

SB 1074

Measure Title: RELATING TO PHYSICAL THERAPY.

Report Title: Physical Therapy; Physical Therapist Assistants; Required Licensure; Addition of Physical Therapist Assistant to the Board of Physical Therapy (\$)

Description: Amends chapter 461J, Hawaii Revised Statutes, to regulate physical therapist assistants by limiting the use of certain titles, ensuring that the regulated physical therapist assistants will have the appropriate education and training background, requiring physical therapist assistants to obtain a license to work in the State, and adds a physical therapist assistant to the composition of the Board of Physical Therapy of the Department of Commerce and Consumer Affairs.

Companion: [HB843](#)

Package: Gov

Current Referral: CPN, WAM

Introducer(s): KIM (Introduced by request of another party)

<u>Sort by Date</u>		Status Text
1/24/2013	S	Introduced.
1/24/2013	S	Passed First Reading.
1/24/2013	S	Referred to CPN, WAM.
1/29/2013	S	The committee(s) on CPN has scheduled a public hearing on 02-07-13 9:00AM in conference room 229.



**Testimony by Herbert Yee, PT
Senate Consumer Protection Committee
SB 1074 Relating to Licensure of Physical Therapist Assistants
Thursday February 7, 2013**

Position: Support

Chair Baker, Vice Chair Morikawa and Members of the Senate Consumer Protection 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 yeherb@gmail.com

Aloha. My name is Janet Crosier, PT, DPT, MEd and I am the lead physical therapist assistant/academic services specialist in the department of Academic Affairs at the American Physical Therapy Association (APTA). APTA is the national professional association representing more than 84,000 physical therapists, physical therapists assistants, and students of physical therapy in all 50 states, Puerto Rico, and the District of Columbia. The Hawaii Chapter of the American Physical Therapy Association is the Hawaii Physical Therapy Association.

I am writing to express the American Physical Therapy Association's strong SUPPORT for SB1074 which will provide for licensure of physical therapists assistants (PTAs). Hawaii is the *only state* that does not currently regulate PTAs. PTAs are licensed in 40 states plus the District of Columbia and Puerto Rico, and certified in 9 states.

Physical therapist assistants (PTAs) are health care providers that deliver physical therapy services under the direction and supervision of physical therapists. PTAs are responsible for providing, progressing, and, where appropriate, modifying physical therapy interventions to maximize patient/client safety, comfort, and response within the plan of care established by the supervising physical therapist. Additionally, PTAs use value-based behaviors in carrying out the plan of care, including communicating with the supervising physical therapist regarding patient/client status, treatment outcomes, and any other information that may impact the plan of care.

PTAs are graduates of Commission on Accreditation in Physical Therapy Education accredited 2-year PTA education programs and must pass the National Physical Therapy Examination – PTA as a minimum requirement for licensure/certification in all jurisdictions *except Hawaii*. In states where PTAs are regulated, PTAs must comply with all legal requirements of the jurisdictions regulating the practice of physical therapy, and with the American Physical Therapy Association's Standards of Ethical Conduct for the Physical Therapist Assistant.

PTAs work in many practice settings, including hospitals, private practices, 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; therefore licensure is needed for physical therapist assistants in Hawaii to protect the public and ensure consumer safety.

SB1074 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 for PTAs will allow for disciplinary action of physical therapist assistants by the Board of Physical Therapy.

Again I urge your support for SB1074 – its time Hawaii joined the rest on the country in regulating PTAs. Mahalo.

Janet Moffitt Crosier, PT, DPT, MEd

American Physical Therapy Association
Resident: Kailua Kona, Big Island, Hawai'i



THE QUEEN'S HEALTH SYSTEMS

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

Senator Rosalyn Baker, Chair

Senator Brickwood Galuteria, Vice Chair

Senate Committee on Commerce and Consumer Protection

February 7, 2013 – 9:00 a.m.

State Capitol, Conference Room 229

In support of S.B. 1074, Relating to Physical Therapy

Chair Baker, Vice Chair Galuteria, and Members of the Committee:

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, 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, 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.

Thank you for the opportunity to testify.

