registered professionals.

We respectfully request that language to repeal Occupational Therapy (HRS Chapter 457G) be removed from HB 2029. I can be reached at 522-4602 if further information is needed. Thank you for the opportunity to submit testimony.

828 S. King Street
Honolulu, Hawaii 96813
Telephone (808) 523-9040
Fax (808) 526-0673



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February 2, 2010

To: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Frieda S. Takaki, President/CEO of CHART Rehabilitation of Hawaii, an employee-owned company, offering physical rehabilitation services for over 30 years in the State of Hawaii.

Occupational therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Without the expertise and utilization of occupational therapy services, our patients would not be able to return to work or function as has been proven over decades of experience and history.

Deregulation of Occupational Therapy will not reduce costs but will potentially increase costs due to lack of government oversight to insure appropriate licensure and treatment. Occupational therapists work together in a team comprised of physicians, nurses, physical therapists, case management nurses, etc. to name a few to insure the best and most efficient care for their patients, thereby reducing expenses and costs relating to reduction in loss of work time, hospitalization, medical needs, workers compensation, etc.

I strongly urge you to oppose HB 2029 and its frivolous grounds to protect the profession, insurance companies, and most importantly, the people of Hawaii.

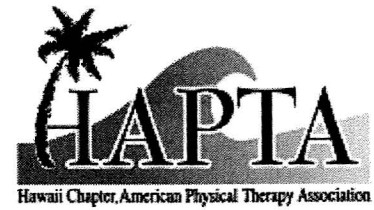
Sincerely,

Frieda S. Takaki
President/CEO

/FST:jy

**Testimony by:
Ann Frost, PT**

**HB 2029, Relating to Professions and Occupations
Hse CPC, Weds. February 3, 2010
Room 325, 2:00 pm**



**Position: Oppose De-Regulation of Occupational Therapists,
HRS Chapter 457G**

Chair Herkes, and Members of the House CPC Committee:

I am Ann Frost, P.T., President of the Hawaii Chapter – American Physical Therapy Association (HAPTA) and member of HAPTA’s Legislative Committee. HAPTA represents 250-300 physical therapists and physical therapist assistants employed in hospitals, nursing homes, the Armed Forces, the Department of Education and Department of Health (DOH) systems, and private clinics throughout our community. Physical therapists work with everyone, from infants to the elderly, to restore and improve function and quality of life. We are part of the spectrum of care for Hawaii, and provide rehabilitative services for infants and children, youth, adults and the elderly. Rehabilitative services are a vital part of restoring optimum function from neuromusculoskeletal injuries and impairments.

We oppose HB 2029’s reference to de-regulating health care professionals such as the Occupational Therapists (OTs). De-regulating this healthcare profession will result in the unintended consequence of creating a barrier for consumers to receive needed rehabilitation treatment by OTs. Insurance carriers require and only reimburse for health care services provided by licensed or registered practioners.

We respectfully request that language to repeal Occupational Therapy (HRS Chapter 457G) be removed from HB 2029. I can be reached at 382-2655 if further information is needed. Thank you for the opportunity to submit testimony.

wakai2-Daniel

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2010 3:10 PM
To: CPCtestimony
Cc: skline@hhsc.org
Subject: Testimony for HB2029 on 2/3/2010 2:00:00 PM

Testimony for CPC 2/3/2010 2:00:00 PM HB2029

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Steven Kline, OTR/CEAS
Organization: West Kauai Medical Center/KVMH
Address: 4643 Waimea Canyon Road Waimea, HI 96796
Phone: 808-338-9452
E-mail: skline@hhsc.org
Submitted on: 2/2/2010

Comments:

I am Director of Occupational Therapy working on Kauai at the WEst Kauai Medical Center. I am in opposition fo HB 2029. This bill would strong effect our profession. This bill would signficaantly impact consummers in receiving Occupational Therapy services in the area of outpatients being currently seen. Most my clients are Hand Therapy Clients that have HMSA. I also take care of the Long TErm care residents as well as the Medical Surgical Unit. Without oversight , insurances such as HMSA and Woker's Comp will nto recognize Occupationla Tehrapy servcies and consumers would not be able to access oukr services. Once again I am in opposiion to this bill that would repeal Occcupational Therapy regulation (Chapter 457G. WE need to protect the consumer and go eventually for licensure, which if passed this bill would hurt the chances of becoming licensed.

NEUROLOGY ASSOCIATES, INC.

Melvin H.C. Yee, M.D.

321 N. Kuakini Street, Suite 810, Honolulu, HI 96817

Phone: 523-5885

Kevin G. Kimata, M.D. & Terry K. Shimamoto, M.D.

321 N. Kuakini Street, Suite 605, Honolulu, HI 96817

Phone: 523-5886

February 2, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

RE: HB 2029, Relating to Professions and Occupations

I am writing in opposition of HB 2029 in regards to repealing Chapter 457G – OT Practice Act. I am a neurologist. As a neurologist I deal with patients, young and old who have serious injuries to their nervous system. Their illnesses range from stroke, to nerve injuries to degenerative diseases. The occupational therapist plays an integral and important role in the rehabilitation of my patients. Their services allow injured individuals to return as an active participating member of society.

The occupational therapists both at Kuakini hospital and Rehab hospital of the Pacific have demonstrated competency in adhering to my rehabilitation protocol in guiding my patients to have the best functional recovery which in turns leads them to returning to their daily activities without significant complications or impairments.

Due to the varying degrees of injury and severity with my patients, I feel that continued regulation of their practice program is imperative in ensuring that qualified occupational therapists are providing services to my patients, your family members and your constituents. I hope that you will reconsider continuing Chapter 457G under the Department of Commerce and Consumer Affairs.

Sincerely,



Melvin H.C. Yee, M.D.

February 1, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

RE: HB 2029, Relating to Professions and Occupations

My name is Kate Butterfield, RN and I was a consumer of Occupational Therapy services. I am speaking against HB 2029 that would repeal the OT Practice Act (HRS, Chapter 457G).

I fell and shattered my right wrist in October 2008. I had surgery to repair the fracture, but the damage was extensive, requiring plates and screws to hold everything together. My doctor requested Occupational Therapy at Rehab of the Pacific to enable me to regain function of my hand. I'm self-employed, it was a devastating injury and it was critical to regain function as soon as possible. Fortunately, I was assigned to a highly skilled Occupational Therapist who worked closely with me over the next few months. The occupational therapist was patient and offered me encouragement and ideas on how to accomplish daily tasks. Progress was slow but steady and over time I regained adequate use of my hand and was able to resume my work. Until the very end of my therapy, due to the extensive nature of my injury, I wasn't sure I'd ever be able to do the work I made my living by ever again. I have great respect and appreciation for the skills and knowledge of my therapist.

I am also concerned that if the OT Practice Act is repealed, my insurance would only recognize services rendered by a licensed medical provider. In this case, my occupational therapy services may not be a benefit of my plan. I would then either have to forego therapy or pay out of pocket. I hate to think of what my outcome would be and the probability of needing to apply for disability.

For the sake of consumers like myself, your constituents or even yourselves, I ask that you reconsider your proposed actions on HB 2029 and that you will not repeal Occupational Therapy (HRS 457G).

Sincerely,
Kate Butterfield, RN
Island Health & Beauty Clinique
1154 Fort St. Mall, Suite 416
Honolulu, HI 96813
808 523-7505

HB 2029

wakai2-Daniel

From: Anne Carlson [anneotr@gmail.com]
Sent: Monday, February 01, 2010 8:57 AM
To: CPCtestimony
Subject: OT licensure

Do not repeal T licensure. OT's provide skilled services that require regulation through licensure. Currently OT's in the state provide vital health care services. Without licensure there will be no reimbursement, no reimbursement no OT's.

Do not repeal OT licensure!

--

Anne Carlson OTR/L CHT

Date: *(fill in)*

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: *(fill in when you receive our email plea)*

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is *Liz Dunn OTR* and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed at *Rehab of the Pacific* and work in our out patient clinic treating orthopedic, neurological & brain injured clients. I work w/ both private insurance & worker comp pts

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but our not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining

movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

4.) Without licensure we may loose employment if insurance companies don't cover &/or pay for our services. This will add to the current unemployment situation & as already stated eliminate essential health care services.

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Liz Dunn OTR
1415 Victoria St #411
Honolulu, Hi 96822
W 544 3310
H 521 1061
edunn @rehabhospital.org

February 1, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

RE: HB 2029, Relating to Professions and Occupations

My name is Monico Hernandez, and I was a consumer of Occupational Therapy services. I am speaking against HB 2029 that would repeal the OT Practice Act (HRS, Chapter 457G).

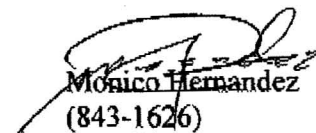
I was injured at work after a shard of glass fell on my arm and cut one of the tendons in my hand. I had surgery done by an orthopedic doctor, and referred to an occupational therapist for rehabilitation.

The occupational therapist was patient and offered me encouragement and ideas on how to complete my daily tasks, with the use of one good arm, as I am right-handed. I also had orthopedic precautions as to how much movement I could do and the occupational therapist abided to these precautions. Any deviation from this would mean that my surgical repair could be compromised. At this time, the occupational therapist made me several types of splints which slowly allowed me to regain movement in my arm; instructed me on exercises to regain movement and strength. The rehabilitation process was not easy, but I am now better able to use my right hand/arm, and hope to return to work soon in demolitions.

I am also concerned that if the OT Practice Act is repealed, my worker's compensation insurance would only recognize services rendered by a licensed medical provider. In this case, my occupational therapy services may not be a benefit of my plan. I would then either have to forego therapy or pay out of pocket (at about \$100.00 per session, I'm told). I hate to think of what my outcome would be and the probability of needing to apply for disability.

