
A BILL FOR AN ACT

RELATING TO THE PHYSICAL THERAPY PRACTICE ACT.

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

1 SECTION 1. The legislature finds that the Physical Therapy
2 Practice Act was established in 1985, when health care focused
3 on the curing of illness. Since that time, health care has
4 evolved to a greater focus on the overall wellness and
5 prevention of illness and disability with the growth of
6 evidence-based treatment intervention options for patients.

7 The legislature further finds that dry needling is a
8 therapeutic intervention tool that is used in conjunction with
9 other physical therapy interventions in order to improve pain
10 control, decrease muscle tension, accelerate active
11 rehabilitation, facilitate normal movement, and return to
12 function for overall better quality of life. Dry needling is
13 recognized by the American Physical Therapy Association,
14 American Academy of Orthopaedic Manual Physical Therapists, and
15 Federation of State Boards of Physical Therapy and has been
16 utilized effectively to treat neuromuscular pain in specific
17 populations, such as acute and overuse sport injuries,



1 post-operative rehabilitative care, chronic pain, opioid
2 dependence, work restrictions, and disability.

3 Dry needling is allowed in all but seven states, including
4 Hawaii. Physical therapists practicing dry needling in federal
5 facilities in Hawaii, as well as across the nation, have
6 patients who have benefited from its use. However, civilian
7 patients in Hawaii are denied access and choice of dry needling
8 care from a physical therapist when appropriate.

9 The legislature also finds that the American Physical
10 Therapy Association endorses the professional liability
11 insurance administered by the Healthcare Providers Service
12 Organization and underwritten by American Casualty Company of
13 Reading, Pennsylvania, a CNA company. A review of a CNA claim
14 database from 2012 to 2017 reveals that of the total of 3,413
15 physical therapist claims, there were only thirty-four physical
16 therapy claims related to dry needling reported, representing
17 less than one per cent of the total amount of claims against
18 physical therapists and a total loss incurred of \$341,290.

19 The legislature further finds that the Federation of State
20 Boards of Physical Therapy is an organization made up of
21 fifty-three physical therapy jurisdictions within the United



1 States. The Federation of State Boards of Physical Therapy
2 upholds a mission to protect the public by providing leadership
3 that promotes safe and competent physical therapy services,
4 including administration and maintenance of an examination,
5 licensure, and disciplinary database.

6 The Federation of State Boards of Physical Therapy
7 commissioned the Human Resources Research Organization for the
8 July 10, 2015, practice analysis of the competencies required of
9 physical therapists to perform dry needling. These competencies
10 can provide a strong foundation of professional standards,
11 including education and training requirements, practice
12 assessment, management, and regulation. In this practice
13 analysis, the specific definition of competency, in terms of a
14 physical therapist performing dry needling, was determined to be
15 safe and effective for the patient and the physical therapist.
16 The practice analysis further determined that eighty-six per
17 cent of the knowledge requirements for dry needling competency
18 is acquired during physical therapy basic entry level education
19 and consists of knowledge related to evaluation, assessment,
20 diagnosis, and plan of care development. The remaining fourteen
21 per cent of the knowledge required for dry needling competency



1 must be acquired through post-graduate education or specialized
2 training in dry needling.

3 The legislature further finds that the Hawaii Physical
4 Therapy Practice Act, which is codified under chapter 461J,
5 Hawaii Revised Statutes, establishes the board of physical
6 therapy to provide licensing requirements for physical
7 therapists and physical therapist assistants in the interest of
8 safeguarding life and health. As such, the board of physical
9 therapy is responsible for content standards of continuing
10 competency related to the professional practice of physical
11 therapy and patient or client management.

12 Under existing law, physical therapists are prohibited from
13 breaking or puncturing good skin integrity through surgery or
14 injection. This prohibition was originally intended to ensure
15 that physical therapists do not perform surgery and medical
16 procedures outside the scope of practice and education of
17 physical therapists. However, the existing law does not allow
18 for modern techniques in physical therapy that are within the
19 scope of physical therapy practice and education.

20 Accordingly, the purpose of this Act is to:



- 1 (1) Clarify the scope of practice for licensed physical
2 therapists to include the practice of dry needling;
- 3 (2) Require the board of physical therapy to issue dry
4 needling certifications to qualified licensed physical
5 therapists and designate the requirements for physical
6 therapists related to dry needling; and
- 7 (3) Allow the board of physical therapy to revoke or
8 suspend a physical therapist's license for performing
9 dry needling incorrectly, without proper training or
10 certification, or in a manner that would likely harm a
11 patient.

12 SECTION 2. Section 461J-1, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By adding a new definition to be appropriately inserted
15 and to read:

16 "Dry needling" means a skilled technique performed by a
17 physical therapist using filiform needles to penetrate the skin
18 or underlying tissues to affect change in body structures and
19 functions for the evaluation and management of
20 neuromusculoskeletal conditions, pain, movement impairments, and
21 disability."



1 2. By amending the definition of "physical therapy" or
2 "physical therapy services" to read:

3 ""Physical therapy" or "physical therapy services" means
4 the examination, treatment, and instruction of human beings to
5 detect, assess, prevent, correct, alleviate, and limit physical
6 disability, bodily malfunction, pain from injury, disease, and
7 any other physical or mental condition as performed by a
8 physical therapist appropriately licensed under this chapter.

