



NEIL ABERCROMBIE
GOVERNOR

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STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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KEALI'I S. LOPEZ
DIRECTOR

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DEPUTY DIRECTOR

**PRESENTATION OF THE
OCCUPATIONAL THERAPY PROGRAM**

TO THE SENATE COMMITTEE ON HEALTH

AND

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-SEVENTH LEGISLATURE
Regular Session of 2014

Friday, February 7, 2014
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 2472, RELATING TO OCCUPATIONAL
THERAPY PRACTICE.**

TO THE HONORABLE JOSH GREEN, M.D., CHAIR,
TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEES:

My name is Sandra Matsushima, Executive Officer for the Occupational Therapy Program of the Department of Commerce and Consumer Affairs ("Department"), Professional and Vocational Licensing Division. The Department appreciates the opportunity to testify in support of Senate Bill No. 2472, Relating to Occupational Therapy Practice.

Testimony on Senate Bill No. 2472

Friday, February 7, 2014

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The purpose of Senate Bill No. 2472 is to improve the regulation of occupational therapists and occupational therapy assistants by establishing an occupational therapy program and licensing requirements for occupational therapists and occupational therapy assistants.

The Department worked in collaboration with the proponents of the bill and we have agreed to the attached Senate Bill No. 2472 proposed S.D.1. We request that you replace this proposed S.D. 1 with the bill that is currently before you.

Thank you for the opportunity to testify in support of Senate Bill No. 2472 proposed S. D. 1.

A BILL FOR AN ACT

RELATING TO OCCUPATIONAL THERAPY PRACTICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that occupational
2 therapists treat patients with injuries, illnesses, or
3 disabilities through the therapeutic use of everyday life
4 activities. Occupational therapy assistants assist occupational
5 therapists in providing occupational therapy.

6 Although the regulation of occupational therapy practice is
7 codified in chapter 457G, Hawaii Revised Statutes, the language
8 in this chapter is incomplete in relation to certain aspects of
9 the profession, and does not require licensure of occupational
10 therapists or occupational therapy assistants. The legislature
11 notes that Hawaii is the last state in the country to license
12 occupational therapists and one of the last three states to
13 license occupational therapy assistants.

14 The legislature further finds that occupational therapists
15 and occupational therapy assistants should be licensed in Hawaii
16 in order to protect public health, safety, and the welfare of
17 the patients served by occupational therapists and occupational
18 therapy assistants. Licensing of occupational therapists and



1 occupational therapy assistants will ensure that occupational
2 therapy in Hawaii is provided by only qualified occupational
3 therapists and occupational therapy assistants and will help
4 meet insurer payer requirements, as some insurers require
5 occupational therapy to be provided by licensed individuals.

6 The purpose of this Act is to improve the regulation of
7 occupational therapists and occupational therapy assistants by
8 establishing an occupational therapy program and licensing
9 requirements for occupational therapists and occupational
10 therapy assistants, including provisions relating to the
11 qualifications, licensure, practice of occupational therapy,
12 supervision of occupational therapy assistants, exemptions,
13 powers and duties of the director, licensure renewal,
14 restoration, penalty, and revocation or suspension of licenses.

15 Accordingly, effective with the December 31, 2014 renewal,
16 the occupational therapist registration will be converted to an
17 occupational therapist license. To effectuate a seamless
18 conversion, current occupational therapist registrants will be
19 grandfathered and issued an occupational therapist license upon
20 renewal.



1 Effective January 1, 2017, except as otherwise provided in
2 this chapter, no person shall practice as an occupational
3 therapy assistant or represent himself or herself as being able
4 to practice as an occupational therapy assistant in this state
5 without possessing a valid license issued by the director in
6 accordance with this chapter.

7 SECTION 2. Section 457G-1, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By adding new definitions to be appropriately inserted
10 and to read:

11 "Foreign-trained person" means a person who has completed
12 an educational program or course of study in occupational
13 therapy in an institution located outside the United States.

14 "Occupational therapist" means a person who is licensed to
15 practice occupational therapy in this State.

16 "Occupational therapy assistant" means a person who is
17 licensed to practice occupational therapy under the supervision
18 of and in partnership with an occupational therapist."

19 2. By repealing the definition of "occupational therapy
20 services".

