



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1323

June 27, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

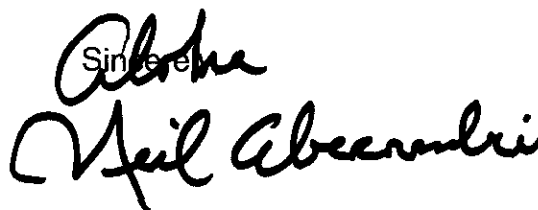
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 27, 2013, the following bill was signed into law:

SB1074 SD2 HD1 CD1

RELATING TO PHYSICAL THERAPY
ACT 220 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO PHYSICAL THERAPY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 461J, Hawaii Revised Statutes, is
 2 amended by adding two new sections to be appropriately
 3 designated and to read as follows:

4 "§461J- Physical therapist assistant license without
 5 necessity of examination. Any applicant who submits proof of
 6 graduation from an accredited physical therapist assistant
 7 program or an accredited physical therapy program recognized by
 8 the United States Department of Education, and five years of
 9 work experience as a physical therapist assistant by
 10 December 31, 2014, may be licensed as a physical therapist
 11 assistant under this chapter without the necessity of
 12 examination.

13 §461J- Physical therapist use of support or auxiliary
 14 personnel. (a) A physical therapist may use support or
 15 auxiliary personnel, including licensed physical therapist
 16 assistants, to assist the physical therapist in the practice of
 17 physical therapy; provided that the support or auxiliary
 18 personnel shall:



1 (1) Perform only the duties prescribed in the rules of the
2 board; and

3 (2) Perform these duties under the supervision and
4 direction of a physical therapist.

5 (b) Physical therapists and physical therapist assistants
6 shall provide proof of compliance with this section upon written
7 request from the board."

8 SECTION 2. Section 461J-1, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By adding a new definition to be appropriately inserted
11 and to read:

12 "Physical therapist assistant" means a person who is
13 licensed as a physical therapist assistant in the State and
14 assists the physical therapist in selected components of
15 treatment or intervention."

16 2. By amending the definition of "physical therapy" or
17 "physical therapy services" to read:

18 "Physical therapy" or "physical therapy services" means
19 the examination, treatment, and instruction of human beings to
20 detect, assess, prevent, correct, alleviate, and limit physical
21 disability, bodily malfunction, pain from injury, disease, and
22 any other physical or mental condition as performed by a



1 physical therapist appropriately licensed under this chapter.

2 It includes but is not limited to:

3 (1) Administration, evaluation, modification of treatment,
4 and instruction involving the use of physical
5 measures, activities, and devices, for preventive and
6 therapeutic purposes; provided that should the care or
7 treatment given by a physical therapist or physical
8 therapist assistant contravene treatment diagnosed or
9 prescribed by a medical doctor, osteopath, or as
10 determined by the board, the physical therapist shall
11 confer with the professional regarding the manner or
12 course of treatment in conflict and take appropriate
13 action in the best interest of the patient; and

14 (2) The provision of consultative, educational, and other
15 advisory services for the purpose of reducing the
16 incidence and severity of physical disability, bodily
17 malfunction, or pain."

18 SECTION 3. Section 461J-2, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§461J-2[+] Practice of physical therapy;

21 qualifications. (a) No person shall practice physical therapy
22 gratuitously or for pay, offer to practice physical therapy,



1 offer physical therapy or physical therapy services, or
2 represent, advertise, or announce, either publicly or privately,
3 that the person is a physical therapist or physiotherapist,
4 unless the person is appropriately licensed under this chapter.

5 (b) No person shall use, in connection with the person's
6 name or business, the words "licensed physical therapist",
7 "physical therapist", or "physiotherapist", or the letters
8 "RPT", "LPT", "DPT", "PT", or any other words, letters,
9 abbreviations, or insignia indicating or implying that the
10 person is a physical therapist, unless the person is
11 appropriately licensed as a physical therapist under this
12 chapter.

