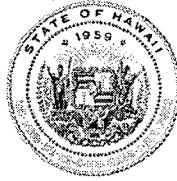


**SCR 188**



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

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
www.hawaii.gov/dcca

RONALD BOYER  
ACTING DIRECTOR  
RODNEY A. MAILE  
DEPUTY DIRECTOR

**PRESENTATION OF THE  
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE SENATE COMMITTEE ON  
COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010

Tuesday, March 23, 2010  
9:30 a.m.

**TESTIMONY ON SENATE CONCURRENT RESOLUTION NO. 188, REQUESTING A  
SUNRISE REVIEW OF A BILL TO REGULATE ATHLETIC TRAINERS.**

TO THE HONORABLE ROSYALN H. BAKER, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, Acting Licensing Administrator for the Professional and Vocational Licensing Division ("PVLD") of the Department of Commerce and Consumer Affairs ("DCCA"). PVLD appreciates the opportunity to testify on Senate Concurrent Resolution No. 188, Requesting a Sunrise Review of a Bill to Regulate Athletic Trainers.

Section 26H-6, Hawaii Revised Statutes requires that new regulatory measures being considered for enactment shall be referred to the Auditor for a sunrise review by a concurrent resolution that identifies a specific legislative bill to be analyzed. This resolution identifies Senate Bill No. 2601, S.D. 1 as the bill to be analyzed by the Auditor. We would like to point out that the bill is a proposal to regulate athletic trainers

Testimony on Senate Concurrent Resolution No. 188  
March 23, 2010  
Page 2

through a **registration** scheme and not a licensure scheme. Usage of the appropriate terminology is important in the regulatory arena.

In order to main consistency with the bill to be analyzed by the Auditor and this resolution, we respectfully request the following amendments to the resolution:

On page 2, lines 14 - 40, wherever the term "licensure" appears, the term "registration" or a more general phrase of "state regulation" should be substituted. Also on page 3, line 1, we recommend the same substitution.

Thank you for the opportunity to testify on Senate Concurrent Resolution No. 188.

**Date:** 03/23/2010

**Committee:** Senate Commerce and  
Consumer Protection

**Department:** Education

**Person Testifying:** Kathryn Matayoshi, Interim Superintendent of Education

**Title of Bill:** SCR 188 Requesting a Sunrise Review of a Bill to Regulate Athletic  
Trainers

**Purpose of Bill:** Requests a sunrise review of a bill to regulate athletic trainers.

**Department's Position:** The Department of Education (Department) supports SCR 188. Currently, the Department has 76 positions for athletic trainers in 43 high schools in the Office of Curriculum, Instruction and Student Support. The Department is the largest employer (48%) of athletic trainers in the State of Hawaii. It would benefit the Department most by having its employees regulated to practice the art and science of athletic training. The Department's Office of Human Resources verifies that an employee has met the minimum qualifications, but does not monitor their current certification status.. The health and safety of our student athletes is of utmost importance, therefore, the Department supports the request to have the Auditor conduct a sunrise review of the regulation of athletic trainers.

TESTIMONY TO THE HOUSE COMMITTEE ON CONSUMER PROTECTION,  
ON  
SCR188 REQUESTING A SUNRISE REVIEW OF ATHLETIC TRAINERS

The Hawaii Athletic Trainers Association supports SCR 188 Requesting a Sunrise Review of Athletic Trainers. Certified Athletic Trainers are healthcare professionals who specialize in injury prevention, assessment, immediate care, treatment, referral and rehabilitation particularly in the orthopedic and musculoskeletal disciplines. Athletic Training has been recognized by the American Medical Association as an allied healthcare profession since 1990, an independent national credentialing agency, the Board of Certification Inc. certifies athletic trainers. The Hawaii State Legislature has affirmed the value, importance, and qualifications of certified athletic trainers in the past by appropriating funds to place certified athletic trainers in each of Hawaii's public secondary schools. In addition to the public secondary schools, Certified Athletic Trainers are employed in private secondary schools, Colleges and Universities, physician offices, hospitals, sports medicine clinics, the military, and fitness centers. There are currently 165 certified athletic trainers in the state of Hawaii. The University of Hawaii-Manoa has an accredited athletic training curriculum.

A concurrent resolution was first passed in 2005 asking the State Auditor's Office to perform a "Sunrise Analysis" of regulating the profession of athletic training. That analysis has not yet been done. Our association understands that an analysis must be completed prior to enacting this legislation and we firmly support that requirement for all of the reasons mentioned in the resolution.

Our association is well aware that there is only one purpose in regulating and licensing professions and vocations, that purpose is public or consumer protection. We are concerned that there have been incidents that place the public at risk and hope that the legislature will require the State Auditor's office to analyze SB2601 SD1 to make a recommendation for regulating our profession. We hope this will happen before someone is seriously harmed.

The Hawaii Athletic Trainers' Association thanks you for your time in considering this measure and encourages its passage.