21 ["~~Occupational therapy services" include:~~



- 1 ~~(1) The assessment of needs and provision of treatment in~~
2 ~~consultation with the individual, family, or other~~
3 ~~appropriate persons;~~
- 4 ~~(2) Interventions directed toward developing, improving,~~
5 ~~ascertaining, enhancing, or restoring:~~
 - 6 ~~(A) Daily living skills, including self care skills~~
7 ~~and activities that involve interactions with~~
8 ~~others and the environment, work readiness or~~
9 ~~work performance, play skills or leisure~~
10 ~~capacities, or educational performance skills; or~~
 - 11 ~~(B) Sensorimotor, oral-motor, perceptual, or~~
12 ~~neuromuscular functioning; or emotional,~~
13 ~~motivational, cognitive, or psychosocial~~
14 ~~components of performance;~~
- 15 ~~(3) The education of the individual, family, or other~~
16 ~~appropriate persons in carrying out appropriate~~
17 ~~interventions;~~
- 18 ~~(4) Design, development, adaptation, application, or~~
19 ~~training in the use of:~~
 - 20 ~~(A) Assistive technology devices; and~~



- 1 ~~(B) Rehabilitative technology such as orthotic or~~
2 ~~prosthetic devices;~~
- 3 ~~(5) The application of physical agent modalities as an~~
4 ~~adjunct to, or in preparation for, purposeful~~
5 ~~activity;~~
- 6 ~~(6) The application of ergonomic principles, and the~~
7 ~~adaptation of environments and processes to enhance~~
8 ~~functional performance; and~~
- 9 ~~(7) The promotion of health and wellness."]~~

10 SECTION 3. Chapter 457G, Hawaii Revised Statutes, is
11 amended by adding new sections to be appropriately designated
12 and to read as follows:

13 §457G- Occupational therapy program. There is
14 established an occupational therapy program within the
15 department to be administered by the director.

16 §457G- Powers and duties of the director. In addition to
17 any other powers and duties authorized by law, the director
18 shall have the powers and duties to:

- 19 (1) Grant, deny, renew, refuse to renew, restore,
20 terminate, reinstate, condition, restrict, suspend, or
21 revoke a license issued pursuant to this chapter;



- 1 (2) Grant permission to a person to practice occupational
2 therapy and to use the title of "licensed occupational
3 therapist" or a description indicating that the person
4 is a licensed occupational therapist in this State;
- 5 (3) Grant permission to a person to practice as an
6 occupational therapy assistant and to use the title of
7 "licensed occupational therapy assistant" or a
8 description indicating that the person is a licensed
9 occupational therapy assistant in this State;
- 10 (4) Adopt, amend, or repeal rules pursuant to chapter 91
11 as the director finds necessary to carry out this
12 chapter;
- 13 (5) Administer, coordinate, and enforce this chapter;
- 14 (6) Discipline a licensed occupational therapist or
15 licensed occupational therapy assistant on grounds
16 specified by this chapter or chapter 436B or for any
17 violation of rules adopted by the director pursuant to
18 this chapter;
- 19 (7) Refuse to license a person for failure to meet the
20 licensing requirements in this chapter or for any
21 reason specified by this chapter as grounds to



1 discipline an occupational therapist or occupational
2 therapy assistant; and
3 (8) Appoint an advisory committee composed of practicing
4 occupational therapists and occupational therapy
5 assistants to assist with the implementation of this
6 chapter.

7 SECTION 4. Section 457G-1.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§457G-1.5 Practice of occupational therapy**

10 [~~; qualifications; registration~~]. [(a) ~~No person shall~~
11 ~~represent, advertise, or announce oneself, either publicly or~~
12 ~~privately, as an occupational therapist, nor use, in connection~~
13 ~~with the person's name or place of business, the words~~
14 ~~"occupational therapist", "certified occupational therapist",~~
15 ~~"occupational therapist registered", or the letters "OT", "COT",~~
16 ~~or "OTR", or any other words, letters, abbreviations, or~~
17 ~~insignia indicating or implying that such person is an~~
18 ~~occupational therapist unless such person registers the person's~~
19 ~~name and business address biennially with the department of~~
20 ~~commerce and consumer affairs in a manner established by rules~~



1 ~~adopted pursuant to chapter 91, and meets the qualifications of~~
2 ~~section 457G-2.~~

3 ~~(b) The department shall maintain and biennially update a~~
4 ~~list of the names and business addresses of the occupational~~
5 ~~therapists who are registered under subsection (a).~~

6 ~~(c) Nothing in this chapter shall be construed to prohibit~~
7 ~~a registered occupational therapist from utilizing occupational~~
8 ~~therapy support personnel to assist in the practice of~~
9 ~~occupational therapy; provided that the occupational therapy~~
10 ~~support personnel shall work under the supervision of or in~~
11 ~~consultation with the registered occupational therapist.~~

12 ~~"Occupational therapy support personnel" includes a person~~
13 ~~certified by the National Board for Certification in~~
14 ~~Occupational Therapy, and who uses the title "occupational~~
15 ~~therapy assistant" or "certified occupational therapy~~
16 ~~assistant", the letters "COTA" or "OTA", or any other titles,~~
17 ~~letters, abbreviations, or insignia indicating or implying that~~
18 ~~the person is an occupational therapy assistant.~~