13 (c) No person shall use the title "physical therapist
14 assistant", the letters "PTA", or any other words,
15 abbreviations, or insignia in connection with that person's name
16 to indicate or imply, directly or indirectly, that the person is
17 a physical therapist assistant unless that person is
18 appropriately licensed as a physical therapist assistant under
19 this chapter.

20 [~~e~~] (d) No person shall practice as a physical therapist
21 or as a physical therapist assistant, except as licensed
22 pursuant to this chapter and under the administrative rules [~~and~~



1 ~~regulations]~~ determined by the board in accordance with chapter
2 91."

3 SECTION 4. Section 461J-3, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§461J-3 Exemptions.** (a) Nothing in this chapter shall
6 be construed to prohibit any person from acting within the scope
7 of a license issued to that person under any other law; provided
8 that the person shall not claim to be a physical therapist or a
9 physical therapist assistant, or that the person is performing
10 physical therapy or physical therapy services.

11 (b) Nothing in this chapter shall be construed to prohibit
12 students in an educational program for physical therapists,
13 physical therapist assistants, or physical therapist support
14 personnel from participating in activities that are conducted as
15 part of the educational program and are under the guidance and
16 direct supervision of a licensed physical therapist.

17 (c) [A] Nothing in this chapter shall be construed to
18 prohibit a person licensed [to practice] as a physical [therapy
19 by any other] therapist or as a physical therapist assistant in
20 another state or [by a] foreign country [may practice] from
21 practicing physical therapy in this State if the person is part
22 of an educational demonstration or instructional program or



1 seminar sponsored by an educational institution, hospital,
2 medical care program, the Hawaii Chapter of the American
3 Physical Therapy Association, or any other similar person or
4 group, for the duration of the program or seminar and confined
5 to the purpose of the program or seminar.

6 (d) Nothing in this chapter shall be construed to prohibit
7 ~~[a-certified]~~ an individual from acting as an athletic trainer
8 ~~[as recognized by the National Athletic Trainers Association~~
9 ~~from performing within the scope of such certification, nor~~
10 ~~shall it be construed to prohibit any person employed as an~~
11 ~~athletic trainer in any public or private educational~~
12 ~~institution from administering hot packs, whirlpool, and cold~~
13 ~~packs, protective taping, and basic first aid intervention, or~~
14 ~~from acting under the direct supervision of a certified athletic~~
15 ~~trainer or team physician, provided that the services are~~
16 ~~performed on regularly enrolled students, that the students are~~
17 ~~engaged in or are eligible to engage in institutionally~~
18 ~~sponsored athletic events, and that in no case shall the person~~
19 ~~claim to be a physical therapist or claim to be performing~~
20 ~~physical therapy.] under chapter 436H.~~

21 (e) Nothing in this chapter shall be construed to prohibit
22 a ~~[duly licensed physical therapist from using support or~~



1 ~~auxiliary personnel to assist the physical therapist in the~~
2 ~~practice of physical therapy; provided that such support or~~
3 ~~auxiliary personnel shall perform only those duties that they~~
4 ~~are qualified to perform as allowed by the rules defining scope~~
5 ~~of practice adopted by the board; and provided further that such~~
6 ~~support or auxiliary personnel shall perform these duties under~~
7 ~~the supervision and direction of a physical therapist.] physical~~
8 therapist or physical therapist assistant who is practicing in
9 the United States Armed Services, United States Public Health
10 Service, or Department of Veteran Affairs pursuant to federal
11 regulations for state licensure of healthcare providers from
12 practicing as a physical therapist or physical therapist
13 assistant; provided that if the person, while federally employed
14 as a physical therapist or a physical therapist assistant,
15 engages in the practice of physical therapy outside the course
16 and scope of the person's federal employment, the person shall
17 be required to obtain a license in accordance with this chapter.

18 (f) Nothing in this chapter shall be construed to prohibit
19 a physical therapist who is licensed in a jurisdiction of the
20 United States or another country from engaging in the practice
21 of physical therapy if that person by contract or employment is
22 providing physical therapy to individuals affiliated with or



1 employed by established athletic teams, athletic organizations,
2 or performing arts companies that temporarily practice, compete,
3 or perform in the State for no more than sixty days in a
4 calendar year."

