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# 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) A physical therapist may use support or  
14 auxiliary personnel, including licensed physical therapist  
15 assistants, to assist the physical therapist in the practice of  
16 physical therapy; provided that the support or auxiliary  
17 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 in the State and assists the  
13           physical therapist in selected components of treatment or  
14           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 Veterans Administration 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 [~~e~~] (d) The governor may appoint and fill each vacancy  
9 on 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 and at each  
4 license renewal period, each physical therapist assistant shall  
5 pay, in addition to the license fee or renewal fee, a surcharge  
6 of \$100, which shall be maintained in a separate account within  
7 the compliance resolution fund established pursuant to section  
8 26-9(o), Hawaii Revised Statutes. At the end of each quarter,  
9 the moneys contained in the separate account established  
10 pursuant to this section shall be transferred to the compliance  
11 resolution fund until the total of the transferred amounts  
12 equals the amount appropriated in section 8 of this Act.  
13 Thereafter, no surcharge shall be assessed, and any funds in  
14 excess of the amount appropriated in section 8 of this Act shall  
15 be deposited into the compliance resolution fund.

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



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

3           SECTION 9. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 10. This Act shall take effect on July 1, 2050;  
6 provided that section 8 of this Act shall take effect on July 1,  
7 2051.



**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. Effective 7/01/2050. (SD2)

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