For the sake of consumers like myself, your constituents or even yourselves, I ask that you reconsider your proposed actions on HB 2029 and that you will not repeal Occupational Therapy (HRS 457G).

Sincerely,


Monico Hernandez
(843-1626)

ATTN: CPC Vice Chair Glenn Wakai

Strong Opposition to HB2029

My name is Karin Hokoana. I am a State Employee working at Maui Memorial Medical Center but more importantly a member of the community that undergoes therapy with an Occupational Therapist. Occupational Therapy treatment has greatly helped me.

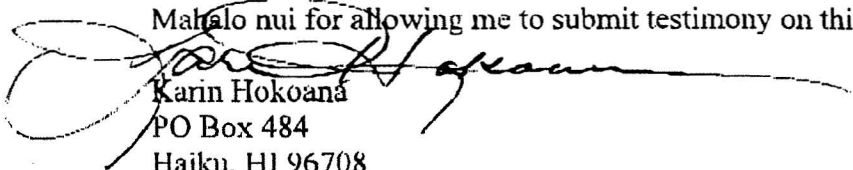
Healthcare in today's society already is stressed with increasing healthcare costs and limits reimbursement and covered services enough. Eliminating regulation of Occupational Therapy (OT) will open doors to limiting or elimination of Occupational Therapy as a covered service by third party payers. Most insurance carriers will no longer pay for their services which will severely limit access to their services to only those that can afford cash payment. One of the goals in the national healthcare reform efforts has been "access". Repealing the regulatory program for Occupational Therapy will limit access to this service.

With the financial crisis that the State, as well as the Nation is current undergoing, it is both financially sound as well a morally prudent, to **OPPOSE** this bill. Pay cuts, furloughs, lay offs are already putting everyone in a bind to make ends meet to the point that some forego healthcare. Having to pay out of pocket for these MUCH NEEDED services, will also take a second seat to basic life necessities.

I treasure my Occupational Therapist. My treatment not only 'fixed' me but she also taught me how to avoid injuries. Prior to my treatments, my options were to seek pain medication, which could have led to addiction and also resulted in lost time from work. One can predict with certainty that doing away with this regulation will eventually cost more money to the tax payers by means of sick calls, TDI, SSDI, etc.

I STRONGLY OPPOSE this bill.

Maalo nui for allowing me to submit testimony on this issue.



Karin Hokoana
PO Box 484
Haiku, HI 96708
(808)357-8702

February 1, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

RE: HB 2029, Relating to Professions and Occupations

My name is June Nakamoto, and I was a consumer of Occupational Therapy services. I am speaking against HB 2029 that would repeal the OT Practice Act (HRS, Chapter 457G).

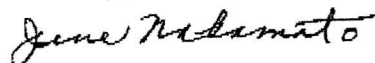
I was injured after I fell at home, and shattered my right elbow. I had surgery done by an orthopedic doctor in which a plate and screws needed to be inserted to keep my elbow in place. Unfortunately, I had to undergo a second surgery, to my elbow, after which I was referred to an occupational therapist.

The occupational therapist was patient and offered me encouragement and ideas on how to complete my daily tasks, with the use of one good arm, as I am right-handed. I also had orthopedic precautions as to how much movement I could do and the occupational therapist abided to these precautions. Any deviation from this would mean that my surgical repair could be compromised. At this time, the occupational therapist made me several types of splints which slowly allowed me to regain movement in my arm; instructed me on exercises to regain movement and strength. The rehabilitation process was not easy, but I am now able to use my arm for all my daily activities, including working at my shop, as a florist.

I am also concerned that if the OT Practice Act is repealed, my insurance would only recognize services rendered by a licensed medical provider. In this case, my occupational therapy services may not be a benefit of my plan. I would then either have to forego therapy or pay out of pocket (at about \$100.00 per session, I'm told). I hate to think of what my outcome would be and the probability of needing to apply for disability.

For the sake of consumers like myself, your constituents or even yourselves, I ask that you reconsider your proposed actions on HB 2029 and that you will not repeal Occupational Therapy (HRS 457G).

Sincerely,



June Nakamoto
(591-8464)

February 1, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

RE: HB 2029, Relating to Professions and Occupations

My name is Myrna Quioco, and I was a consumer of Occupational Therapy services. I am speaking against HB 2029 that would repeal the OT Practice Act (HRS, Chapter 457G).

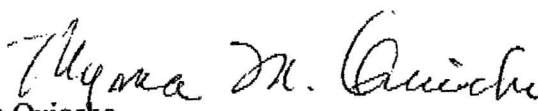
I was injured after I fell at Macy's, and broke my left ring and little fingers. I had surgery done by an orthopedic doctor in which screws were inserted to keep my finger stable. I had to also undergo a second surgery, to my fingers because of complications, but I was followed by an occupational therapist the whole time.

The occupational therapist was patient and offered me encouragement and ideas on how to complete my daily tasks, with the use of one good arm. I also had orthopedic precautions as to how much movement I could do and the occupational therapist abided to these precautions. Any deviation from this would mean that my surgical repair could be compromised. At this time, the occupational therapist made me several types of splints which slowly allowed me to regain movement in my arm; instructed me on exercises to regain movement and strength. The rehabilitation process was not easy, but I am now better able to use my arm for all my daily activities.

I am also concerned that if the OT Practice Act is repealed, my insurance would only recognize services rendered by a licensed medical provider. In this case, my occupational therapy services may not be a benefit of my plan. I would then either have to forego therapy or pay out of pocket (at about \$100.00 per session, I'm told). I hate to think of what my outcome would be and the probability of needing to apply for disability.

For the sake of consumers like myself, your constituents or even yourselves, I ask that you reconsider your proposed actions on HB 2029 and that you will not repeal Occupational Therapy (HRS 457G).

Sincerely,


Myrna Quioco
(721-7360)

Date: Feb. 1, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: Wed., Feb. 3 @ 2pm

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Shelley Boling, OTR and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am a self-employed Occupational Therapist (OT) who along with my husband, Chris Boling, OTR, provide Skilled OT services in the homes of military dependents working with children. We provide contract services under Harris Therapy, Inc. a PT clinic in Honolulu, HI with a team of 3 other OT's on Oahu.

Occupational Therapy is a science driven, evidenced-based profession that enables (in our case) children of all ages to live life to their fullest by helping them promote health and live better with illness, injury or disability. Our Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), play or educational performance skills, 3) sensorimotor, cognitive or psychosocial treatments; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments (or school desk) to allow our clients to succeed at school, home or in the community, 6) promotion of health and wellness.

I work with children who have Autism, Cerebral Palsy, ADHD, Auditory Processing Disorder, Hemiparesis (one sided weakness due to stroke at birth), Down Syndrome, Sensory Integration Dysfunction and developmental delays. I see children 1-2 times/week in their home & help the child to be able to perform age appropriate activities to ensure they can be as independent & self confident as possible. Activities such as learning to tie a shoe, brush teeth, tolerate eating 'regular' food or just play on the playground without having a 'meltdown' are all things I assist children with. These things are taken for granted by most, but for families with children who have a disability, it can be a major success when these goals are mastered, sometimes after months of work/modifications, and specific evidence-based interventions.

I am opposed to HB 2029 for the following reasons:

- 1) We look at our struggling educational system and the 'No Child Left Behind' policies that ensure our teachers are qualified & competent, yet here is another profession responsible for the rehabilitation of a family member after a serious injury, illness or disease & there will potentially be NO checks to ensure their

competencies, qualifications or abilities meet the mark?? OT's working with children work side by side with teachers in the schools, parents in their homes and doctors or other professionals, yet they will potentially have NO enforced requirements but the same level of responsibilities as the other Team members? This just doesn't make sense & is not in our client's best interest.

- 2) Right now, we have families who have been waiting months & some years to receive our services due to lack of providers or private practice clinics. Since we do not have to be Licensed in Hawaii, we as OT's have to work under the 'umbrella' of a PT, for Insurance companies to reimburse our services & we are not able to practice as a 'stand-alone' service. If this bill is implemented, Occupational Therapy services would no longer be a covered benefit even under the 'PT umbrella' due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to your constituents families? Denying access to appropriate medical care when it is already in demand?

We are the only state that has only ONE private practice OT clinic in the nation, I am sure! These clients must pay out of pocket for services, which they gladly do because they see the benefit to them! The DOE currently has to hire contract therapists to fill their positions since we do not have enough pediatric OT's in the state. Hand therapy clinics, Hospitals, Long Term Care facilities are constantly hiring & Early Intervention Programs for the State are continually seeking out OT's to meet the needs! This is a profession that has MUCH to offer & is in **demand** here in Hawaii (& Nationwide). Hawaii would be **one of only 2 states** in America that doesn't have full licensure and this bill could lead to further deregulation and lack of government oversight. Without this regulation, there would be no checks to ensure therapists are practicing with proper qualifications to protect the consumers & maintain our high quality of work. Also our recognition among our colleagues & insurance companies would be affected negatively, which again impacts the recipients, in my case, children with special needs & their families who are already lacking services that would be plentiful if they lived on the mainland.

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.** If anything, we as a OT's in Hawaii would hope to **increase** the level of regulation to continually ensure the competency of the therapists & quality of the services provided, so that 'No Child (or Client) is Left Behind'!!

Sincerely,

Shelley Boling, OTR
66-932 Kuewa Dr.
Waiialua, HI
96791
(808) 342 0534

Srapaich@hotmail.com

wakai2-Daniel

From: mycastro@hawaii.rr.com
Sent: Monday, February 01, 2010 2:59 PM
To: CPCtestimony
Cc: Rep. Rida Cabanilla
Subject: Attn: CPC Vice Chair Glenn Wakai

Date: 02/01/10

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: OPPOSITION to HB 2029, Relating to Professions and Occupations

Hearing Date: 02/03/10

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Myrna Castro and I am writing in opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G).