19 ~~(d) A registration granted under this chapter shall mean~~
20 ~~that the person has met requirements that include minimum~~
21 ~~practice standards to provide protection to the public and is~~



1 ~~permitted to use the title and engage in the practice as an~~
2 ~~occupational therapist. In the granting of permission to engage~~
3 ~~in this profession, and consistent with section 436B-2, the~~
4 ~~definition for "license" is inclusive of a registration issued~~
5 ~~under this chapter and, as such, an occupational therapist that~~
6 ~~holds a registration shall be similarly regarded as an~~
7 ~~occupational therapist that holds a license.]~~

8 (a) The practice of occupational therapy is the
9 therapeutic use of everyday life activities with individuals or
10 groups for the purpose of participation in roles and situations
11 in home, school, workplace, community, and other settings. It
12 includes:

13 (1) Evaluation of factors affecting activities of daily
14 living, instrumental activities of daily living, rest
15 and sleep, education, work, play, leisure, and social
16 participation, including:

17 (A) Client factors, including body functions, such as
18 neuromusculoskeletal, sensory-perceptual, visual,
19 mental, cognitive, and pain factors; body
20 structures, such as cardiovascular, digestive,
21 nervous, integumentary, genitourinary systems,



- 1 and structures related to movement; values;
- 2 beliefs; and spirituality;
- 3 (B) Habits, routines, roles, rituals, and behavior
- 4 patterns;
- 5 (C) Occupational and social environments, cultural,
- 6 personal, temporal, and virtual contexts and
- 7 activity demands that affect performance; and
- 8 (D) Performance skills, including motor and praxis,
- 9 sensory-perceptual, emotional regulation,
- 10 cognitive, communication, and social skills;
- 11 (2) Methods or approaches selected to direct the process
- 12 of interventions, including:
- 13 (A) Establishment, remediation, or restoration of a
- 14 skill or ability that has not yet developed, is
- 15 impaired, or is in decline;
- 16 (B) Compensation, modification, or adaptation of
- 17 activity or environment to enhance performance or
- 18 prevent injuries, disorders, or other conditions;
- 19 (C) Retention and enhancement of skills or abilities
- 20 without which performance in everyday life
- 21 activities would decline;



- 1 (D) Promotion of health and wellness, including the
2 use of self-management strategies, to enable or
3 enhance performance in everyday life activities;
4 and
- 5 (E) Prevention of barriers to performance and
6 participation, including injury and disability
7 prevention; and
- 8 (3) Interventions and procedures to promote or enhance
9 safety and performance in activities of daily living,
10 instrumental activities of daily living, rest and
11 sleep, education, work, play, leisure, and social
12 participation, including:
 - 13 (A) Therapeutic use of occupations, exercises, and
14 activities;
 - 15 (B) Training in self-care, self-management, health
16 management and maintenance, home management,
17 community reintegration, work reintegration,
18 school activities, and work performance;
 - 19 (C) Development, remediation, or compensation of
20 neuromusculoskeletal, sensory-perceptual, visual,



- 1 mental, and cognitive functions; pain tolerance
2 and management; and behavioral skills;
- 3 (D) Therapeutic use of self, including one's
4 personality, insights, perceptions, and
5 judgments, as part of the therapeutic process;
- 6 (E) Education and training of individuals, including
7 family members, caregivers, groups, populations,
8 and others;
- 9 (F) Care coordination, case management, and
10 transition services;
- 11 (G) Consultative services to groups, programs,
12 organizations, or communities;
- 13 (H) Modification of environments, such as home, work,
14 school, or community, and adaptation of
15 processes, including the application of ergonomic
16 principles;
- 17 (I) Assessment, design, fabrication, application,
18 fitting, and training in seating and positioning;
19 assistive technology; adaptive devices; orthotic
20 devices; and training in the use of prosthetic
21 devices;



- 1 (J) Assessment, recommendation, and training in
2 techniques to enhance functional mobility,
3 including management of wheelchairs and other
4 mobility devices;
- 5 (K) Low vision rehabilitation;
- 6 (L) Driver rehabilitation and community mobility;
- 7 (M) Management of feeding, eating, and swallowing to
8 enable eating and feeding performance;
- 9 (N) Application of physical agent modalities and use
10 of a range of specific therapeutic procedures,
11 such as wound care management, interventions to
12 enhance sensory-perceptual and cognitive
13 processing, and manual therapy, to enhance
14 performance skills; and
- 15 (O) Facilitating the occupational performance of
16 groups, populations, or organizations through the
17 modification of environments and the adaptation
18 of processes.
- 19 (b) No person shall practice occupational therapy
20 gratuitously or for pay, offer to practice occupational therapy,
21 offer occupational therapy, or represent, advertise, or



1 announce, either publicly or privately, that the person is an
2 occupational therapist, unless the person is appropriately
3 licensed under this chapter.