Submitted By	Organization	Testifier Position	Present at Hearing
Richelle Cardwell, Pharm.D.	Tripler Army Medical Center, Pain Clinic	Support	No



OCCUPATIONAL THERAPY ASSOCIATION OF HAWAII

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

Testimony by:
Avis Sakata, OTR

SB 1074, Relating to Physical Therapy
Sen CPN Hearing– Thurs. Feb. 7, 2013
Room 229 – 9:00 am

Position: Support with Proposed Amendment

Chair Baker, and Members of the Sen CPN 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 SB 1074 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 suggest use of Medicare's criteria to more clearly define the PTAs licensure credentials so that there is consistency in federal and state requirements. Medicare follows the Code of Federal Regulation 484.4 Personnel qualifications, which states:

"Physical therapist assistant. A person who is licensed, unless licensure does not apply, registered, or certified as a physical therapist assistant, if applicable, by the State in which practicing, and meets one of the following requirements:

- (a) (1) Graduated from a physical therapist assistant curriculum approved by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association; or if educated outside the United States or trained in the United States military, graduated from an education program determined to be substantially equivalent to physical therapist assistant entry level education in the United States by a credentials evaluation organization approved by the American Physical Therapy Association or identified at 8 CFR 212.15(e); and
 - (2) Passed a national examination for physical therapist assistants.
- (b) On or before December 31, 2009, meets one of the following:
 - (1) Is licensed, or otherwise regulated in the State in which practicing.
 - (2) In States where licensure or other regulations do not apply, graduated on or before December 31, 2009, from a 2-year college-level program approved by the American Physical Therapy Association and, effective January 1, 2010 meets the requirements of paragraph (a) of this definition.
- (c) Before January 1, 2008, where licensure or other regulation does not apply, graduated from a 2-year college-level program approved by the American Physical Therapy Association.
- (d) On or before December 31, 1977, was licensed or qualified as a physical therapist assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved, or sponsored by the U.S. Public Health Service.

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

Commerce and Consumer Protection
SB1074 Relating to Licensure of Physical Therapist Assistants

Chairperson: Senator Rosalyn H. Baker,
Vice Chair: Senator Brickwood Galuteria,
Senators: Clarence K. Nishihara, Glenn Wakai, Malama Solomon, Sam Slom and
Brian T. Taniguchi

Aloha!

My name is Celeste Van Treese-Osaki, and I am a Licensed Physical Therapy Assistant (LPTA). I am speaking on behalf of Ho'okahi Leo: Physical Therapist Assistants of Hawaii, the official professional organization for PTAs (Physical Therapy Assistants). We respectfully request your support of this measure to recognize and require the licensure of PTAs.

- Currently, Hawai'i is the ONLY State not requiring PTA licensure
- We are asking that our profession be regulated through legislative mandate for proper schooling and continuing professional education to uphold the integrity of the practice of Physical Therapy.

Mahalo for your time and consideration of this important legislation,

Celeste Van Treese-Osaki, LPTA
Ho'okahi Leo: Physical Therapist Assistants of Hawaii

SB1074

Submitted on: 2/2/2013

Testimony for CPN on Feb 7, 2013 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Isono	Ho'okahi Leo Physical Therapist Assistants of Hawa	Support	Yes

Comments: Senate: Commerce and Consumer Protection SB1074 Related to Physical Therapy Chair Rosalyn Baker, Vice Chair Brickwood Galluteria Representatives Clarence Nishihara, Malama Soloman, Brian Taniguchi, Glenn Wakai, Sam Slom Aloha! My name is Lisa Isono, and I am a Licensed Physical Therapy Assistant (LPTA). I am speaking on behalf of Ho'okahi Leo: Physical Therapist Assistants of Hawaii, the official professional organization for PTAs (Physical Therapy Assistants). We respectfully request your support of this measure to recognize and require the licensure of PTAs. * Currently, Hawai'i is the ONLY State not requiring PTA licensure * We are asking that our profession be regulated through legislative mandate for proper schooling and continuing professional education to uphold the integrity of the practice of Physical Therapy. Mahalo for your time and consideration of this important legislation, Lisa Isono, LPTA (lisa.isono@us.army.mil) Ho'okahi Leo: Physical Therapist Assistants of Hawaii

Senate Committee

State Capitol Hawaii

Honolulu, Hawaii 96813

4 FEB 2013

Dear Madam Chair Rosalyn Baker, Vice Chair Brickwood Galuteria and Members of the Board Clarence Nishihara, Malama Solomon, Brian Taniguchi, Glenn Wakai, Sam Slom:

Aloha.

Mahalo plenty for the opportunity to address you in **SUPPORT** of **SB1074**.

Currently I am a Colorado Licensed Physical Therapist Assistant at Tripler Army Medical Center and Palimomi Medical Center. For the past 18 Years I have practiced in the State of Hawaii and served MY home and islands in the highest standard of Physical Therapy.

It is timely that Hawaii regulate this field. January 2013 laws for medicare reimbursement and Federal hiring status for PTAs have mandated already the need for License providers in Physical Therapy. All federal government employees at this time will require a license. This will obstruct hiring PTAs of Hawaii because license for this state is not a requirement.

PTAs for Hawaii will only benefit from joining the work ethics the APTA hold for the other 49 states so Hawaii will be just as marketable as any other state, rightfully so. The state to regulate keeping the latest technology to Therapist is a need to not allow lack of the current techniques to be offered in this state so our island people can benefit from the latest Rehabilitation modalities. Without regulation our home will become a haven for the unlicensed and substandard therapist who could not pass their state license and out of country license regulations because we are the last state to not mandate it so.