I am an Occupational Therapist (OT) employed at Kapiolani Medical Center for Women and Children. I work primarily with children with various delays, diagnosis, and concerns about their development.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy

services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents - denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.

Sincerely,

Myrna Castro
91-1032 Noholike Street, Ewa Beach, HI 96706
(808) 227-1357
jmcastro@hawaii.rr.com

wakai2-Daniel

From: AmyEndo@aol.com
Sent: Monday, February 01, 2010 9:38 AM
To: CPCtestimony
Subject: HB 2029 Oppostion

Dear Committee on Consumer Protection & Commerce:

Date:2/3/2010 2:00pm

HB 2029

15 copies

I strongly oppose the repeal of the dispensing optician licensure.

I have been a licensed optician since 1992. Having a professional license in opticianry exemplifies attesting to our competencies and skills necessary to provide our consumers the highest quality of care. In particular, an optician's license identifies to the public as a professional dispenser who will handle their eye wear needs with competence – someone who can be trusted to provide the quality care they want and deserve.

I strongly recommend for the welfare and safety of the consumer, to continue licensure of dispensing opticians.

Amy Endo, ABOM, NCLE-AC, CPOT

Master Optician/Certified Optometric Technician

98 1247 Kaahumanu St 105

Aiea, HI 96701

(808) 487 5500

Amy Endo, ABOM, NCLE-AC, CPOT

Master Optician/Certified Optometric Technician

98 1247 Kaahumanu St 105

Aiea, HI 96701

(808) 487 5500

Date: 2/1/10

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: Wednesday, February 3, 2010 2:00 pm Conference Room 325

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Kelli Higuchi and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed at Hawaii Hand and Rehabilitation Services, LLC. I provide occupational therapy services geared toward the rehabilitation of individuals who have sustained injuries to their hands, forearms, elbows or shoulders due to trauma, disease, or illness. I also fabricate orthoses, or custom molded splints, that serve the purpose of protecting, immobilizing or protecting the affected or injured body part to allow for healing or improved function.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but our not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy

services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In hand therapy, I also work with individuals covered by Workers Compensation due to traumatic or repetitive strain injuries sustained on the job. I am in opposition to this bill as my injured clients would not have access to appropriate services which would lead to an increase in amount of loss time benefits and workers compensation costs that would affect not only the injured worker, but the employer and the State Workers Compensation system.

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Kelli Higuchi, OTR/MOT
98-1026 Kaokoa Place\
Aiea, HI 96701
(808) 258-5105
kelhiguchi@yahoo.com

wakai2-Daniel

From: Brenda Kimura [newvisionsbk@hawaii.rr.com]
Sent: Monday, February 01, 2010 11:02 AM
To: CPCtestimony
Subject: HB 2029 in OPPOSITION

Committee on Consumer Protection and Commerce

HB 2029

Hearing date: 02/03/2010
2:00 pm

IN OPPOSITION OF REPEALING LICENSURE FOR DISPENSING OPTICIANS

Dear Committee:

As a licensed dispensing optician since 1990, I am in strong opposition of HB 2029. Licensed opticians provide the consumers of the State of Hawaii knowledge and training in the dispensing of glasses and contact lenses. Licensed dispensers can maintain continuing education credits allowing the consumer the satisfaction of up to date products and service. Quality care for the consumer will suffer if you repeal licensure for dispensing opticians.

Please continue the licensure for dispensing opticians for the safety of the consumer.

Thank you,

Brenda Kimura, ABOC, NCLE-AC
Hawaii Dispensing Opticians Licence # 192
2172 Atherton Road
Honolulu, HI 96822
808-528-5252

1/31/10

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: Wednesday, February 3, 2010 2:00 pm Conference Room 325

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Tammy Momohara and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**. Support of this bill will result in consumer exposure to deregulation of occupational therapy services and also removes qualified practitioners rights from providing OT services. Please continue to PROTECT consumers. The fall out caused by this bill will include insurers taking advantage of deregulation to deny benefits/coverage of this service (as it is removed from licensing oversight).

I am an Occupational Therapist (OT) who specializes in the area of hand therapy and am employed at Hawaii Hand & Rehabilitation Services, LLC. I provide occupational therapy services geared toward the rehabilitation of individuals who have sustained injuries to their hands/upper quadrant including the forearm, elbow and shoulder. The nature of their injury/disability may be due to trauma, disease, illness, repetitive strain etc. and can have a profound effect on an individual's livelihood. Often I fabricate custom molded orthoses which protects and positions a hand that has been surgically repaired or otherwise in need of immobilization/support. The orthoses allows protected use of the hand while healing occurs so that there is minimal disruption to individuals. Under the order of physicians, I will evaluate a patient to determine the best practice to address their needs and develop an individualized treatment plan with the goal of allowing the patient to return to their previous occupational roles.

I assist patients from all walks of life and in varied roles such as a retired grandmother who required surgical fixation due to bony fragments in her wrist after a fall and who still provides care to her grandchildren; the laborer who sustained a traumatic injury to his hand due to malfunctioning equipment which damaged nerve, tendon, arteries and resulted in the loss of muscle and related soft tissue who must still provide for his family while adjusting to this "loss"; or a young child born with a congenital condition affecting all joints of his body and is unable to bring his hand to his mouth to feed himself. Indeed, these are just a few examples, but I hope you understand that occupational therapy services are not just beneficial but necessary to rehabilitate those who have sustained a stroke, spinal cord injury, birth injury, or an array of other musculoskeletal, neurological and birth related conditions and acquired deformities/injuries. My education has allowed me to develop skills in the use of therapeutic exercise, activities, orthoses fabrication, delivery of therapeutic modalities, the use of manual therapy techniques including soft tissue and bony mobilization and the development/fabrication/training of adaptive tools/devices.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does NOT have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the **only** health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system **ONLY** recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully ASK that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Tammy Momohara, OTR/CHT
95-1040 Luaehu Street
Mililani, HI 96789
Tel: (808) 223-5147
bratmomo@hawaii.rr.com

Representative Robert Herke and Representative Glenn Wakai,

Please consider the attached.
January 31, 2010

To: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

Re: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: February 3, 2010

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Brooke A. Nakamura and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed at Queen's Medical Center and I work with outpatient clients primarily with upper extremity injuries/diagnosis. This includes but does not limit my scope of practice to those who have been disabled temporarily or permanently due to nerve entrapments like carpal tunnel syndrome, broken bones, hand crushes, finger amputations and/or reattachments by specialized surgeons, tendon repairs due to lacerations, pain that is so limiting that the individual is not able to perform their essential activities of daily living for instance arthritis, rehabilitating patients following injuries and/or surgical procedures to return to work and be a contributor to society. Also custom fabricating splints for the arm and hand and ergonomic evaluations to prevent reoccurring repetitive and prolonged injuries.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?

2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.

3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would

refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

4) I often evaluate and treat individuals who have been injured at work. I am opposed to this bill; if an individual were injured at work they would not have access to appropriate services. This would lead to a lengthier time lost from work, increased costs of benefits and workers compensation costs that would affect not only the injured worker, but to the employer and the State Workers Compensation System. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,
Brooke A. Nakamura, OTR
1329 Lusitana Street Suite B5
Honolulu, Hawaii 96813
808.547.4449
Bnakamura@queens.org
Brookeakie@aol.com

Thank you for your time

Brooke A. Nakamura

Date: 2/1/2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: 2/3/2010

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Arlene Ono and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed at Hawaii Hand and Rehab and provide rehabilitation services to clients with hand and upper extremity injuries and conditions, many who are post-surgical. Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm.
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, for someone who sustained a stroke which resulted in impaired motor control and function in their dominant hand, Occupational Therapy

would work with on rehabilitation of function, regaining movement and strength to allow one to resume tasks such as writing, feeding, dressing, and using a computer. In the practice I work for, we also provide rehabilitation to workers' compensation clients with upper extremity injuries to regain their hand function with the ultimate goal of returning to work. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. This would deny you and your constituents access to appropriate medical care.

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Arlene Ono, OTR
2353 Amoomoo St.
Pearl City, HI
808-455-4074
jamono@hawaiiantel.net

wakai2-Daniel

From: Minh Phung [mphung@hhsc.org]
Sent: Monday, February 01, 2010 10:41 AM
To: CPCtestimony
Subject: Attn: CPC Vice Chair Glenn Wakai re: Opposition to HB 2029

To: CPC Vice Chair Glenn Wakai
From: Minh Phung, Registered Occupational Therapist Kailua-Kona, HI
RE: OPPOSITION to HB 2029

I am an occupational therapist working on the Big Island of Hawaii. I am also a voting constituent of this area. I am opposed to HB 2029 because it would de-regulate the practice of Occupational Therapy. Deregulation will result in health care consumers not receiving quality Occupational Therapy since it will affect reimbursement as well as the services that they do receive. This bill will also undo the work that has been achieved over the past 10 years to establish Occupational Therapy as a needed service for the consumer as well as for the health care facilities.

Please take notice of the negative impact of this bill and oppose it.

Thank you for your time & attention,
Minh Phung, OTR

Confidentiality Notice:

This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

wakai2-Daniel

From: Sandra Saiki [ssaiki@hawaiiantel.net]
Sent: Monday, February 01, 2010 8:14 AM
To: CPCtestimony
Subject: Oppose HB 2029

Dear CPC Vice Chair Glenn WakaI;

As a consumer of Occupational Therapy Services, I ask you to Oppose HB 2029. Occupational Therapy has been a lifeline to my families return to normal living. After surgery, my mother had to re-learn basic activities to feel capable and independent, i.e. dressing, bathing, eating.