Darryl Funai, A.T.C. President Hawaii Athletic Trainers Association

and

Cindy Clivio, A.T.C. Hawaii Athletic Trainers' Association Governmental Affairs Chair



**OCCUPATIONAL THERAPY ASSOCIATION OF HAWAII**

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

**Testimony by:**

**Avis Sakata, OTR**

**SCR 188, Requesting a Sunrise Review of A Bill to Regulate Athletic Trainers**

**Senate CPN Hearing – Tues. March 23, 2010**

**Room 229 – 9:30 am**

**Position: Support**

Chair Baker, and Members of the Senate CPN 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 understand that a concurrent resolution calling for the sunrise analysis, in addition to a bill vehicle for a practice's regulatory oversight by DCCA are needed for the Legislative Auditor to conduct its sunrise analysis. We agree that there is the potential for athletic trainers 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 athletic trainer services when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm.

As such, we express support for this resolution, which is part of the process to obtain the Legislative Auditor's analysis. Such an audit may demonstrate possibility of harm to the athlete who receives services from an unqualified ATC and support the need for licensure of ATC in Hawaii.

I can be reached at 522-4602 if further information is needed. Thank you for the opportunity to submit testimony.

Testimony by: Ann Frost, PT  
SCR 188, Requesting a Sunrise Review of A Bill to Review of A Bill  
to Regulate Athletic Trainers.  
Sen CPN, Tuesday, March 23, 2010  
Room 229, 9:30 am



**Position: Support, With Clarifying Amendments**

Chair Baker and Members of the Senate CPN 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.

**HAPTA supports this measure and appreciates the request for a sunrise review to regulate athletic trainers.** We support the concept of regulatory oversight to protect the public from practioners who may not meet minimum standards or face disciplinary action elsewhere. In addition, we note that the University of Hawaii-Manoa’s accredited training curriculum is one of the best in the nation. However, we also note that not all athletic trainers have the benefit of such a program that is beyond the minimum requirements for a certified athletic trainer.

It is our understanding that the Legislative Auditor’s sunrise analysis will look at the education and training of athletic trainers and the corresponding treatment interface with consumers and other variables to determine if there is risk of harm to the consumer, and thus a need for regulatory oversight. The auditor would also recommend the level of regulatory oversight needed: licensure, registration or certification. As such, it seems appropriate for the Legislature to include as part of the framework for the auditor’s analysis, the definition of “athlete” and “athletic injuries” to that framework

**As written, SCR 188 has several items that require clarification:**

1. Page 1, lines 1-5: “WHEREAS, certified athletic trainers are health care professionals who specialize in the prevention, assessment, immediate care, treatment, referral and rehabilitation of injuries and illness sustained by athletes and others engaged in physical activity; and”

Recommended Language: “WHEREAS, certified athletic trainers are health care professionals who specialize in the prevention, assessment, immediate care, treatment, referral and rehabilitation of athletic injuries ~~and illness~~-sustained by athletes ~~and others engaged in physical activity~~ and”

Rationale: The baseline educational background and clinical exposure required to sit for the national exam for certification as an athletic trainer prepare them to treat a very specific population of healthy athletes. Until this training changes, ATC's (Athletic Trainers Certified) are not prepared to treat non-athletes. Further, the ATC ‘bible’ “Arnheim’s Principles of Athletic Training” does not include training for a broader range of services beyond preventing and treating sports injuries.

Consumer safety and protection is achieved when care from practioners are based on academic, clinical and training requirements. The treatment of illness is under the purview of physicians, from which athletic trainers receive written or verbal orders to provide. The phrase, “and others engaged in physical activity” can easily be translated to anyone that walks and does not pertain to the athletic population.

2. Recommend new Whereas language to be inserted on page 1, lines 14 – X: **“WHEREAS, an athlete means a person who prepares for or participates in organized sports or sports-related activities, amateur or recreational sports involving athletic competition, or performance arts including interscholastic, intercollegiate, intramural, semiprofessional, or professional sports activities; and athletic injury means an injury that affects the preparation for or participation in organized sports or sports-related activities, amateur or recreational sports involving athletic competition, or performance arts including interscholastic, intercollegiate, intramural, semiprofessional, or professional sports activities.”**

3. Page 2, lines 5-8: “WHEREAS, there is a risk that Hawaii’s athletic population could suffer consequences such as chronic pain, disability, or loss of life if health care is received from unqualified practioners; and “

Recommended Language: “WHEREAS, there is a risk that Hawaii’s athletic population could suffer consequences such as chronic pain, disability, or loss of life if ~~health care~~ **athletic training** is received from unqualified practioners; and “

Rationale: As mentioned in the rationale section for item number 1, athletic trainers’ baseline educational background and clinical exposure prepare them to work with a specific population of healthy athletes. It does not prepare them to provide general health care treatment.

4. Page 2, lines 10-12: “WHEREAS, athletic trainers routinely work with children as young as twelve but are one of the few types of medical professionals not regulated in Hawaii; and”

Recommended Language: “WHEREAS, athletic trainers routinely work with children as young as twelve but are one of the few types of ~~medical~~ **health care** professionals not regulated in Hawaii; and”

Rationale: The term “medical” professionals refer to the practice of medicine, which is the unique province of physicians. The term “health care” professionals is more appropriate in this situation.

We appreciate the opportunity to provide recommended language for consideration. I am available to respond to questions and can be reached at 382-2655.