



## THE QUEEN'S HEALTH SYSTEMS

1301 Punchbowl Street • Honolulu, Hawaii 96813 • Phone (808) 691-5900

**S.B. 1074, S.D., RELATING TO PHYSICAL THERAPY**  
**House Committee on Health**  
**March 13, 2013, 8:30 a.m.**  
**Room 329**

My name is Lucy Lessard, I am a physical therapist and the Manager of Inpatient Rehabilitation Services at The Queen's Medical Center. I would like to provide testimony in **support** of S.B. 1074, S.D. 2 Relating to Physical Therapy.

The Queen's Medical Center is the leading medical referral center in the Pacific Basin and offers a comprehensive range of primary and specialized care services, including acute care physical therapy, occupational therapy and speech language therapy. As the only Level II Trauma Center and only The Joint Commission-certified Primary Stroke Center and Hip and Knee Joint Replacement Center in the State of Hawaii, we specialize in the care of complex trauma, stroke, and orthopedics patients.

The Queen's Medical Center employs physical therapist assistants throughout our acute care and skilled nursing units. They provide a valuable service to our patients and work alongside physical therapists and other professionals as part of the multidisciplinary team. Hawaii has a school that trains physical therapy assistants, but there is an island-wide shortage of these therapists. We currently have 4 unfilled positions for physical therapist assistants in our department.

Hawaii is the only state in the nation where physical therapist assistants are not licensed. Nation-wide Medicare rules require that only licensed personnel treat Medicare patients. Without local licensing, we can only hire physical therapist assistants who are licensed in other jurisdictions – for example, California. This prevents our local new graduates from accessing work in our state unless they seek licensing in a state where they potentially will not practice. Unfortunately, it is felt that this leads to a drain of talent to other states and compounds our shortage of personnel. Further, without oversight of the Hawaii state licensing board of physical therapy, there is risk for potential harm if our jurisdiction does not have authority over the personnel who provide care in Hawaii.

The Queen's Medical Center urges you to pass S.B. 1074, S.D. 2 and appreciates the opportunity to express our support. I am available to respond to questions and can be reached at 691-8940 or [llessard@queens.org](mailto:llessard@queens.org).

Testimony of  
John M. Kirimitsu  
Legal & Government Relations Consultant

Before:

House Committee on Health  
The Honorable Della Au Belatti, Chair  
The Honorable Dee Morikawa, Vice Chair

March 13, 2013  
8:30 am  
Conference Room 329

**Re: SB 1074, SD2 - Relating to Physical Therapy**

Chair, Vice Chair, and committee members, thank you for this opportunity to provide testimony on SB 1074, SD2, relating to licensure of physical therapist assistants.

**Kaiser Permanente Hawaii strongly supports this bill.**

Physical therapist assistants (PTAs) work under the direction and supervision of licensed physical therapists, and provide treatment in settings that include hospitals, skilled nursing facilities, rehabilitation centers, home care, school systems and outpatient physical therapy offices. According to the United States Department of Labor Occupational Outlook Handbook for 2010-2011, employment for PTAs is projected to “grow much faster than average.” With the aging of Americans including the transition of baby boomers into retirement and older adulthood, the need for physical therapy services are expected to increase.

Hawaii is currently the only state in the country that does not regulate PTAs. 41 states currently license PTAs, and 8 states certify PTAs. Hawaii stands alone as the only state with no public protection mechanism to protect against unqualified PTAs working in Hawaii. The public is dependent upon the state to evaluate and affirm the qualifications for licensure of physical therapist assistants to ensure consumer safety. Additionally, licensure will increase the accountability of PTAs by making complaints and subsequent disciplinary actions available through the Board of Physical Therapy. Currently, there is no mechanism to hold the PTA responsible for unprofessional or incompetent behavior and therefore, it is absolutely necessary to implement a grievance process with the Board to maintain integrity within the PTA industry.

Thank you for the opportunity to comment.



**Testimony by Herbert Yee, PT  
House Committee on Health  
SB 1074 Relating to Licensure of Physical Therapist Assistants  
Wednesday, March 13, 2013**

**Position: Support**

Chair Della Au Belatti, Vice Chair Morikawa and members of Health Committee:

I am Herbert Yee, PT, Member of the Legislative Committee – Hawaii Chapter of the American Physical Therapy Association (HAPTA) representing 275 physical therapists (PT's) and physical therapist assistants (PTA's) employed in hospitals, nursing homes, the Armed Forces, the Department of Education and Department of Health systems, and private clinics throughout our community. We provide rehabilitative services everyone, from infants to the elderly, to restore and improve function and quality of life. These services are a vital part of restoring optimal function after neuromusculoskeletal injuries and impairments.

