
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 without the necessity of
11 examination.

12 §461J- Physical therapist use of support or auxiliary
13 personnel. A physical therapist may use support or auxiliary
14 personnel, including licensed physical therapist assistants, to
15 assist the physical therapist in the practice of physical
16 therapy; provided that such personnel shall only perform those
17 duties prescribed in the rules of the board; and provided
18 further that such personnel shall perform these duties under the



1 supervision and direction of a physical therapist. Physical
2 therapists and physical therapist assistants shall provide proof
3 of compliance with this section upon written request from the
4 board."

5 SECTION 2. Section 461J-1, Hawaii Revised Statutes, is
6 amended by adding a new definition to be appropriately inserted
7 and to read as follows:

8 "Physical therapist assistant" means a person who assists
9 the physical therapist in selected components of treatment or
10 intervention."

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

13 "[~~§~~461J-2~~]~~ **Practice of physical therapy;**
14 **qualifications.** (a) No person shall practice physical therapy
15 gratuitously or for pay, offer to practice physical therapy,
16 offer physical therapy or physical therapy services, or
17 represent, advertise, or announce, either publicly or privately,
18 that the person is a physical therapist or physiotherapist,
19 unless the person is appropriately licensed under this chapter.

20 (b) No person shall use, in connection with the person's
21 name or business, the words "licensed physical therapist",
22 "physical therapist", or "physiotherapist", or the letters



1 "RPT", "LPT", "DPT", "PT", or any other words, letters,
2 abbreviations, or insignia indicating or implying that the
3 person is a physical therapist, unless the person is
4 appropriately licensed as a physical therapist under this
5 chapter.

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

13 ~~[-(e)]~~ (d) No person shall practice as a physical therapist
14 or as a physical therapist assistant, except as licensed
15 pursuant to this chapter and under the administrative rules ~~[and~~
16 ~~regulations]~~ determined by the board in accordance with chapter
17 91."

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

20 "**§461J-3 Exemptions.** (a) Nothing in this chapter shall
21 be construed to prohibit any person from acting within the scope
22 of a license issued to that person under any other law; provided



1 that the person shall not claim to be a physical therapist or a
2 physical therapist assistant, or that the person is performing
3 physical therapy or physical therapy services.

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

10 (c) [A] Nothing in this chapter shall be construed to
11 prohibit a person licensed [~~to practice~~] as a physical [therapy
12 by any other] therapist or as a physical therapist assistant in
13 another state or [by a] foreign country [~~may practice~~] from
14 practicing physical therapy in this State if the person is part
15 of an educational demonstration or instructional program or
16 seminar sponsored by an educational institution, hospital,
17 medical care program, the Hawaii Chapter of the American
18 Physical Therapy Association, or any other similar person or
19 group, for the duration of the program or seminar and confined
20 to the purpose of the program or seminar.

21 (d) Nothing in this chapter shall be construed to prohibit
22 [~~a certified~~] an individual from acting as an athletic trainer



1 ~~[as recognized by the National Athletic Trainers Association~~
2 ~~from performing within the scope of such certification; nor~~
3 ~~shall it be construed to prohibit any person employed as an~~
4 ~~athletic trainer in any public or private educational~~
5 ~~institution from administering hot packs, whirlpool, and cold~~
6 ~~packs, protective taping, and basic first aid intervention, or~~
7 ~~from acting under the direct supervision of a certified athletic~~
8 ~~trainer or team physician; provided that the services are~~
9 ~~performed on regularly enrolled students, that the students are~~
10 ~~engaged in or are eligible to engage in institutionally~~
11 ~~sponsored athletic events, and that in no case shall the person~~
12 ~~claim to be a physical therapist or claim to be performing~~
13 ~~physical therapy.] under chapter 436H.~~

14 (e) Nothing in this chapter shall be construed to prohibit
15 a ~~[duly licensed physical therapist from using support or~~
16 ~~auxiliary personnel to assist the physical therapist in the~~
17 ~~practice of physical therapy; provided that such support or~~
18 ~~auxiliary personnel shall perform only those duties that they~~
19 ~~are qualified to perform as allowed by the rules defining scope~~
20 ~~of practice adopted by the board; and provided further that such~~
21 ~~support or auxiliary personnel shall perform these duties under~~
22 ~~the supervision and direction of a physical therapist.] physical~~



1 therapist or physical therapist assistant who is practicing in
2 the United States Armed Services, United States Public Health
3 Service, or Veterans Administration pursuant to federal
4 regulations for state licensure of healthcare providers from
5 practicing as a physical therapist or physical therapist
6 assistant; provided that if the person, while federally employed
7 as a physical therapist or a physical therapist assistant,
8 engages in the practice of physical therapy outside the course
9 and scope of the person's federal employment, the person shall
10 be required to obtain a license in accordance with this chapter.

11 (f) Nothing in this chapter shall be construed to prohibit
12 a physical therapist who is licensed in a jurisdiction of the
13 United States or another country from engaging in the practice
14 of physical therapy if that person by contract or employment is
15 providing physical therapy to individuals affiliated with or
16 employed by established athletic teams, athletic organizations,
17 or performing arts companies that temporarily practice, compete,
18 or perform in the State for no more than sixty days in a
19 calendar year."

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



1 "~~§461J-4~~ **Board of physical therapy; establishment,**
2 **appointment, membership.** (a) There is established within the
3 department of commerce and consumer affairs for administrative
4 purposes the board of physical therapy. The board shall consist
5 of seven members. Four members shall be physical therapists,
6 one member shall be a [~~physician, osteopathic physician, or~~
7 ~~surgeon with a permanent license under chapter 453, or a dentist~~
8 ~~with a permanent license under chapter 448,~~] physical therapist
9 assistant, and two members shall be consumers. All members
10 shall be at least eighteen years of age and residents of the
11 State.

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

21 (c) The physical therapist assistant member of the board
22 shall possess a valid permanent license as a physical therapist



1 assistant and shall have, after graduation from an accredited
2 physical therapist assistant program or an accredited physical
3 therapy program, at least three years of full-time experience.

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

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

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

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

20 SECTION 7. Upon the issuance of a new license and at each
21 license renewal period, each physical therapist assistant shall
22 pay, in addition to the license fee or renewal fee, a surcharge



1 of \$100, which shall be maintained in a separate account within
2 the compliance resolution fund established pursuant to section
3 26-9(o), Hawaii Revised Statutes. At the end of each quarter,
4 the moneys contained in the separate account established
5 pursuant to this section shall be transferred to the compliance
6 resolution fund until the total of the transferred amounts
7 equals the amount appropriated in section 8 of this Act.
8 Thereafter, no surcharge shall be assessed, and any funds in
9 excess of the amount appropriated in section 8 of this Act shall
10 be deposited into the compliance resolution fund.

11 SECTION 8. There is appropriated out of the compliance
12 resolution fund established pursuant to section 26-9(o), Hawaii
13 Revised Statutes, the sum of \$40,000, or so much thereof as may
14 be necessary, for fiscal year 2014-2015 to implement the
15 licensure of physical therapist assistants as required by this
16 Act.

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

19 SECTION 9. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 10. This Act, upon its approval, shall take effect
22 on December 31, 2014.



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 prior to practicing in the State. Ensures physical therapist assistants have the appropriate education and training background. Adds a physical therapist assistant to the composition of the Board of Physical Therapy of the Department of Commerce and Consumer Affairs. Appropriates funds out of the compliance resolution fund to implement the licensure of physical therapist assistants. (SD1)

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