4 (c) No person shall use, in connection with the person's
5 name or business, the words "occupational therapist licensed",
6 "registered occupational therapist", "licensed occupational
7 therapist", "occupational therapist", or "doctor of occupational
8 therapy", or the letters "OT", "OTR", "OTD", "OT/L", "OTR/L", or
9 "OTD/L", or any other words, letters, abbreviations, or insignia
10 indicating or implying that the person is an occupational
11 therapist unless the person is appropriately licensed as an
12 occupational therapist under this chapter.

13 (d) Effective January 1, 2017, except as otherwise
14 provided in this chapter, no person shall practice as an
15 occupational therapy assistant or represent himself or herself
16 as being able to practice as an occupational therapy assistant
17 in this state without possessing a valid license issued by the
18 director in accordance with this chapter.

19 (d) No person shall use the title "occupational therapy
20 assistant licensed", "licensed occupational therapy assistant",
21 the letters "OTA/L" or "COTA/L", or any other words, letters,



1 abbreviations, or insignia indicating or implying that the
2 person is an occupational therapy assistant unless that person
3 is appropriately licensed as an occupational therapy assistant
4 under this chapter."

5 SECTION 4. Chapter 457G-2, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **§457G-2 Qualifications of occupational therapists.**

8 (a) Occupational therapists shall have completed the educational
9 requirements and supervised field work experience required for
10 certification by the National Board for Certification in
11 Occupational Therapy, and shall have passed a national
12 certification examination administered by that association.

13 (b) In the case of foreign-trained persons, the applicant
14 shall have completed the National Board for Certification in
15 Occupational Therapy eligibility determination process for
16 occupational therapist and shall have passed a national
17 certification examination administered by the National Board for
18 Certification in Occupational Therapy.

19 SECTION 6. Chapter 457G, Hawaii Revised Statutes, is
20 amended by adding new sections to be appropriately designated
21 and to read as follows:



1 §457G- Qualifications of occupational therapy assistants.

2 (a) Effective January 1, 2017, there shall be licensing for
3 occupational therapy assistants.

4 (b) Occupational therapy assistants shall have completed
5 the educational requirements and supervised field work required
6 for certification by the National Board for Certification in
7 Occupational Therapy, and shall have passed a national
8 certification examination administered by that association.

9 (c) In the case of foreign-trained persons, the applicant
10 shall have completed the National Board for Certification in
11 Occupational Therapy eligibility determination process for
12 occupational therapy assistant and shall have passed a national
13 certification examination administered by the National Board for
14 Certification in Occupational Therapy.

15 §457G- Supervision of occupational therapy assistants.

16 (a) An occupational therapy assistant may practice occupational
17 therapy only under the supervision of an occupational therapist
18 who is licensed to practice occupational therapy in the State.
19 The occupational therapist shall be responsible for occupational
20 therapy evaluation, appropriate reassessment, treatment
21 planning, interventions, and discharge from occupational therapy



1 based on standard professional guidelines. The supervising
2 occupational therapist and the supervised occupational therapy
3 assistant shall have legal and ethical responsibility for
4 ongoing management of supervision, including providing,
5 requesting, giving, or obtaining supervision.

6 (b) The supervising occupational therapist shall:

7 (1) Determine the frequency, level, and nature of
8 supervision with input from the occupational therapy
9 assistant; and

10 (2) Base the supervision determination on a variety of
11 factors, including the clients' required level of
12 care, treatment plan, and experience and pertinent
13 skills of the occupational therapy assistant.

14 (c) The supervising occupational therapist shall supervise
15 the occupational therapy assistant to ensure that the
16 occupational therapy assistant:

17 (1) Does not initiate or alter a treatment program without
18 prior evaluation by and approval of the supervising
19 occupational therapist;



1 (2) Obtains prior approval of the supervising occupational
2 therapist before making adjustments to a specific
3 treatment procedure; and

4 (3) Does not interpret data beyond the scope of the
5 occupational therapy assistant's education and
6 training.

7 **§457G- Exemptions.** (a) Nothing in this chapter shall be
8 construed to prohibit any person from acting within the scope of
9 a license issued to that person under any other law; provided
10 that the person shall not claim to be an occupational therapist
11 or occupational therapy assistant, or that the person is
12 performing occupational therapy, unless the person is also
13 licensed under this chapter.

14 (b) Nothing in this chapter shall be construed to prohibit
15 students in an educational program for occupational therapists
16 or occupational therapy assistants from participating in
17 activities that are conducted as part of the educational program
18 and are under the guidance and supervision of a licensed
19 occupational therapist.

20 (c) Nothing in this chapter shall be construed to prohibit
21 a person licensed as an occupational therapist in another state



1 or foreign country from practicing occupational therapy in this
2 State if the person is part of an educational demonstration or
3 instructional program or seminar sponsored by an educational
4 institution, hospital, medical care program, the Occupational
5 Therapy Association of Hawaii, or any other similar person or
6 group, for the duration of the program or seminar and confined
7 to the purpose of the program or seminar.