All healthcare professionals should be required to hold certification. This insures a level of knowledge. This is critical for public safety. I would not want to be treated by substandard therapist who "got by."
The lack of government oversight would be dangerous and irresponsible.

In this era of healthcare reform, Occupational Therapy Services is covered by my insurance. If HB 2029 is passed, I would not have access. How many of us can afford out of pocket payment for medical expenses?
Not me.

For these reasons, I ask that you oppose HB 2029.

Thank you for your attention.

Sandra Saiki
264 Humupea Place
Kihei, Hawaii 96753

Doss K. Tannehill, Board Certified Ocularist
Committee on Commerce and Consumer Protection
Doss K. Tannehill-Ocularist
February 3, 2010, 2:00pm
HB 2029

Dear Members of the Committee on Commerce and Consumer Protection:

I am **strongly opposed** to this bill because it provides no protection to the consumer in the state of Hawaii.

I have practiced as a Dispensing Optician for over 15 years and now practice as a Board Certified Ocularist.

It is necessary for chapter 458 to remain in effect because opticians deal with the vision of consumers through glasses and contact lenses, which are fit over seeing eyes.

Without a standard and regulations for establishing and enforcing minimum competency the different disciplines that opticians practice real harm can be done to the consumers in the state of Hawaii.

I cannot understand why anyone would want to remove minimal competency from dispensing opticians. It serves no purpose except to put consumers in jeopardy.

Sincerely,

Doss K. Tannehill, BCO

Doss K. Tannehill, BCO
752 17th Avenue
Honolulu, HI 96816
Phone: (808) 738-5300
Fax: (808) 738-5304
www.pacificeyes.net

wakai2-Daniel

From: bluesluke@aol.com
Sent: Saturday, January 30, 2010 8:16 AM
To: CPCtestimony
Subject: *****SPAM***** Hearing HB 2029

Dear Mr. Glenn Waka
CPC Vice Chair

I am concerned about the impact this will have on our practice and patients. As an occupational therapist I would like to voice my opposition for this bill.

Respectfull submitted
Marieta van der Watt
Occupational Therapist
Kona Community Hospital

wakai2-Daniel

From: D S Wataoka [wataoka@hawaiiantel.net]
Sent: Monday, February 01, 2010 9:57 AM
To: CPCtestimony
Subject: Opposition to the intent of HB 2029 and opposition to repeal Occupational Therapy regulation (Chapter 457G).

Date: January 31, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: Wednesday, February 3, 2010

Dear Representative Herkes, Representative Wakai, and Members of the Consumer Protection Committee:

My name is Sandra Wataoka and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed at the Rehabilitation Hospital of the Pacific working in the outpatient clinical setting.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan 2) interventions focusing on daily living skills including self-care, work readiness, play or educational performance skills 3) sensori-motor, cognitive or psychosocial components 4) education of family members or significant others in carrying out appropriate interventions 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment and 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the rehabilitation team which are comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognize services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented, Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents - denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Sandra Wataoka, OTR, CDRS
1436 Lehia Street
Honolulu, Hawaii 96818
808.422.8288

wakai2-Daniel

From: keri yamamoto [yamak@hawaiiintel.net]
Sent: Monday, February 01, 2010 1:21 PM
To: CPCtestimony
Subject: Attn CPC Chair Glenn Wakai regarding HB 2029

February 2, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

RE: HB 2029, Relating to Professions and Occupations

I am writing in opposition of HB 2029 in regards to repealing Chapter 457G – OT Practice Act. I am an Occupational Therapist with 24 years of experience both here in Hawaii and in Washington State. I work with adults both a hospital based outpatient rehabilitation clinic and in private practice. The patients I see are both neurologic injuries/diseases/illness from brain injury, stroke, Multiple Sclerosis, Parkinson's, etc as well as orthopedic injuries/dysfunctions ranging from finger/wrist/arm fractures, tendon injuries, amputations, joint replacements, nerve injuries, hand swelling and significant finger joint stiffness due to medical complications.

I feel as a medical health care profession, Occupational Therapists have demonstrated great competency in adhering to physician's rehabilitation protocols and treatment plans in guiding and assisting their patients to have the best functional recovery. This in turn leads our patients to return to their daily activities to live meaningful and productive lives without significant complications or impairments.

I am concerned that if the OT Practice Act is repealed, unqualified individuals will be allowed to provide "Occupational Therapy" treatment to patients that may cause harm, more disability, and or will not be able to progress the patients towards living their lives to their fullest. I have deep concerns for the safety of our patients/consumers/public.

I am also concerned that if the OT Practice Act is repealed, medical insurances, Medicare/Medicaid, Worker's Comp, third party payors would only recognizes services rendered by a licensed medical provider. In this case, occupational therapy services may not be a benefit to any insurance plan. The public, your constituents will then either have to forego therapy or pay out of pocket. This may increase the amount of people who are disabled with greater disability and complications. I would imagine that the state's cost to care for these people will be greater. There may be more people who are jobless, because they may not be able to receive Occupational Therapy Services to help them to return to work.

I feel that continued regulation of our practice program is imperative in ensuring that qualified occupational therapists are providing medical necessity services to you, your family members and your constituents. I hope that you will reconsider continuing Chapter 457G under the Department of Commerce and Consumer Affairs.

Sincerely,
Keri Yamamoto, OTR

Committee on Commerce and Consumer Protection

HB 2029

Hearing date 02/03/2010

2pm

IN OPPOSITON OF HB 2029

Dear Members of the Committee on Commerce and Consumer Protection:

As a small business owner and optician in the State of Hawaii, I am opposed to HB 2029 being introduced this session. By repealing licensure for dispensing opticians, the consumer is at a disadvantage not knowing who has the formal training and knowledge in optics and dispensing of glasses and contact lenses. Licensed dispensing opticians are trained to advise the consumer in the optical choices available to them in their prescription. By purchasing an incorrectly advised pair of glasses or contact lenses, the consumer may cause harm or damage to themselves through impaired visual correction. Licensed opticians provide optical knowledge to consumers that would not be available otherwise. Competence and trusted care are what a licensed professional can provide.

I am in OPPOSITION to HB 2029 and the repeal of Chapter 458.

Thank you,
Peter E. Ackman, FCLSA
Hawaii Dispensing Optician License #159
1613 Nuuanu Avenue
Honolulu, Hawaii 96817
808-528-5252

Date: February 1, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: February 3, 2010

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Sheri Azama, and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**. By deregulating, you are not protecting the consumers from unqualified practitioners to practice, and it takes away qualified practitioners' rights from providing OT services. This would essentially cause insurance companies to discontinue paying for OT services due to lack of licensure/registration.

I am an Occupational Therapist (OT) employed at Hawaii Hand & Rehabilitation Services LLC and work in an outpatient setting with various upper quadrant diagnoses. Our clients span the entire age range with diagnoses ranging from amputations, tendon and nerve lacerations, fractures requiring surgical stabilization, cumulative trauma disorders, congenital disorders, and arthritic conditions, just to name a few. We complete a thorough evaluation with all of our clients and develop a treatment plan based on each of their individual needs. Treatment may consist of therapeutic exercise, manual tx (joint mobilizations, deep/soft tissue mobilizations, etc), modalities, custom splint fabrication and management, and activities of daily living. Caring for these individuals takes the specialized skill of a trained/registered OT in order to ensure that these clients will effectively and safely regain functional use of their upper extremity.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?

2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.

3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognize services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. In addition, an injured client on Workers Compensation, would not have access to appropriate services which would lead to increase amount of loss time benefits and workers compensation costs that would affect not only the injured worker, but to the employer and the State Workers Compensation system. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Sheri L. L. Azama, OTD, OTR
615 Piikoi St. #402
(808) 593-2830
hhhs@hawaii.rr.com

February 2, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

RE: HB 2029, Relating to Professions and Occupations

I am writing in opposition of HB 2029 in regards to repealing Chapter 457G – OT Practice Act. My name is Dr. Shim Ching, and I am a plastic surgeon who also specializes in hand/microvascular surgery. The occupational therapist plays an integral and important role in the rehabilitation of my patients many of which have sustained injuries ranging from finger/wrist fractures, tendon injuries, amputations, joint replacements, nerve injuries and microvascular reconstruction in both children and adults.

The occupational therapists I have worked with, have demonstrated competency in adhering to my rehabilitation protocol in guiding my patients to have the best functional recovery which in turns leads them to returning to their daily activities without significant complications or impairments.

Due to the varying degrees of injury and severity with my patients, I feel that continued regulation of their practice program is imperative in ensuring that qualified occupational therapists are providing services to my patients, your family members and your constituents. I hope that you will reconsider continuing Chapter 457G under the Department of Commerce and Consumer Affairs.

Sincerely,

Shim Ching, MD
(585-8855)



wakai2-Daniel

From: Stefanie Doyle [stefdoyle@gmail.com]
Sent: Monday, February 01, 2010 9:36 PM
To: CPCtestimony
Cc: Rep. Sylvia Luke; Rep. Angus McKelvey; Rep. John Mizuno
Subject: HB 2029

To Whom It May Concern:

My name is Stefanie Doyle and I am an Early Intervention Educator working for the Waipahu Parent Child Development Center. I am writing to express my concern and firm opposition of HB 2029. As a licensed professional, I strongly feel that this bill will be detrimental to the quality of service delivery given to those we serve. The passing of this bill will deface the integrity of the licensed professionals working for this state. Should this bill be passed, the State of Hawaii should be prepared for repercussions and liability of malpractice that is likely to occur as a result of utilizing uneducated and untrained individuals. I strongly oppose the passing of this bill.