2012 the PTAs of Hawaii created a non profit committee to educate and assist in this need. The following individuals/PTA left their names for " Ho'okahi Leo (one voice) PTAs of Hawaii" to list them in support of the movement to License all PTAs in Hawaii:

Rebecca Thomas
rebeccawsthomas@hawaii.rr.com

Jeff Le jeffie25811@gmail.com

Karen Sato satokare@yahoo.com

Lorine Chai lorindell@gmail.com

Michele Ikei sugar89994@aol.com

Jerlene Shimizu jerlene_shimizu@yahoo.com

Jay Mastumoto jmatsumoto@hhsc.org

Allen Ulep abulep@yahoo.com

David Hodosh dhodosh@gmail.com

Charles Walthall cwathall71@yahoo.com

Andrea Conti dconti1@hawaii.rr.com

Phuong Le phongie121285@gmail.com

Barrie Saribay barritoyo@yahoo.com

Altez, Emeilia em_altez@hotmail.com

Dizon, Fely jdp131427@yahoo.com

Watanabe, Ann ann.watanabe@palimomi.org

Samorano, Tina tinamariept@yahoo.com

Pasion, Albert albert.pasion@palimomi.org

Fujinaka, Randall randall.fujinaka@palimomi.org

Massey, Kevin Kevin.j.massey@us.army.mil

Ho, Ed Edloho@hawaii.rr.com

Giddens, Paul plgiddens@yahoo.com

Gionson, Joseph lonala1@yahoo.com

Chang, Wilfred wachangjr@yahoo.com

Bataluna, Loki labataluna@gmail.com

Abreu, Yvonne ivyabreu@gmail.com

Everette, Cody codyeverette@hotmail.com

Kinerney, Yvette ykinerney@yahoo.com

Santoro, Anna anna.santoro@gmail.com

Geringer, Jacquelyn
sw33tdreamsentertainment@yahoo.com

Doctolero, Maylani Maylani.doctolero@us.army.mil

Pula, Alex pulamonster@gmail.com

Mahalo for your attention in this matter,

Cris Kani'aupi'o, LPTA jus4cris@me.com

Jose Miramontes
92-783 Makakilo Drive #18
Kapolei, HI 96707
Chargedup808@yahoo.com

January 30, 2013

Hawaii State Senate Committee on Commerce and Consumer Protection
Rosalyn Baker, Senator and Committee Chair
Brickwood Galuteria, Senator and Committee Vice Chair
Clarence K. Nishihara, Senator
Malama Solomon, Senator
Sam Slom, Senator
Brian T. Taniguchi, Senator
Glenn Wakai, Senator

Re: Support of Senate Bill 1074, Physical Therapist Assistant (PTA) Licensing

Dear Chairperson Rosalyn Baker, Vice Chair Galuteria and all Committee members,

I am writing to you in support of SB 1074 Physical Therapist Assistant (PTA) Licensing. It is of great importance to the safety and welfare patients in the physical therapy industry that PTAs be licensed and regulated by the State of Hawaii. Hawaii is the only State without licensing of PTAs.

SB 1074 protects the public by requiring PTAs to license with Hawaii instead of some other State or jurisdiction. SB 1074 also takes care of experienced and credentialed PTAs currently in practice. I also consider it of importance that SB 1074 maintain the education requirement (from an accredited college or training program) for licensure in Hawaii.

Thank you very much for your time and support of SB 1074.

Sincerely,

Jose Miramontes

Dear House Health Committee members,

I am writing to you in support of SB 1074 regarding Physical Therapist Assistant (PTA) Licensing. I have been practicing as a PTA in Hawai'i for 10 years. Licensure for PTAs is long overdue. State licensure for PTAs ensures public protection, accountability, and will bring Hawaii in-line with the rest of the country. Hawaii is currently the only state that does not regulate physical therapist assistants. PTAs provide treatment to patients in many practice settings, including schools and home health, and to many different patient populations, including children and the elderly. Licensure is needed for physical therapist assistants in Hawaii to protect the public and ensure consumer safety. According to the Hawaii Administrative Rules, Title 16, Department of Commerce and Consumer Affairs, Chapter 110 Physical Therapy, the definition of a 'physical therapist' supports SB 1074's written language. Passing of this bill will protect against unqualified physical therapist assistants working in Hawaii or relocating to work here from other states that require 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 the State Board of Physical Therapy to take disciplinary action against physical therapist assistants who violate the law or cause patient harm.

Thank you very much for your time and consideration of SB 1074.