8 (d) Nothing in this chapter shall be construed to prohibit
9 an occupational therapist who is practicing in the United States
10 Armed Services, United States Public Health Service, or
11 Department of Veteran Affairs pursuant to federal regulations
12 for state licensure of health care providers from practicing as
13 an occupational therapist; provided that if the person, while
14 federally employed as an occupational therapist, engages in the
15 practice of occupational therapy outside the course and scope of
16 the person's federal employment, the person shall be required to
17 obtain a license in accordance with this chapter.

18 **§457G- Biennial renewal; failure to renew; restoration,**
19 **inactive license.** (a) The biennial renewal fee shall be paid
20 to the department on or before December 31 of each even-numbered
21 year. Failure, neglect, or refusal of any licensee to pay the



1 biennial renewal fee on or before this date shall constitute a
2 forfeiture of the license. A forfeited license may be restored
3 upon written application within one year from the date of
4 forfeiture and the payment of the delinquent fee plus an amount
5 equal to fifty per cent of the delinquent fee.

6 (b) Upon written application, the director may place the
7 licensee's active license on an inactive status. During the
8 inactive period, a licensee shall not engage in the practice of
9 occupational therapy. The license may be reactivated at any
10 time by submitting a written application to the director and by
11 payment of the renewal and any other applicable fees. A
12 licensee's inactive status shall not deprive the director of the
13 director's authority to institute or continue any disciplinary
14 or enforcement action against the licensee.

15 (c) Effective with the December 31, 2014 renewal, each
16 active occupational therapist registration becomes an active
17 occupational therapist license by operation of law. The
18 conversion from registration to licensure does not:

19 (1) Affect any prior discipline, limitation, or condition
20 imposed by the director on an occupational therapist's
21 registration;



1 (2) Limit the director's authority over any registrant; or
2 (3) Affect any pending investigation or administrative
3 proceeding.

4 (c) Effective January 1, 2015, the director shall treat any
5 application pending for an occupational therapist registration
6 as an application for licensure, which application is subject to
7 the requirements established by the director in accordance with
8 this chapter.

9 SECTION 7. Section 457G-3, Hawaii Revised Statutes, is
10 repealed.

11 SECTION 8. Section 457G-4, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **§457G-4 [Civil] Penalty.** ~~Any person violating any~~
14 ~~provisions of this chapter shall be fined a sum of not less~~
15 ~~than \$500 nor more than \$10,000 for each violation, which sum~~
16 ~~shall be collected in a civil action brought by the attorney~~
17 ~~general or the director of the office of consumer protection on~~
18 ~~behalf of the State.]~~ Any person who violates or fails to
19 comply with the provisions of this chapter shall be fined not
20 more than \$1,000 per violation.



1 SECTION 9. Chapter 457G, Hawaii Revised Statutes, is
2 amended to include a new section:

3 **§457G- License revocation or suspension; probation of**
4 **licensee.** (a) In addition to any other actions authorized by
5 law, any license issued under this chapter may be revoked or
6 suspended by the director at any time for any cause authorized
7 by law, including but not limited to the following:

- 8 (1) Obtaining a fee on the assurance that a manifestly
9 incurable disease can be permanently cured;
- 10 (2) Willfully betraying patient confidentiality;
- 11 (3) Making an untruthful and improbable statement in
12 advertising one's practice or business;
- 13 (4) False, fraudulent, or deceptive advertising;
- 14 (5) Being habituated to the excessive use of drugs or
15 alcohol or being or having been addicted to, dependent
16 on, or a habitual user of, a narcotic, barbiturate,
17 amphetamine, hallucinogen, or other drug having
18 similar effects;
- 19 (6) Practicing occupational therapy while the ability to
20 practice is impaired by alcohol, drugs, or mental
21 instability;



1 (7) Procuring a license through fraud, misrepresentation,
2 or deceit, or knowingly permitting an unlicensed
3 person to practice occupational therapy;

4 (8) Professional misconduct, gross negligence, or manifest
5 incapacity in the practice of occupational therapy;

6 (9) Conduct or practice contrary to recognized standards
7 of ethics for the practice of occupational therapy in
8 the United States;

9 (10) Violation of this chapter, chapter 436B, or any rule
10 or order of the director.

11 (b) To reinstate a suspended license, or to grant
12 licensure to an applicant whose license was previously revoked,
13 the director may require further education or training or
14 require proof of competence in performance.

15 (c) In lieu of revoking or suspending a license, the
16 director may place the licensee on probation, the terms of which
17 may require observation of the licensee by a licensed
18 occupational therapist."