Sincerely,
Stefanie Doyle, MS.Ed

February 2, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: Wednesday, February 3, 2010 @ 3:00 pm

Dear Representatives Herkes, Wakai and Members of the Consumer Protection Committee:

My name is Kendra Hatac, and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of OCCUPATIONAL THERAPY PRACTICE ACT (HRS Chapter 457G).**

I am an Occupational Therapist (OT) employed at the Queen's Medical Center and I rehabilitate acute and skilled nursing patients/residents return back home to a more independent level of functioning as well as teach the caregivers/families on how to care for their loved ones.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients' needs and development of an appropriate treatment plan; 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills; 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients to successfully live at home or in the least restrictive environment; 6) promotion of health and wellness.

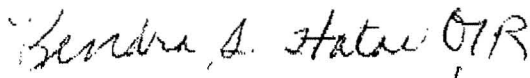
I am **opposed to HB 2029** for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight, yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor

function/movement on your dominant hand is affected, your physician would refer you to OT services. The Occupational Therapist would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, driving, cooking, communicating, using the computer or even text messaging. However, if this bill is implemented, Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you, your loved ones or even to your constituents- denying access to this important medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that you **will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,



Kendra S. Hatae, OTR
1020 Lowell Place
Honolulu, HI 96817
808 547-4655

kataek001@hawaii.net.com

Date: February 1, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: Wednesday, February 3, 2010

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Deborah Hazama, OTR and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

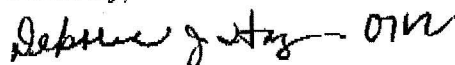
I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would

no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Handwritten signature of Deborah Hazama in cursive, followed by the initials "OTR".

Deborah Hazama, OTR
99-156 Iwaiwa Place
Aiea, HI 96701
(808) 782-2445
lump006@hawaii.rr.com

February 2, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

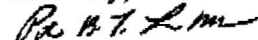
RE: HB 2029, Relating to Professions and Occupations

I am writing in opposition of HB 2029 in regards to repealing Chapter 457G – OT Practice Act. I am a board certified Physiatrist and Electromyographer in private practice and locum tenens for Kaiser Permanente. The occupational therapist plays an integral and important role in the rehabilitation of my patients, many of which have sustained orthopedic and neurologic injuries.

The occupational therapists both at Kaiser and other facilities have demonstrated competency in adhering to my rehabilitation protocol in guiding my patients to have the best functional recovery which in turns leads them to returning to their daily activities without significant complications or impairments.

Due to the varying degrees of injury and severity with my patients, I feel that continued regulation of their practice program is imperative in ensuring that qualified occupational therapists are providing services to my patients, your family members and your constituents. I hope that you will reconsider continuing Chapter 457G under the Department of Commerce and Consumer Affairs.

Sincerely,



Peter B. Lum, MD
(808) 484-2355

February 1, 2010

TO: STATE REP. BOB HERKES
CHAIR
CONSUMER PROTECTION COMMITTEE

ATTN: STATE REP. GLENN WAKAI
VICE-CHAIR

FROM: Gary A. Okamoto, MD

RE: HOUSE BILL 2029
HEARING WEDNESDAY FEB. 3RD, 2010 at 3 PM
CONFERENCE ROOM 325

IN OPPOSITION

I stand in opposition to House Bill 2029, which repeals licensure of occupational therapists. Passage of House Bill 2029 will effectively deny patients with disability access to Occupational Therapists (OTs) in Hawaii, jeopardize hospital accreditation, contribute to unemployment, and reduce the payment for services by federal and mainland-based health plans.

I am the Chief Medical Officer and Senior Vice President at the Rehabilitation Hospital of the Pacific (REHAB), a 501(c)3, and our State's leading health care provider in medical rehabilitation. At REHAB, we treat patients disabled by stroke, traumatic brain injury, spinal cord injury, orthopedic injuries, multiple-trauma, amputees, severe arthritis, back & neck injuries, and severe debility from protracted hospitalization. Interdisciplinary teams "rebuild lives" [mission], improving patients' functional mobility, self-care, and communication. These teams are comprised of rehabilitation physicians, nurses, psychologists, physical therapists, *occupational therapists*, speech therapists, recreational therapists, and prosthetists. Our three outpatient clinics – Nu`uanu Clinic, Aiea Clinic, and Hilo Clinic – treat patients referred by community physicians and surgeons for often highly specialized care, which includes occupational therapy that most private, for-profit physical therapy clinics do not offer.

Over my 26-year association with REHAB and 30-years in the field of medical rehabilitation, I have worked with licensed occupational therapists. I regard them as colleagues who are essential to the comprehensive treatment of patients with disability. OTs help patients restore their Activities of Daily Living (ADLs) – eating, toileting, grooming, showering/bathing, dressing/undressing, and transfers – within the limits of their chronic or newly acquired physical or cognitive impairments. OTs apply adaptive

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Testimony on HB2029

Re: Hearing on 02/03/10 2pm

To: CPC Chair & Vice-Chair

From: Dr. Gary Okamoto

equipment and recommend architectural solutions for patients and families in performing self-care tasks. OTs are known for their expertise in “handicap” driving, vision rehab, upper extremity prosthesis (artificial arms and hands), post-injury and arthritis hand rehabilitation, and pediatric rehabilitation for infants and children with disabilities – these are all very specialized fields of medical rehabilitation.

The demand for O.T. services is growing. Our aging population, particularly in Hawaii, and the large number of Americans with disabling chronic conditions are at high risk for physical and cognitive disabilities. Different from physical therapists who focus on walking and the injured neck & back and different from speech therapists (pathologists) who concentrate on communication and swallowing disorders, OTs are educated, trained, and experienced in addressing concerns of Activities of Daily Living (ADLs). OTs integrate the functions that PT and Speech therapists treat, improving the patient’s safety and independence. In the medical rehabilitation setting, collectively, OTs, PTs, and Speech therapists help our community reduce its overall “burden of care,” lessening the need for care-giving by family or professionals and decreasing the need for costly long-term institutionalization in nursing homes.

Licensure has assured Hawaii of competent, properly educated and well-trained OTs. OTs have baccalaureate degrees and graduate-level schooling in accredited programs. Our University of Hawaii Community College system has a 2-year OT Assistant program, leading to an associate degree. Certified O.T. Assistants (COTAs), however, lack the advanced education and training of Master degree O.T.s and are not recognized as substitutes for OTs by federal and many private health plans. Similarly, nurse aides, sports trainers, and special education teachers lack the expertise of OTs and are not considered surrogate therapists by accreditation bodies, health plans, and prescribing doctors. Any patient who has benefited from OT can attest to these differences. [Note that supply of OTs is a problem as Hawaii does not have an OT program at the University of Hawaii, Hawaii Pacific University, or Chaminade. The nearest programs are on the mainland.]

It is, therefore, not surprising that occupational therapy, as well physical therapy, ranks high in our nation’s top job markets, going forward.

If and when House Bill 2029 passes and de-licenses occupational therapists, our community will be negatively impacted. First, health plan payment – federal and private -- for “unlicensed” OT services will end, immediately affecting REHAB clinical services

Page 3

Testimony on HB 2029

Re: Hearing 02/03/10 2pm

To: CPC Chair & Vice-Chair

From: Dr. Gary Okamoto

and patient-revenues, all private or publicly funded outpatient OT across the State – hospital based or not -- and all home health agency OT. Second, accreditation of medical rehabilitation services will be jeopardized at all acute care hospitals, all skilled nursing facilities, and home health agencies. OT is an integral part of rehabilitative standard of care and hospital-or-SNF departmental services, mandated by accrediting or certifying bodies. Third, OT positions will diminish as employers, large or small, cannot afford the loss of licensed OTs. Fourth, Hawaii's reputation will be blemished as an unfriendly environment for residents with disability and professionals seeking medical rehabilitation. Quality of care and safety standards for patients with physical disabilities will not be consistently met. Rural and urban Hawaii providers will be affected. Your district of Ka`u and South Kona will not be immune from the negative effects of de-licensing OTs.

The impact of House Bill 2029 on REHAB is not good. We will have difficulty in recruiting and retaining OTs. If we are unable to provide OT on our inpatient service, we will not satisfy 'medical necessity' requirements of Medicare and Medicaid and therefore will not be paid. In our outpatient arena, because health plans will not recognize non-licensed personnel, we will be forced to lay off OTs and terminate specialized services provided by them. In other words, House Bill 2029 will effectively end comprehensive medical rehabilitation in Hawaii.

House Bill 2029 is not good for our elderly population and our residents with disability. Their access to specialized rehabilitative care will be jeopardized.

Please reconsider House Bill 2029.

Gary Okamoto, MD

Senior VP and Chief Medical Officer

Rehabilitation Hospital of the Pacific

226 North Kuakini Street

Honolulu, Hawaii 96817

808-544-3330 (direct line)

808-544-3335 (fax)

gokamoto@rehabhospital.org

Date: February 1, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair
Members of the Consumer Protection Committee

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: *Wednesday, February 3, 2010*

My name is Virginia Tully and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed at Rehabilitation Hospital of the Pacific, which is an inpatient and outpatient rehabilitation facility. We provide services to those whose face physical and functional challenges due to stroke, amputation, fractures, spinal cord injury, brain injury and other neurological or orthopedic related conditions. Our goal is to assist each individual live life to its fullest by promoting health and preventing or living better with illness, injury or disability.

As an occupational therapist, our services include, but our not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 which includes repealing HRS 457G practice of occupational therapy, for the following reasons:

- 1) It will deny many individuals from access to appropriate and needed rehabilitation care.
 - a. Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognize services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected; your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would

Committee on Consumer Protection & Commerce

HB 2029

Hearing Date: Feb. 3, 2010

Page 2 of 2

you want this to happen to you or your constituents – denying access to appropriate medical care?

2) Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.

Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few.

3) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight.