Sincerely,

Jonathan Ulibas, PTA, LMT
Hawai'i Resident and Registered Voter

July 2012

To: Hawaii Physical Therapy Association Board
Re: Licensure of Physical Therapist Assistant

To Whom It May Concern,

My name is Celeste Van Treese-Osaki I am an unlicensed Physical Therapist Assistant at Tripler Army Medical Center. I graduated from Kapiolani Community College with an AS in Physical Therapy in 1995. In 1995 when I graduated from the program there was no way to take the licensure exam here in Hawaii. I physically needed to travel to the state and take it there. I was a mother of one and pregnant with my second child and could not afford to take my license exam at that time. We were also told back then, that the HAPTA board was perusing PTA's licensure here in Hawaii. I decided to wait until it happened here in Hawaii, then I would be able to sit for my exam. Seventeen years have passed and we are still not license in the state of Hawaii, I along with my classmate and co-work Cris Kania'upi'o feel that it has been too long over do and that something needs to be done now. Why is it that of the fifty states we are the only ones behind the power curl and do not seem to realize that it is important for our profession.

I work for the Department of Defense (DOD) and not governed by Medicare but from 2013 forward the DOD will no longer be hiring unlicensed PTA's. Why should I care, because with all of the experience and knowledge that I have with my 17 years of practice a new grad coming in to the system will be given more pay just because they have a license when our state association has not done anything about it for all of these years. How embarrassing is it that we have a Community College in your state yet we have no assistant that hold license in state of Hawaii. I feel that the state is losing out on revenue sure it may not be hundreds of thousands of dollars but in the economic time even a five to eight thousand dollars is better that it is getting now which is NONE. It is more than just about money having a state license with continued education requirements will also keep the level of care provided to our patients at a higher standard. With a state license requirement all assistants that practice with the Hawaii State license will be held to the same standards and continuing education requirements.

My hope is that in the near future this issue will no longer be a hope or a dream but a reality for us here in Hawaii.

Thank you,
Celeste Van Treese-Osaki

26 June 12

To whom it may concern:

I am writing to you on behalf of my fellow PTAs that work here in the state of Hawaii. I am a PTA licensed in Arizona currently working at Tripler Army Medical Center. I am a dependent of a Army service member and am required to move periodically, roughly every three years or so. I will be moving to South Carolina early next year and will be transferring my licensure to South Carolina as a result. Having obtained my Associates Degree in Pennsylvania I was taught the jurisprudence of that state but I moved to Arizona as I finished my degree and subsequently took the national exam and jurisprudence exams in Arizona. While both states require and allow different levels of care each state requires any practicing PTA to be licensed. This in my opinion allows for an easier transition from the evaluating PT's care to a PTA that is known to be competent and fully qualified to handle whatever treatments are required to return the patient to their activities. Had Hawaii had a licensing program I would have transferred my license to here, however they did not so I continued with Arizona. This could be a good source of revenue for Hawaii, with the DOD starting to only hire licensed PTAs.

Sincerely,

Kevin J. Massey PTA

Date: February 3, 2013

TO WHOM IT MAY CONCERN:

SUBJECT: Hawaii Physical Therapist Assistant (PTA) licensure

It has come to our attention the state of Hawaii does not currently license Physical Therapy Assistants (PTAs). A significant percentage of our state is made up of the military, its dependents and military retirees. Our medical care, to include physical therapy, is received at Tripler Army Medical Center. A member of our family received excellent physical therapy aftercare— given with much Aloha – at Tripler. The Department of Defense (DOD) has taken it under advisement to require all PTAs be state licensed in the DOD medical system. Jobs in Hawaii should be filled by resident Hawaiians. However, our PTAs are not licensed!

This email is to express our full support for a speedy passing of legislation establishing a licensing requirement for Physical Therapy Assistant (PTA) professionals. Our commitment to this effort is unwavering.

Please feel free to contact us should any questions arise.

Sincerely,

June Hart
John Hart Jr. Maj. (ret USA)

98-351 Koauka Loop
C-1202
Aiea, HI 96701

Cell: 347-721-6139
Cell: 917-952-6268

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Shimogawa	Individual	Support	No
Lynn Murakami-Akatsuka	Individual	Support	No
Kenneth Monis	Individual	Support	No
David Shimogawa	Individual	Support	No
Lorraine Shimogawa	Individual	Support	No
Kristian Kaeo	Individual	Support	No
Bryson Kaeo	Individual	Support	No
Taylor Isono	Individual	Support	No
G. Isono	Individual	Support	No
Donnabelle Kinney-Pasion	Individual	Support	No
Lilelani L.K.K. Au	Individual	Support	No
Cris T. Monis Kani'aupi'o	Individual	Support	No
Michael Mizuno	Individual	Support	No
James Coco	Individual	Support	No
April Llana Labtingao	Individual	Support	No