19 SECTION 10. The department of commerce and consumer
20 affairs may employ necessary personnel without regard to chapter



1 76, Hawaii Revised Statutes, to assist with the implementation
2 and continuing functions of this chapter.

3 SECTION 11. There is appropriated out of the compliance
4 resolution fund established pursuant to section 26-9(o), Hawaii
5 Revised Statutes, the sum of \$_____ or so much thereof as may
6 be necessary for fiscal year 20__ - 20__ to implement
7 occupational therapists licensure program.

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

10 SECTION 12. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 13. This Act shall take effect upon its approval.

13

INTRODUCED BY: _____



Report Title:

Occupational Therapy; Occupational Therapists; Occupational
Therapy Assistants; Regulation; Licensing

Description:

Improves the regulation of occupational therapists and
occupational therapy assistants by establishing an occupational
therapy program and licensing requirements for occupational
therapists and occupational therapy assistants.

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



To: Honorable Senator Rosalyn Baker,
Chair Honorable Senator Brian
Taniguchi, Vice Chair Senate
Committee on Consumer Protection

Honorable Senator Josh Green, Chair
Honorable Senator Rosalyn Baker,
Vice Chair Senate Committee on
Health

From:

Date: February 6, 2014

Re: **Testimony in support of S.B. 2472 - Relating to Occupational Therapy Practice**

We are occupational therapists employed at Warrior Transition Battalion (WTB) – HI, Tripler Army Medical Center. We strongly support S.B. 2472 to license both occupational therapists (OTR) and occupational therapy assistants (OTA) in Hawaii.

As you may be aware, Hawaii is the only state that does not currently license Occupational Therapists (OTR) and one of 3 remaining states that does not license Occupational Therapy Assistants.

At Tripler Army Medical Center - WTB, occupational therapy practitioners play an integral part in helping active duty soldiers stationed in Hawaii and returning from the war recover their daily function to return back to work or becoming a veteran.

We strongly feel that licensure provides the highest form of government oversight and will continue to: 1) safeguard the public's health, safety and welfare; 2) Protect those seeking occupational therapy services from incompetent persons and persons not qualified to perform these services; 3) Require the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants and 4) Provide the highest quality of occupational therapy services in Hawaii. This bill will also further define the scope of Occupational Therapy practice.

We hope that you and your committee will look favorably upon passage of this bill which would provide full licensure for both occupational therapists and occupational therapy assistants in Hawaii. If you have any additional questions, we can be reached at hilario.delgado@us.army.mil. Thank you for this opportunity to provide testimony.

Sincerely,

Hilario "Del" Delgado OTR/L, MPA, L6SBB, CFCE, MACHE
Occupational Therapist
Warrior Transition Battalion
Schofield Barracks, HI 96859
☎ (808) 721-2868

Date: February 5, 2014

To: Senator Josh Green, Chair, Committee on Health
Senator Rosalyn Baker, Vice Chair Committee on Health

Hearing: February 7, 2014, 9:00 a.m. Conference Room 229

RE: SB 2472—Relating to Occupational Therapy

I am employed at an institution of higher learning and I strongly support SB 2472 to license both occupational therapists (OTR) and occupational therapy assistants (OTA) in Hawaii.

As you may be aware, Hawaii is the only state that does not currently license Occupational Therapists (OTR) and one of 3 remaining states that does not license Occupational Therapy Assistants.

At hospitals and long term care facilities and programs, occupational therapy practitioners play an integral part in the rehabilitation of those disabled and handicapped.

I strongly feel that licensure provides the highest form of government oversight and will continue to: 1) safeguard the public's health, safety and welfare; 2) Protect those seeking occupational therapy services from incompetent persons and persons not qualified to perform these services; 3) Require the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants and 4) Provide the highest quality of occupational therapy services in Hawaii. This bill will also further define the scope of Occupational Therapy practice.

We hope that you and your committee will look favorably upon passage of this bill which would provide full licensure for both occupational therapists and occupational therapy assistants in Hawaii. If you have any additional questions, I can be reached at 596-8551. Thank you for this opportunity to provide testimony.

Sincerely,
Satoru Izutsu, PhD, OTR
Registered Occupational Therapist (Hawaii #10)

February 06, 2014

**TO: Honorable Senator Josh Green, Chair Committee on Health
Honorable Senator Rosalyn Baker, Co-Chair Committee on Health**

RE: Support of SB 2472 - Relating to Occupational Therapy Practice

I am writing in **strong support of SB 2472 relating to improving regulation of Occupational Therapists through licensing requirements.**

This is more than a 10 year journey for licensure for the profession. During this time, 49 states have passed licensure for Occupational Therapy. This speaks to the need for regulation and a closer oversight at a local level. Currently, Hawaii is the only state that does *not* license Occupational Therapists (OTR), and one of 3 remaining states that do not license Occupational Therapy Assistants.