There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,



Virginia Tully, OTR, MBA
Rehabilitation Hospital of the Pacific
226 N. Kuakini Street
Phone: 544-3336
vtully@rehabhospital.org

February 2, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

RE: OPPOSED to HB 2029, Relating to Professions and Occupations

My name is Shirley Yamashita and I was a recent consumer of Occupational Therapy services. I am speaking in **opposition of HB 2029 with reference to Section 14 that would repeal the Occupational Therapy Practice Act (HRS, Chapter 457G).**

In 2008, three tendons in my right dominant hand ruptured. I was unable to straighten and bend two of my fingers which made it extremely challenging, especially in my profession which at that time was teaching educational technology classes online. My job required constant computing which was severely impacted by my inability to use two of my fingers.

I underwent surgery where a tendon and muscle from my arm were reconstructed and transferred to the top of my hand to repair the three ruptured tendons. After surgery, my orthopedic hand surgeon referred me to Occupational Therapy. The occupational therapist created a special brace (splint) that would allow my fingers to move in a safe manner. During the early phases of therapy, my husband had to assist me in many aspects and I needed to use voice-activated software to communicate with my students and instruct my course, as keyboarding was strictly forbidden by my hand surgeon. He warned that I needed to be extremely careful so as not to compromise the surgical repair. My right hand was put in a cast and sling and I was only allowed to have that hand directly against my chest while it healed from the surgery. In subsequent occupational therapy sessions, my therapist instructed me in exercises that allowed me to regain motion and movement in my fingers and reclaim hand strength and coordination. Eventually, I was able to use the computer normally, keyboarding with both hands.

During the recovery period, the occupational therapist was of tremendous help in regaining my strength, motion, and coordination; I couldn't have accomplished it without her expertise and guidance. She was a consummate professional, assisting me to effectively regain my ability to do everyday tasks such as personal grooming to more complex tasks such as keyboarding. She was extremely patient, encouraging, and inspiring, motivating me to do various exercises that were especially created to help me recover completely. I had no time to dwell on the negative and become depressed about my surgery and consequent recovery, as she was consistently cheering me on and making sure that I progressed from session to session. That progression was clearly documented by the therapist using precise measurements and I greatly looked forward to seeing the amount of progress I made each week.

As a consumer, I would like to be assured of the continued delivery of competent Occupational Therapy services for myself and anyone else in Hawaii requiring such services. Therefore, I ask that you please reconsider your proposed actions on HB 2029 in particular Section 14 which would repeal Occupational Therapy (HRS 457G). Thank you for this opportunity to submit my testimony.

Sincerely,
Shirley Yamashita
94-408 Leleaka Place
Mililani, HI 96789
Telephone: 808.623.3392
E-Mail: shirley@hawaii.rr.com

Date: January 29, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: Wednesday, February 3, 2010-2:00pm, Conference Room 325

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Carol Yee and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed at Breakthrough Rehab and am responsible for providing treatment to patients with hand injuries in an outpatient setting. My treatment is instrumental in helping people return to work and to complete their activities of daily living to ensure that they are productive members of our society.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Workers to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is

affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

I frequently treat patients who have been injured at work. I am opposed to this bill because my client, that was injured at work, would not have access to the appropriate services that would enable them to regain the functional use of their injured hand or upper extremity. This would then lead to an increase in the amount of loss time, benefits and workers compensation costs that would affect not only the injured worker, but the employer and the State Workers Compensation system as well. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Carol Yee, OTR, CHT, MPH
Occupational Therapist, Certified Hand Therapist
1520-A Alewa Drive
Honolulu, Hawaii 96817
256-7140
carolyee@hawaii.edu

To: Committee on Consumer Protection and Commerce
Re: HB 2029
Hearing date 02/03/2010 2:00pm

To Whom It May Concern:

I am writing to oppose the repeal of dispensing optician licensure. Without the proper training and education, opticians dispensing eyeglasses and more importantly contact lenses could pose a risk to the ocular health of their patients. Licensure is essential to ensure the public that opticians maintain a standard of knowledge uniform throughout the profession.

Dean T Yoshimura, ABO, NCLE
License # DIO- 189
1003 Pensacola Street, Honolulu HI 96814
(808) 597-1133

Written Testimony Presented Before the
House Committee on Consumer Protection & Commerce
February 3, 2010
by
Satoru Izutsu

RE: HB 2029 RELATING TO PROFESSIONS AND OCCUPATIONS

Dear Representative Herkes and Members of the Consumer Protection & Commerce Committee:

My name is Satoru Izutsu and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed at the Research Corporation University of Hawaii (RCUH) and work with medical students at the John A. Burns School of Medicine (JABSOM).

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan; 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills; 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients to successfully live at home or in the least restrictive environment; and 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide occupational therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. This should not happen in Hawaii.
- 2) Occupational Therapists are members of the Rehabilitation Team which is comprised also of Physicians, Nurses, Physical Therapists (PT) and Speech Therapists (ST), and Social Workers to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and the Hawaii State Workers Compensation system only recognize services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, if you sustain a stroke and your motor function/movement on your

dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, toileting, dressing, using your computer or even text messaging. However, if this bill is implemented, Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee members to reconsider your proposed actions on HB 2029 and respectfully request that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

February 2, 2010

TO: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

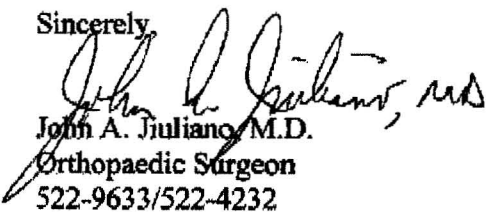
RE: OPPOSITION - HB 2029, Relating to Professions and Occupations

I am writing in opposition of HB 2029 in regards to Section 14 which would repeal Chapter 457G – Occupational Therapy Practice Act. I am a board certified Orthopedic Hand and Upper Extremity Surgeon with practices at Straub Clinic & Hospital and at the Queen's Medical Center. The occupational therapist plays an integral and important role in the rehabilitation of my patients many of which have sustained injuries ranging from finger/wrist fractures, tendon injuries, amputations, joint replacements, nerve injuries and microvascular reconstruction in both children and adults.

The occupational therapists both at Straub and Queen's have demonstrated competency in adhering to my rehabilitation protocol in guiding my patients to have the best functional recovery which in turns leads them to returning to their daily activities without significant complications or impairments.

Due to the varying degrees of injury and severity with my patients, I feel that continued regulation of their practice program is imperative in ensuring that qualified occupational therapists are providing services to my patients, your family members and your constituents. For the sake of my patients and your constituents, I urge you and your committee to reconsider your actions of HB 2029.

Sincerely,



John A. Juliano, M.D.
Orthopaedic Surgeon
522-9633/522-4232

826 S. King Street
Honolulu, Hawaii 96813
Telephone (808) 523-9043
Fax (808) 526-C673



CHART®

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February 2, 2010

To: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Frieda S. Takaki, President/CEO of CHART Rehabilitation of Hawaii, an employee-owned company, offering physical rehabilitation services for over 30 years in the State of Hawaii.

Occupational therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Without the expertise and utilization of occupational therapy services, our patients would not be able to return to work or function as has been proven over decades of experience and history.

Deregulation of Occupational Therapy will not reduce costs but will potentially increase costs due to lack of government oversight to insure appropriate licensure and treatment. Occupational therapists work together in a team comprised of physicians, nurses, physical therapists, case management nurses, etc. to name a few to insure the best and most efficient care for their patients, thereby reducing expenses and costs relating to reduction in loss of work time, hospitalization, medical needs, workers compensation, etc.

I strongly urge you to oppose HB 2029 and its frivolous grounds to protect the profession, insurance companies, and most importantly, the people of Hawaii.

Sincerely,

Frieda S. Takaki
President/CEO

/FST:jy

February 1, 2010

To: Representative Robert Herkes, Chair Consumer Protection Committee
Representative Glenn Wakai, Vice Chair

Hearing: Wednesday, February 3, 2010 – 2:00 p.m. – Conference Room 325

Re: HB 2028, Relating to Professions and Occupations

I am writing in opposition of HB 2028 in regards to repealing Chapter 457G – OT Practice Act. I am a physician specializing in Rheumatology. The occupational therapist plays an integral and important role in the rehabilitation of my patients with varying diagnoses that include but not limited to arthritis, rheumatoid arthritis, and systemic diagnoses. Many of which have high levels of pain that renders them unable to complete activities of daily living, some have joint deformities that limits hand function. Occupational therapists are able to educate patients to help manage symptoms, fabricate custom splints and also educate patients for joint protection and energy conservation techniques. This gives the patients the tools to be able to complete tasks with modifications that they originally gave up on or relinquished to caregivers for assistance.

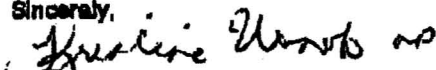
The occupational therapists have demonstrated competency in adhering to my rehabilitation protocol in guiding my patients to have the best functional recovery which in turn leads them to returning to their daily activities and most of all to maintain their independence.

By deregulating occupational therapists you are not protecting the consumers from unqualified practitioners to practice. This also takes away qualified practitioner's rights from providing OT services. Essentially insurance companies would not pay for OT services due to lack of licensure/registration.

Due to the varying degrees of injury and severity with my patients, I feel that continued regulation of their practice program is imperative in ensuring that qualified occupational therapists are providing services to my patients, your family members and your constituents.

I hope that you will reconsider continuing Chapter 457G under the Department of Commerce and Consumer Affairs.