5 SECTION 5. Section 461J-4, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**\$461J-4 Board of physical therapy; establishment,**
8 **appointment, membership.** (a) There is established within the
9 department of commerce and consumer affairs for administrative
10 purposes the board of physical therapy. The board shall consist
11 of seven members. Four members shall be physical therapists,
12 one member shall be a [~~physician, osteopathic physician, or~~
13 ~~surgeon with a permanent license under chapter 453, or a dentist~~
14 ~~with a permanent license under chapter 448,~~] physical therapist
15 assistant, and two members shall be consumers. All members
16 shall be at least eighteen years of age and residents of the
17 State.

18 (b) Each physical therapist member of the board shall
19 possess a valid permanent license as a physical therapist and
20 shall have, after graduation from a school of physical therapy,
21 at least three years of full-time experience or the equivalent
22 in any of the following areas or in any combination of the



1 following: clinical physical therapy services, administration
2 in physical therapy or related health fields, or teaching in an
3 educational program to prepare practitioners of physical
4 therapy.

5 (c) The physical therapist assistant member of the board
6 shall possess a valid permanent license as a physical therapist
7 assistant and shall have, after graduation from an accredited
8 physical therapist assistant program or an accredited physical
9 therapy program, at least three years of full-time experience.

10 [~~e~~] (d) The governor may appoint and fill each vacancy on
11 the board pursuant to section 26-34."

12 SECTION 6. Section 461J-6, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) An applicant for a permanent license to practice as a
15 physical [therapy] therapist or physical therapist assistant
16 shall submit proof of educational qualifications and any other
17 information required by the board on an application form
18 prescribed by the board. The board shall maintain a current
19 list of schools of physical therapy [~~which~~] that are approved by
20 an agency recognized by the United States Department of
21 Education or Council on Postsecondary Accreditation.



1 In the case of foreign-trained persons, the board shall
2 establish procedures for assessing the education and training to
3 determine in each case whether it is equivalent to that of
4 applicants trained in the United States."

5 SECTION 7. Upon the issuance of a new license under
6 section 461J-6, Hawaii Revised Statutes, as amended by this Act,
7 and at each license renewal period, each physical therapist
8 assistant shall pay, in addition to the license fee or renewal
9 fee, a surcharge of \$100, which shall be maintained in a
10 separate account within the compliance resolution fund
11 established pursuant to section 26-9(o), Hawaii Revised
12 Statutes. At the end of each quarter, the moneys contained in
13 the separate account established pursuant to this section shall
14 be transferred to the compliance resolution fund until the total
15 of the transferred amounts equals the amount appropriated in
16 section 8 of this Act. Thereafter, no surcharge shall be
17 assessed, and any funds in excess of the amount appropriated in
18 section 8 of this Act shall be deposited into the compliance
19 resolution fund.

20 SECTION 8. There is appropriated out of the compliance
21 resolution fund established pursuant to section 26-9(o), Hawaii
22 Revised Statutes, the sum of \$40,000 or so much thereof as may



1 be necessary, for fiscal year 2014-2015 to implement the
2 licensure of physical therapist assistants as required by this
3 Act.

4 The sum appropriated shall be expended by the department of
5 commerce and consumer affairs for the purposes of this Act.

6 SECTION 9. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 10. This Act shall take effect upon its approval;
9 provided that:

- 10 (1) The board of physical therapy shall adopt rules
11 pursuant to section 461J-5, Hawaii Revised Statutes,
12 implementing the licensure requirement under this Act
13 no later than December 1, 2014;
- 14 (2) A physical therapist assistant may practice without a
15 license until November 30, 2014, or the effective date
16 of rules implementing licensure requirements by the
17 board of physical therapy, whichever occurs first; and
- 18 (3) Section 8 of this Act shall take effect on July 1,
19 2014.

APPROVED this 27 day of JUN, 2013



GOVERNOR OF THE STATE OF HAWAII