Healthcare costs have come into scrutiny due to the tightening financial constraints for both Medicaid and Medicare. Third party payers are moving toward reimbursing for services provided by licensed professionals only. Licensure will help ensure consumer Accessibility to Occupational Therapy services and provide the highest form of regulation and oversight to continue to ensure:

- Health, safety and welfare of the public
- Protect the consumer from incompetent Occupational Therapy practitioners
- Provide for the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants and
- Ensure the highest quality of occupational therapy services in Hawaii.

Occupational Therapy is not as recognized as other health professionals but nonetheless, the contributions to the consumer and healthcare are immense. Many do not understand the profession of Occupational Therapy. The profession can be likened to “chameleons” because the professional can easily transition to various settings from driver training for the disable to the learning disabled child. Occupational Therapists educate, train, and develop skills in the rehabilitation process for functional independence. This allows the consumer to be able to return to participating in their “occupation” of life, living life to its fullest.

Occupational Therapists work with all age ranges, from infants to the aged. A large consumer group that benefit from these services has been the “baby boomers” (*born in 1946-1964*), which compromise 26% of the total U.S. population. It is estimated that by 2030, the “baby boomer” generation will have reached the age of 65 years.

Like the rest of the country, the population of Hawaii is getting older. It is anticipated that between 2007 and 2030, the population aged 85 and older, will be in the greatest need for services such as long-term care due to disability. Studies have demonstrated that Hawaii does not have the resources to support them (*Ratio of nursing home beds per 1,000 people aged 75 and older in Hawaii is about half the national average*). It is imperative the Occupational

Therapy professionals be protected by licensure to be able to continue to provide the needed services to keep these seniors (consumers) functioning in their own home.

This bill further defines the scope of Occupational Therapy practice in Hawaii and does *not* add the excessive cost of an Occupational Therapy licensing board. Instead, concerns would be addressed through an Advisory Group consisting of the Director of DCCA and 3 OTs.

I urge you and your committee to support and pass this bill for the consumers and the Occupational Therapy professions in Hawaii. Should you have questions or concerns, please feel free to contact me. Thank you for this opportunity to provide testimony.

Sincerely,

Gail Miyahira
P.O. box 5052
Kahului, Hawaii – 96732
(808) 871-7406
gailm808@gmail.com

References:

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Friday – February 7, 2014 – 9:00am
Conference Room 229

SENATE COMMITTEE ON HEALTH

Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair

From: Michael Robinson, Executive Director
Philanthropy & Government Relations

Re: SB 2472 Testimony in Support
Relating to Occupational Therapy Practice

My name is Michael Robinson, Executive Director, Philanthropy & Government Relations, Hawai'i Pacific Health (HPH). HPH is a nonprofit health care system and the state's largest health care provider anchored by its four nonprofit hospitals: Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital on Kauai. HPH is committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four affiliated hospitals, 49 outpatient clinics and service sites, more than 6,300 employees and 1,300 physicians on staff.

Hawai'i Pacific Health supports SB 2472 which establishes licensing requirements and improves the regulation of occupational therapists and occupational therapy assistants.

Occupational therapists play an essential role in providing rehabilitative treatment for patients with permanent disabilities, chronic pain, and terminally ill patients of all ages. Given the impact that occupational therapy has on the quality of life of our patients, we believe licensing is necessary to ensure that workforce standards are established and continuously maintained.

We ask for your help and support in passing SB 2472 from this committee. Thank you.



Affiliates of Hawai'i Pacific Health

To: Honorable Senator Josh Green, Chair
Honorable Senator Rosalyn Baker, Vice Chair
Senate Committee on Health

From: Victoria A. Stanley

Date: January 27, 2014

RE: **Testimony in support of S.B. 2472—Relating to Occupational Therapy Practice**

I am a student in the occupational therapy assistant program at Kapiolani Community College. I strongly support SB-2472 to license both Occupational Therapists (OTR) and Occupational Therapy Assistants (OTA) in Hawaii.

As an occupational therapy assistant student I have become aware of the challenges encountered by individuals with disabilities, and the need for qualified occupational therapy practitioners who are trained to enable these individuals to live meaningful, satisfying and productive lives.

As you may be aware, Hawaii is the only state that does not currently license Occupational Therapists (OTR) and one of 3 remaining states that does not license Occupational Therapy Assistants (OTA).

I strongly feel that licensure provides the highest form of government oversight and will continue to: 1) Safeguard the public's health, safety and welfare; 2) Protect those seeking occupational therapy services from incompetent persons and persons not qualified to perform these services; 3) Require the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants and 4) Provide the highest quality of occupational therapy services in Hawaii. This bill will also further define the scope of Occupational Therapy practice.

I hope that you and your committee will look favorably upon passage of this bill which would provide full licensure for both occupational therapists and occupational therapy assistants in Hawaii. If you have any additional questions, I can be reached at stanleyv@hawaii.edu or (808) 888-9020. Thank you for this opportunity to provide testimony.