Sincerely,



Kristine Uramoto, MD
Queen's Medical Center
523-2911

Testimony for HB 2029

1. Testifier's name: Anne Horner
Position: Speech-Language Pathologist
Organization: Personal
2. Direct comments to: CPC, FIN
3. Public hearing February 2, 2010 @ 2:00pm
4. Measure #: HB 2029

Replacing the regulatory board of Speech Pathologists and Audiologists will eliminate the valuable expertise that speech-language pathologists and audiologists have regarding their profession in terms of their scope of practice and how it affects the people whom receive their services. This expertise is pertinent to the regulation of speech-language pathologists and audiologists. The Sunset Evaluation Update: Speech Pathologists and Audiologists submitted by the auditor (State of Hawaii) in January 2000 concluded that the expertise afforded by a professional board consisting of practitioners of speech pathology and audiology, along with other designated public members was the most efficient and effective means of implementing the regulation of speech pathologists and audiologists in Hawaii.

I believe that the best interest and safety of the consumers of speech pathology and audiology services is not being taken into account with the proposal of HB2029. HB2029 does not indicate how it would allow for decisions to be made taking into account the expertise of the professions of speech pathology and audiology. The existing State Board of Speech Pathology and Audiology allows for such information to be obtained as it is needed when regulating speech pathologists and audiologists in Hawaii, thus protecting Hawaii's consumers of these services.

I am opposed to HB2029 that would repeal the regulatory program of speech pathologists and audiologists.

Thank You,

Anne Horner M.S., CCC-SLP
Speech-Language Pathologist

wakai2-Daniel

From: tkawaguchi@hawaii.rr.com
Sent: Tuesday, February 02, 2010 10:10 AM
To: CPCtestimony
Subject: HB 2029

February 2, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

FROM: Tiffany Kawaguchi, OTD/R

RE: OPPOSITION - HB 2029, Relating to Professions and Occupations
Hearing: Wednesday, February 3, 2010, 2:00 p.m. - Conference Room 325

Dear Representative Herkes and Members of the Consumer Protection Committee:

I am an occupational therapist who works in a forensic mental health setting. I am opposed to HB 2029 - in regards to Section 14 which would repeal HRS Chapter 457G - Occupational Therapy Practice Act.

Occupational therapists who work in mental health provide safe, integrated, evidence-based psychiatric treatment and rehabilitation to individuals suffering from mental illness and co-occurring disorders. Occupational therapists facilitate self-directed recovery through various therapeutic opportunities which include but are not limited to vocational rehabilitation, community reintegration, and life and leisure skill development.

I am opposed to HB 2029 for the following reasons:

- 1) Deregulation of Occupational Therapists would not protect our patients or your constituents from unqualified practitioners. There would always be that potential for an unqualified practitioner to provide care in Hawaii.
- 2) Deregulation would eliminate our OT Practice Act which currently addresses such topics as scope of practice, supervision and licensure/registration requirements. As OT practitioners we are very uncomfortable with the thought of this being eliminated.
- 3) Hawaii would be the only state in the nation without some form of government oversight. Without this oversight, it would also limit access to 3rd Party payors such as HMSA, Hawaii State Workers Compensation system along with Medicare and Medicaid who recognize services provided by a licensed/registered professional.

I kindly ask that language to repeal Occupational Therapy (HRS Chapter 457G) be removed from HB 2029. Thank you for this opportunity to submit testimony.

wakai2-Daniel

From: Alpheus Mathis [alpheusmathis@gmail.com]
Sent: Tuesday, February 02, 2010 4:35 PM
To: CPCtestimony
Cc: alpheusmathis@gmail.com
Subject: OPPOSITION to HB 2029, Relating to Professions and Occupations

Date: Tuesday, February 02, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: January 31, 2010

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Alpheus Mathis, OTR and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) currently employed at Hawaii State Hospital and work with a variety of mental health client who have been sent to the State hospital for forensic evaluation and treatment by the court system. I have been employed by the Hawaii Dept of Health as a state employee for over 17 year..

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but our not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensor motor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected; your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or

even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Alpheus Mathis, OTR, MPA
45-680 E Apuakea Street
Kaneohe, Hawaii 96744
808-358-6784
alpheusmathis@gmail.com

Date: February 1, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: Wednesday, February 3, 2010

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Frances Nishioka and I am an Occupational Therapist writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G).**

I am employed at Arcadia Retirement Residence and I have worked with seniors in long term care since 1993 in Hawaii. I currently practice Occupational Therapy (OT) with the senior population at Arcadia Retirement Residence and on Molokai by assessing their functional, cognitive and physical abilities. I then establish appropriate treatment plans, develop home exercise programs, and train the senior and their family members in these exercise programs. In addition, I perform home assessments and provide home modification recommendations for seniors who may wish to return home but need a licensed professional, such as an Occupational Therapist, to assess the conditions in the home for safety and to make home modification or equipment recommendations.

OT is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury, or disability. OT services include, but our not limited to:

- 1) Assessment and evaluation of patients/clients needs and development of appropriate treatment plans;
- 2) Interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills;
- 3) Sensorimotor, cognitive or psychosocial components;
- 4) Education of family members or significant others in carrying out appropriate interventions;
- 5) Ergonomics and adaptation of environments or equipment to allow clients/patients to successfully live at home or in the least restrictive environment
- 6) Promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for Occupational Therapists who have been censored in other states to practice in Hawaii and, in the worst case scenario, an individual could set up his/her own practice

and state that they provide OT services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?

2) Occupational Therapists are members of the Rehabilitation team which is comprised of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), and Social Work to name a few. Under this bill, OT is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.

3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognize services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to OT services. For example, if you sustained a stroke now and your motor function/movement in your dominant hand is affected, your physician would refer you to OT. The Occupational Therapist would evaluate you and provide rehabilitation to regain movement, strength, coordination and function to allow you to do some of the simple things in life that you may take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented, OT services would no longer be a covered benefit due to the fact that OT would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

A handwritten signature in black ink, appearing to read "Frances Nishioka". The signature is fluid and cursive, with a large initial "F" and a long, sweeping underline.

Frances Nishioka OTR
Health Education Instructor
Arcadia Retirement Residence
1434 Punahou St.
Honolulu, HI 96822
Phone: 808-983-1886
Email: fnishioka@aradia-hi.org

Date: February 2, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: *(fill in when you receive our email plea)*

Dear Representative Herkes and Members of the Consumer Protection Committee:

Ted Ohta
My name is *(fill in)* and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed at *(name of facility)* and *(describe the types of clients you work with i.e. acute care, skilled nursing, long term care, outpatient, school based, mental health, etc)*. If you are a state employee, please include the department *(i.e. DOE, DOH, etc)*. You can also provide the definition of Occupational Therapy *(see below)*

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but our not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Those who have been injured would not have access to appropriate services which would lead to increase amount of loss time benefits and workers compensation costs that would

affect not only the injured worker, but to the employer and the State Workers Compensation system. If this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Ted Ohta, OTR
CHART Rehabilitation of HI, Inc.
826 S. King Street
Honolulu, HI 96813
(808)523-9043
Ted_bo@yahoo.com

Date: February 2, 2010

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: February 3, 2010

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Lisa St. John and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**. I am an Occupational Therapist (OT) employed at CHART Rehabilitation and we are a private outpatient physical therapy clinic that sees a variety of patients with injuries, including those that are work related and those that result from auto accidents.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but our not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected; your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining

movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

4) At CHART, we see many patients who come to therapy for work related injuries. If this bill is implemented, Hawaii's workforce would not have access to appropriate services which would lead to an increased amount of lost time, benefits and workers compensation costs that would affect not only the injured worker, but to the employer and the State Workers Compensation system. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Lisa St. John, OTR
CHART Rehabilitation of Hawaii
826 S. King Street
Honolulu, HI 96825
(808) 523-9043
chart1979@hawaii.rr.com

Vice Chair Wakai,

My name is Catherine Sakai and I'm e-mailing regarding HB 2029. I'm a self employed Occupational Therapist and I'm opposed to the intent of HB 2029 as I understand that this bill is asking to repeal the regulation of Occupational Therapy. This would have significant impact on consumers receiving OT services. Without government oversight insurance payors such as HMSA and Worker's Comp would not recognize Occupational Therapy services. This would impact consumers as they would not be able to access our services. Occupational Therapy provides a valuable service helping people to maximize their independence in daily living skills.

In summary, I'm opposed to HB 2029 as it would repeal Occupational Therapy regulation (Chapter 457G). Thank you.

Sincerely,

Catherine Sakai. OTR
dba Access 506
(808) 226-8824

DATE: February 2, 2010

TO: The Honorable Robert N. Herkes, Chair
House Committee on Consumer Protection and Commerce

The Honorable Glenn Wakai, Vice Chair
House Committee on Consumer Protection and Commerce

FROM: Kristine M. Takekawa, AuD.
Audiologist

RE: House Bill 2029

I am writing to express my strong opposition to two parts of this bill. The first is the de-regulation for hearing aid dispensers and fitters. The second is the abolishment of the Board the Speech Pathology and Audiology.

Hawaii should be strengthening its efforts to protect consumers, not reducing the minimum requirements as they now stand. Technology for hearing aids has been changing rapidly for the last ten years. Although hearing aids can provide much needed assistance to the hard of hearing and deaf, if not fitted properly (accurately), they are capable of causing harm to an individual's auditory system resulting in a decrease of hearing levels, lifelong difficulties with tinnitus, and other ill effects by over-amplification. There is also the possibility of under-amplification, where an individual receives little to no benefit from amplification. Consumers pay thousands of dollars for their hearing aids and without proper training in the fitting of hearing aids, at minimum, dollars are wasted. At worst, the individual would be worse off then never receiving the hearing aids. De-regulation would allow anyone to sell hearing aids with or without training.

I work with special needs children. It is frightening to think that these children could be harmed for the rest of their lives by un/under trained, un/underqualified, un/under educated individuals dispensing a device that is not appropriate and/or does not meet the child's individualized needs. To better assure consumer protection, I respectfully ask that you maintain the regulatory requirements, minimum as they are, for hearing aid dealers and fitters and suggest that more stringent regulations be considered.

