
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 by adding a new definition to be appropriately inserted
10 and to read as follows:

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

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

17 "~~§461J-2~~ **Practice of physical therapy;**
18 **qualifications.** (a) No person shall practice physical therapy
19 gratuitously or for pay, offer to practice physical therapy,
20 offer physical therapy or physical therapy services, or
21 represent, advertise, or announce, either publicly or privately,



1 that the person is a physical therapist or physiotherapist,
2 unless the person is appropriately licensed under this chapter.

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

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

18 [~~e~~] (d) No person shall practice as a physical therapist
19 or as a physical therapist assistant, except as licensed
20 pursuant to this chapter and under the administrative rules [~~and~~
21 ~~regulations~~] determined by the board in accordance with chapter
22 91."



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

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

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

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



1 Physical Therapy Association, or any other similar person or
2 group, for the duration of the program or seminar and confined
3 to the purpose of the program or seminar.

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

19 (e) Nothing in this chapter shall be construed to prohibit
20 a ~~[duly licensed physical therapist from using support or~~
21 ~~auxiliary personnel to assist the physical therapist in the~~
22 ~~practice of physical therapy; provided that such support or~~



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

16 (f) Nothing in this chapter shall be construed to prohibit
17 a physical therapist who is licensed in a jurisdiction of the
18 United States or another country from engaging in the practice
19 of physical therapy if that person by contract or employment is
20 providing physical therapy to individuals affiliated with or
21 employed by established athletic teams, athletic organizations,
22 or performing arts companies that temporarily practice, compete,



1 or perform in the State for no more than sixty days in a
2 calendar year."

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

5 "**§461J-4 Board of physical therapy; establishment,**
6 **appointment, membership.** (a) There is established within the
7 department of commerce and consumer affairs for administrative
8 purposes the board of physical therapy. The board shall consist
9 of seven members. Four members shall be physical therapists,
10 one member shall be a [~~physician, osteopathic physician, or~~
11 ~~surgeon with a permanent license under chapter 453, or a dentist~~
12 ~~with a permanent license under chapter 448,~~] physical therapist
13 assistant, and two members shall be consumers. All members
14 shall be at least eighteen years of age and residents of the
15 State.

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



1 educational program to prepare practitioners of physical
2 therapy.

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

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

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

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

20 In the case of foreign-trained persons, the board shall
21 establish procedures for assessing the education and training to



1 determine in each case whether it is equivalent to that of
2 applicants trained in the United States."

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

18 SECTION 8. There is appropriated out of the compliance
19 resolution fund established pursuant to section 26-9(o), Hawaii
20 Revised Statutes, the sum of \$ or so much thereof as may
21 be necessary, for fiscal year 2014-2015 to implement the



1 licensure of physical therapist assistants as required by this
2 Act.

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

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

7 SECTION 10. This Act shall take effect on July 1, 2030;
8 provided that section 8 of this Act shall take effect on July 1,
9 2031.



Report Title:

Physical Therapy; Physical Therapist Assistants; Required Licensure; Board of Physical Therapy; Appropriation

Description:

Regulates physical therapist assistants by limiting the use of certain titles and requiring licensure. Specifies criteria for licensure. Adds a physical therapist assistant to the composition of the Board of Physical Therapy. Appropriates funds out of the compliance resolution fund. Effective July 1, 2030. (SB1074 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