The Hawaii Chapter of the American Physical Therapy Association is in full support of SB 1074, licensing physical therapist assistants. This is an issue that has been long in coming. Hawaii is currently the only jurisdiction that does not regulate this aspect of physical therapy care.

A 1995 Auditors report concluded that there was no need for the regulation citing little potential harm because physical therapist assistants could only work under the supervision of a physical therapist and that the numbers practicing at the time were few. Since that time the scope of physical therapy practice has expanded to include allowing physical therapists to treat patients without a physician referral. In addition, the number of physical therapist assistants in practice has grown from about 30 at that time to well over 200 today. The number of patients being followed by physical therapists and physical therapist assistants has also increased due to a growing elderly population. All of the above factors contribute to an increased potential for mishap and the need for oversight. Licensing physical therapist assistant will increase their accountability by making complaints reportable to and allow for disciplinary action by the Board of Physical Therapy.

Medicare, the major payer for eldercare, has required all treatment be performed by licensed personnel. By not licensing physical therapist assistants in Hawaii we've made it necessary for personnel to seek licensure in other jurisdictions creating both another hurdle for employment as well as a "bottle neck" in the efficiency of the service delivery.

HAPTA urges you to pass SB 1074, and appreciates the opportunity to express our support. I am available to respond to questions and can be reached at 348-3763 or yeeherb@gmail.com

**PRESENTATION OF THE  
BOARD OF PHYSICAL THERAPY**

TO THE HOUSE COMMITTEE ON HEALTH

TWENTY-SEVENTH LEGISLATURE  
Regular Session of 2013

Wednesday, March 13, 2013  
8:30 a.m.

**TESTIMONY ON SENATE BILL NO. 1074, S.D.2, RELATING TO PHYSICAL  
THERAPY.**

TO THE HONORABLE DELLA AU BELATTI, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Michael Turner, PT, Vice Chair for the Board of Physical Therapy ("Board"). The Board appreciates the opportunity to testify in support of Senate Bill No. 1074, S.D. 2, Relating to Physical Therapy, which is an Administration bill.

The purpose of the bill is to regulate physical therapist assistants ("PTAs") and to limit the use of certain titles. The bill also requires that the regulated PTAs obtain the appropriate education and training background and obtain a license to work in the State. This will be accomplished by adding two new sections to chapter 461J, Hawaii Revised Statutes ("HRS"), and amending sections 461J-1, 461J-2, 461J-3, 461J-4, and 461J-6(a), HRS.

The Board is in full support of this bill. The Board feels that licensure is appropriate for PTAs because it is the highest form of regulation that guarantees public protection for consumers.

Hawaii is currently the only state in the country that does not regulate PTAs. 41 states currently license PTAs, and eight states certify PTAs. Licensure will ensure that

physical therapist (“PT”) and PTA regulations are consistent with other states. PTAs are already recognized in the existing PT rules, and supervision and scope of practice is addressed in the current rules. The specific licensure of PTAs will ensure that the practice of PTAs is subject to regulatory oversight to ensure compliance with existing laws and rules. It is estimated that there are approximately 1,400 PTs and 200 PTAs working in Hawaii.

A sunrise review on a proposal to regulate PTAs was conducted in 1995 by the Auditor’s Office, as mandated by section 26H-6, HRS. In 1995, 41 other states regulated physical therapist assistants. The analysis concluded that regulation of PTAs was not warranted because they found no documented evidence of harm to the public caused by PTAs in Hawaii. However, since the time of the sunrise study, PTA involvement in patient care has grown and is likely to continue to grow. Because PTAs are being used more to provide health care services, the Board believes that licensure is appropriate at this time.

In order to implement the licensure of approximately 200 physical therapist assistants, an appropriation of \$40,000 from the compliance resolution fund is being requested. Upon the issuance of a new license and at each license renewal period, each licensee will be assessed a \$100 surcharge in addition to the normal licensing fees. Once the collection of \$40,000 is received, the assessment of the surcharge shall cease.

We also request that the effective date of Senate Bill No. 1074, S.D. 1 be reinstated, so that Section 10 (on page 10) reads as follows: “This Act shall take effect

on December 31, 2014; provided that Section 8 of this Act shall take effect on July 1, 2014.”

We respectfully request your support for this Administration bill. Thank you for the opportunity to provide testimony.



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

**Testimony by:**

**Avis Sakata, OTR**

**SB 1074sd2, Relating to Physical Therapy**

**House Health Hearing – Wednesday, March 13, 2013**

**Room 329 – 8:30 am**

**Position: Support Intent**

Chair Belatti, and Members of the House Health 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 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.