Sincerely,

Victoria A. Stanley

Date: February 6, 2014

To: Honorable Senator Rosalyn Baker, Chair of the
Commerce and Consumer Protection Committee

Honorable Senator Brian Taniguchi, Co-chair of the
Commerce and Consumer Protection Committee

RE: SB 2472 A Bill for an Act Relating to
Occupational Therapy Practice

From: Chastine Baoit, Occupational Therapy Assistant
Student

Hearing: February 7, 2014, 9:00AM, Conference Room # 229

Hi everyone, my name is Chastine B. and I am an occupational therapy assistant student studying in the field of Occupational Therapy. I am here today to strongly support SB-2427 to license both occupational therapist (OTR) and occupational therapy assistant (OTA) in Hawaii.

Today I will be going over some of the many reasons why the State of Hawaii should have licensure in this profession. But before we go into depth on this topic, please allow me to educate you on what occupational therapy is all about. Occupational therapy is a self-motivated profession that will allow Occupational therapy practitioners to make a difference in the lives of individuals of all ages. Occupational Therapy practitioners focuses on assisting individuals to function in performing tasks or “occupations” and to give them hope to live their life to its fullest by learning the skills necessary to be independent and productive. Occupational Therapy

practitioners provide assessments and specialized treatments for consumers with physical and mental health difficulties so they can perform day-to-day activities that are essential to them despite impairments. For instance, a person who has had a stroke may need to relearn how to prepare a meal or a child with cerebral palsy may need to learn to use a computer for classroom activities.

As you may be aware, Hawaii is the only state that does not currently license Occupational Therapist (OTR) and is one of 3 remaining states that do not license Occupational Therapy Assistants. Although our population may be smaller than the other states that provide licensure, our economy can still benefit from this "bill approval." We can assist in lowering the country's unemployment if more people feel that this profession can possibly provide a stable financial future and what better way to insure that than giving us the opportunity to become licensed professionals.

I strongly believe that it's the role of the government to protect the consumer from unqualified practitioners and to monitor and/or discipline incompetent, fraudulent behaviors. Any qualified therapist coming from an accredited school who has passed a national certification exam should be eligible to practice in Hawaii. Also by having the opportunity to be a licensed professional it will allow us to be competent while providing quality results in this profession.

I hope that you and your committee will look favorably upon passage of this bill, which would provide full licensure for both occupational therapists and occupational therapy assistants in Hawaii. If you have any additional questions, I can be reached at or cjbaoit@hawaii.edu (808) 392-8746. Thank you for this opportunity to provide testimony.

Sincerely,

Chastine Baoit, Occupational Therapy Assistant Student

To: Honorable Senator Rosalyn Baker, Chair
Honorable Senator Brian Taniguchi, Vice Chair
Senate Committee on Consumer Protection

Honorable Senator Josh Green, Chair
Honorable Senator Rosalyn Baker, Vice Chair
Senate Committee on Health

Honorable Senator David Ige, Chair
Honorable Senator Michelle Kidani, Vice Chair
Senate Committee on Ways and Means

From: Raquel D. Algono, OTAS

Date: February 6, 2014

Re: **Testimony in support of S.B. 2472 - Relating to Occupational Therapy Practice**

My name is Raquel Algono; I'm an Occupational Therapy Assistant student at Kapiolani Community College and I look forward towards your support regarding the current licensure issue of Occupational Therapists and Occupational Therapy Assistants in Hawaii.

So, what do you need to “Live Life to its Fullest?” This brand that AOTA uses to describe Occupational Therapy provides a clear painted picture of what Occupational Therapists strive for their clients everyday. As Occupational Therapists, we do best at assisting a person achieve their fullest extent and obtain life goals in order to fulfill their aspiring roles; either as a parent, a worker, an independent human being.

“Live Life to its Fullest” is universal and customizable. You could ask anyone how they live their life or what they want in order to live their life to its fullest; you’ll always have get answer. As occupational therapists we take those different aspects and form them into something achievable.

The brand that we so proudly advocate serves as an explanation. It’s not set for just one type of client or one type of setting. We serve all across the lifespan and in many various environments. To maintain the respect of our profession, we must be able to safely say that all of our practitioners and services are beyond than that is expected. To ensure that we are enforcing the best quality care, we must strive for licensure. Licensure will protect our clients from unqualified practitioners and incompetent behaviors.

Testimony in Support of SB 2472

February 6, 2014

Page 2 of 2

It's baffling that we're waiting for a detrimental occurrence to happen that will scar our profession. By not passing the bill that can protect our consumers and our profession, we're waiting for the extinction of our recognition as a fully capable and well-worthy profession. Thank you for this opportunity to provide testimony.

Sincerely,

Raquel Algono, OTAS