Our law should be upgraded to reflect the post-baccaulaurete training and continuing education requirements of audiologists who now are required to receive at least a clinical doctorate before entering the profession. These individuals have hours of training in the ear, hearing, causes of hearing loss, hearing aid fitting, real ear measurement, and other areas that help protect consumers. In addition, the American Academy of Audiology, the American Speech Language Hearing Association, and the American Board of Audiology

require 30 to 60 hours of continuing education every three years to maintain membership and certification in their organizations.

The Board of Speech Pathology and Audiology should also be maintained. I believe it is a testament to this body that there have been few complaints against professionals in the fields of Speech Pathology and Audiology. Again, the impact on the children of this state by these professionals is great and I would like to assure that these children are served by highly qualified individuals.

Thank you for your consideration of my testimony.

wakai2-Daniel

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2010 11:04 PM
To: CPCtestimony
Cc: tookie@pixi.com
Subject: Testimony for HB2029 on 2/3/2010 2:00:00 PM

Testimony for CPC 2/3/2010 2:00:00 PM HB2029

Conference room: 325
Testifier position: oppose
Testifier will be present: Yes
Submitted by: dorothy Craven
Organization: Individual
Address: 4921Waa Street Honolulu Hawaii
Phone: 8083739369
E-mail: tookie@pixi.com
Submitted on: 2/2/2010

Comments:

This bill does not explain how the DCCA will replace the Speech Pathology Board and protect Consumer's . Who will be there? .Why punish people who work with their Board and have few Complaints, Speech Pathologists are affirming Professionals who deserve more respect than suddenly be turned over to a non professional functionary. Current Board has consumers as well as practioners as members and works well. Why fix it when it is not broken??Board members are not paid so cost ???? Dorothy Craven I am a licensed Speech Pathologist.

Date: 2/2/10

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: 2/3/10

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Lisa Heh and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I am an Occupational Therapist (OT) employed in the DOH at the Hawaii State Hospital. I work with clients who are severely mentally ill and criminally committed to the hospital. Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Our role as an Occupational Therapist at the Hawaii State Hospital is detrimental if our clients are going to learn and practice a healthier, safer, and more productive way of living. Our Occupational therapy services include, but are not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including coping skills and symptom management), work readiness and real work opportunities, educational performance skills and social skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii (this does not support our local economy and citizens). In the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii? Do we want to be the only state in the US that supports fraud in our health care system?
- 2) Occupational Therapists are members of the Rehabilitation team which is comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the only health care profession not having any government oversight yet our PT and ST counterparts would still continue to be regulated under the guise of DCCA.
- 3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognizes services carried out by licensed and/or registered professionals.

Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected, your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Lisa Heh, OTR

PO Box 5346
Kaneohe, HI 96744
808-236-8429
Lisa.heh@doh.hawaii.gov

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Randy Weirather

Organization: Individual

Address: 46-260 Ahui Nani Place Kanehoe, HI 96744

Phone: 808 956-5488

E-mail: Weirathe@hawaii.edu

Submitted on: 2/2/2010

Comments:

I am submitting testimony regarding the board of Speech Pathology and Audiology as well as the board for hearing aid dispensing. The latter is scheduled for elimination and the former for replacement. The incentive for the bill, as per discussions with staff at the office of Representative Herkes, appears to be the desire to streamline the functions of the boards to save money in so far as the boards entertain too few complaints concerning consumer protection to justify their continued existence if their present form. Several points need to be made with respect to this position.

- 1) There do appear to be threats to consumer protection in the profession of speech language pathology and audiology as occurring in the state. They frequently do not rise to the level of an official complaint to the board because, as I am told, any complaint elicits from the board a letter that states, among other things, that the complainant risks being sued. While true, such a warning is a strong disincentive to anyone to pursue a complaint. I can only refer to nonspecific but numerous rumors of problems since I face the same paradox as everyone else: you will not believe that violations occur until someone speaks up, and no one will speak up for fear of litigation, and so you hear of few complaints, and so it goes.

I am a speech-language pathologist as well as a member of the board of the Hawaii Speech-Language-Hearing Association (HSHA). This association has nearly 162 members. At the last board meeting of nearly 12 individuals, I asked how many people had personal knowledge of significant ethical problems occurring at this time in the field, and all but one raised their hand. As a professional, I find this very disconcerting. For this reason, I am submitting this testimony as an individual. I would like to make it clear that I am not testifying as a HSHA representative, since I have not solicited from the membership their overall assessment of this bill, even though I know that they have fought this battle before, since the attempt to eliminate their board seems to be a periodic affair that pops up every 8-10 years or so.

- 2) The second point I would like to make concerns one of lack of logic. The argument for the bill seems to be that a poverty of problems to solve abdicates the need for a board. This logic makes as much sense as saying that a police force is unneeded in a community because the rate of crime is low. Perhaps, and most likely, it is low because there is a police force in the first place. Likewise, even if the problems alluded to under point one above were fictive, the absence of complaints speaks more to the success of having a board in place than it does for the necessity of removing it.
- 3) The third point concerns finances. I have asked staff of the office of Representative Herkes to explain to me the projected cost savings to be achieved by the replacement

of the Board of Speech Pathology and Audiology by the Department of Commerce and Consumer Affairs, and how such savings would be produced. A clear answer was not forthcoming. The current board serves at no cost. Possible consolidation of duties of a secretary, for example, saves no money unless a salaried position is in fact eliminated, and I have not seen that in the cards. Savings on such minutiae as photocopies or overhead smacks more of posturing for the sake of making a good appearance at fiscal restraint than of actually making a reasoned assessment of cost saving against loss of consumer protection.

- 4) The last point concerns a rumor that I have picked up from other professionals who are skeptical of the goodness of intentions of the Department of Commerce and Consumer Affairs, indicating that they fear the DCCA will simply become a licensing fee collection agency with little intent to entertain complaints let alone solve them. I am not in a position to assess this fear, although I have asked on two occasions to the office of Representative Herkes to clarify what the function of the Department of Commerce and Consumer Affairs would be relative to the current function of the Board of Speech Pathology and Audiology. Other than a nod to “streamlining,” there was no clarity on this matter, which was an uncomfortable thought.

For these reasons above, I would encourage the committee to not move forward with HB 2029 with respect to the Board for Speech Pathology and Audiology and the Board for Hearing Aid Dispensing and Fitting. I apologize for not being able to provide oral testimony during the hearing. Thank you for accepting this testimony.

Date: February 2, 2010

TO: Representative Mele Carroll
Representative Joseph Souki
Representative Angus McKelvey

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: February 3, 2010

Dear Representatives Carroll, Souki, McKelvey, and Members of the Consumer Protection Committee:

My name is John Mizoguchi and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G).**

I am an Occupational Therapist (OT) of 27 years who is a business owner in private practice at Therapeutic Associates of Maui, LLC who evaluates, treats, and assists injured workers to return to work for local businesses, Maui County and State of Hawaii Agencies, by providing Work Hardening/Conditioning Programs, Functional Capacity Evaluations, Ergonomic Workstation Evaluations, Industrial Consultation Services, Employer Post Offer Physical Work Performance Evaluations for Applicants/Injury Prevention/Body Mechanic/Onsite Flex/Stretch Training Sessions and Home/Functional Evaluations for the Veterans Administration.

Occupational Therapy is a science driven, evidenced-based profession that enables people of all ages to live life to its fullest by helping them promote health and prevent or live better with illness, injury or disability. Occupational therapy services include, but our not limited to: 1) assessment and evaluation of our patients/clients needs and development of an appropriate treatment plan, 2) interventions focusing on daily living skills (including self-care), work readiness, play or educational performance skills, 3) sensorimotor, cognitive or psychosocial components; 4) education of family members or significant others in carrying out appropriate interventions; 5) ergonomics and adaptation of environments to allow our clients/patients successfully live at home or in the least restrictive environment, 6) promotion of health and wellness.

I am opposed to HB 2029 for the following reasons:

- 1) Hawaii is currently only 1 of 2 states that does not have full licensure and this bill would lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst case scenario, an individual could set up his/her own practice and state that they provide Occupational Therapy services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm. Do we want this to happen in Hawaii?
- 2) Occupational Therapists are members of Rehabilitation teams which are comprised also of physicians, nurses, Physical Therapists (PT) and Speech Therapists (ST), Social Work to name a few. Under this bill, Occupational Therapy is unfairly singled out as the

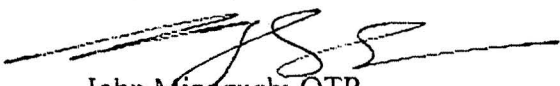
only health care profession not having any government oversight yet our PT and ST counterparts would still continued to be regulated under the guise of DCCA.

3) Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognize services carried out by licensed and/or registered professionals. Presently, you and many of your constituents have access to Occupational Therapy services. For example, currently if you sustained a stroke and your motor function/movement on your dominant hand is affected; your physician would refer you to OT services. The OT would work with you on rehabilitation of function, regaining movement and strength to allow you to do some of the simple things in life that we take for granted such as writing, feeding, dressing, using your computer or even text messaging. However, if this bill is implemented Occupational Therapy services would no longer be a covered benefit due to the fact that Occupational Therapy would no longer be regulated. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

4) In the arena of Work Compensation patients, which is about 90% of my clientele, this bill would not allow your injured client access to appropriate services which would result in increased amount of loss time benefits and workers compensation costs that would affect not only the injured worker, but to the employer and the State Workers Compensation system. Would you want this to happen to you or your constituents – denying access to appropriate medical care?

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Respectfully Submitted:



John Mizoguchi OTR
Therapeutic Associates of Maui, LLC
111 Hana Highway, Suite #107
Work Phone#: 877-8717
Email: jmizoguchi@therapymaui.com