OTAH supports the intent of SB1074sd2 which seeks to regulate the use of physical therapist assistants (PTAs) and to ensure completion of appropriate education, training and national examination for licensure in Hawaii. This assures Hawaii consumers that they receive care from appropriately trained and educated PTAs under the supervision of the licensed physical therapist.

We note all PTAs who have graduated from the program, after January, 2010, must have graduated for a CAPTE approved curriculum and passed a national examination for PTAs in order to provide services reimbursed by Medicare and/or Medicaid, if their employer is a participating provider with Medicare or Medicaid. Most providers are Medicare or Medicaid participating providers.

Medicare will not reimburse for services provided by the individuals who have not met the requirements. This is a Code of Federal Regulation requirement (Reference 42CFR 484.4), which establishes the guidelines under which Medicare and Medicaid operates. In summary, the Medicare guidelines indicates that in order for PTA's to provide services to Medicare beneficiaries, the PTA must have

- o graduated on or before December 31, 2009, from a 2-year college-level program approved by the APTA or CAPTE; or
- o effective January 1, 2010, those PTAs must have both graduated from a CAPTE approved curriculum and passed a national examination for PTAs.

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

**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 11, 2013 11:38 AM  
**To:** HLTtestimony  
**Cc:** jus4cris@me.com  
**Subject:** Submitted testimony for SB1074 on Mar 13, 2013 08:30AM  
**Attachments:** 2012 ho`okahi leo test flyer5 FINAL.pdf

**SB1074**

Submitted on: 3/11/2013

Testimony for HLT on Mar 13, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cris Kani'aupi'o, LPTA	Individual	Support	No

Comments: Please continue to support the License for PTA providers especially through this approaching time of FEDERAL Fullow when more referrals to outsource will need to be done. The shortage of licensed providers in Hawaii need to rise to fill these demands.- Aloha - Cris

Please note that testimony submitted less than 24 hours prior to the hearing , improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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I am writing to ask for your support of SB 1074. This important legislation would provide for licensure of physical therapist assistants (PTAs). The Hawaii Physical Therapy Association strongly SUPPORTS SB 1074.

Hawaii is currently the only state that does not regulate physical therapist assistants. PTAs work under the direction and supervision of licensed physical therapists, and provide treatment to patients in many practice settings, including schools and home health, and to many different patient populations, including children and the elderly. Some treatment provided by PTAs could cause harm to patients if not done correctly. Licensure is needed for physical therapist assistants in Hawaii to protect the public and ensure consumer safety.

The legislation will protect against unqualified physical therapist assistants working in Hawaii or relocating to work here from other states requiring licensure. In addition, licensure will increase the accountability of physical therapist assistants by making complaints reportable to the Board of Physical Therapy. Licensure will allow for disciplinary action of physical therapist assistants by the Board of Physical Therapy.

Again, please support SB 1074 – it's time for Hawaii to join the other 49 states in regulating PTAs

**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 9:08 AM  
**To:** HLTtestimony  
**Cc:** celestevto\_@hotmail.com  
**Subject:** Submitted testimony for SB1074 on Mar 13, 2013 08:30AM

**SB1074**

Submitted on: 3/12/2013

Testimony for HLT on Mar 13, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Celeste Van Treese-Osaki	Individual	Support	No

Comments: Please continue to support this bill as it has been a long time coming. Medicare already has made it where they will not pay for services provided by an unlicesned PTA as of 2009. Why are we taking so long to follow suit.

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 8:37 AM  
**To:** HLTtestimony  
**Cc:** Left4work@aol.com  
**Subject:** \*Submitted testimony for SB1074 on Mar 13, 2013 08:30AM\*

**SB1074**

Submitted on: 3/12/2013

Testimony for HLT on Mar 13, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Guy Isono	Individual	Support	No

Comments:

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 8:35 AM  
**To:** HLTtestimony  
**Cc:** lisa.isono@us.army.mil  
**Subject:** \*Submitted testimony for SB1074 on Mar 13, 2013 08:30AM\*

**SB1074**

Submitted on: 3/12/2013

Testimony for HLT on Mar 13, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Isono	Individual	Support	No

Comments:

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**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 8:36 AM  
**To:** HLTtestimony  
**Cc:** left4work@aol.com  
**Subject:** \*Submitted testimony for SB1074 on Mar 13, 2013 08:30AM\*

**SB1074**

Submitted on: 3/12/2013

Testimony for HLT on Mar 13, 2013 08:30AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lorraine Shimogawa	Individual	Support	No

Comments:

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