9 It includes but is not limited to:

10 (1) Administration, evaluation, modification of treatment,
11 and instruction involving the use of physical
12 measures, activities, and devices, for preventive and
13 therapeutic purposes; provided that should the care or
14 treatment given by a physical therapist or physical
15 therapist assistant contravene treatment diagnosed or
16 prescribed by a medical doctor, osteopath, or as
17 determined by the board, the physical therapist shall
18 confer with the professional regarding the manner or
19 course of treatment in conflict and take appropriate
20 action in the best interest of the patient; and



1 (2) The provision of consultative, educational, and other
2 advisory services for the purpose of reducing the
3 incidence and severity of physical disability, bodily
4 malfunction, or pain[-], including the promotion and
5 maintenance of fitness, health, and quality of life in
6 all age populations."

7 3. By amending the definition of "practice of physical
8 therapy" to read:

9 "Practice of physical therapy" includes, but is not
10 limited to, the use of the following:

- 11 (1) Physical agents, such as heat, cold, water, air,
12 sound, compression, light, electricity, and
13 electromagnetic radiation;
- 14 (2) Exercise with or without devices, joint mobilization,
15 mechanical stimulation; dry needling; biofeedback;
16 postural drainage; traction; positioning, massage,
17 splinting, training in locomotion, and other
18 functional activities with or without assisting
19 devices; and correction of posture, body mechanics,
20 and gait;



1 (3) Tests and measurements of: muscle strength, force,
2 endurance, and tone; joint motion, mobility, and
3 stability; reflexes and automatic reaction; movement
4 skill and accuracy; sensation and perception;
5 peripheral nerve integrity; locomotor skill,
6 stability, and endurance; activities of daily living;
7 cardiac, pulmonary, and vascular functions; the fit,
8 function, and comfort of prosthetic, orthotic, and
9 other assisting devices; posture and body mechanics;
10 limb strength, circumference, and volume; thoracic
11 excursion and breathing patterns; vital signs; nature
12 and locus of pain and conditions under which pain
13 varies; photosensitivity; and the home and work
14 physical environments."

15 SECTION 3. Section 461J-2.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 " [†] §461J-2.5 [†] **Prohibited practices.** A physical
18 therapist shall not use invasive procedures. For purposes of
19 this section, an invasive procedure is the breaking or
20 puncturing of a person's good skin integrity, for example,



1 through surgery or injections[-], with the exception of dry
2 needling."

3 SECTION 4. Section 461J-6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§461J-6 Permanent licenses[-], dry needling
6 certifications. (a) An applicant for a permanent license to
7 practice as a physical therapist or physical therapist assistant
8 shall submit proof of educational qualifications and any other
9 information required by the board on an application form
10 prescribed by the board. The board shall maintain a current
11 list of schools of physical therapy that are approved by an
12 agency recognized by the United States Department of Education
13 or Council on Postsecondary Accreditation.

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

18 (b) Except as provided under section 461J-7, every
19 applicant for a permanent license who meets the qualifications
20 established by the board shall take an examination administered
21 by the board or an examination administered by a testing agency



1 selected by the board. The board shall establish the schedule
2 for examinations, determine the passing score, and notify
3 applicants of the results of examinations according to rules
4 adopted by the board.

5 (c) The board shall certify qualified licensed physical
6 therapists to perform dry needling and shall designate the
7 requirements for physical therapists related to dry needling,
8 including but not limited to continuing competence requirements;
9 provided that the board shall not certify a qualified licensed
10 physical therapist to perform dry needling before January 1,
11 2021."

12 SECTION 5. Section 461J-12, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) In addition to any other actions authorized by law,
15 any license issued under this chapter may be revoked or
16 suspended by the board at any time for any cause authorized by
17 law, including but not limited to the following:

- 18 (1) Obtaining a fee on the assurance that a manifestly
19 incurable disease can be permanently cured;
20 (2) Wilfully betraying patient confidentiality;



- 1 (3) Making an untruthful and improbable statement in
2 advertising one's practice or business;
- 3 (4) False, fraudulent, or deceptive advertising;
- 4 (5) Being habituated to the excessive use of drugs or
5 alcohol or being or having been addicted to, dependent
6 on, or a habitual user of, a narcotic, barbiturate,
7 amphetamine, hallucinogen, or other drug having
8 similar effects;
- 9 (6) Practicing physical therapy while the ability to
10 practice is impaired by alcohol, drugs, or mental
11 instability;
- 12 (7) Procuring a license through fraud, misrepresentation,
13 or deceit, or knowingly permitting an unlicensed
14 person to practice physical therapy;
- 15 (8) Performing dry needling incorrectly, without proper
16 training or certification, or in a manner that would
17 likely harm a patient;
- 18 ~~(8)~~ (9) Professional misconduct, gross carelessness, or
19 manifest incapacity in the practice of physical
20 therapy;



1 [~~9~~] (10) Conduct or practice contrary to the ethics of
2 the profession of physical therapy in the United
3 States;

4 [~~10~~] (11) Violation of the conditions or limitations upon
5 which a temporary license is issued or an exemption is
6 granted; or

7 [~~11~~] (12) Violation of this chapter or the rules adopted
8 pursuant thereto."

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 2050.

12



Report Title:

Dry Needling; Physical Therapists; Scope of Practice

Description:

Clarifies the scope of practice for licensed physical therapists to include the practice of dry needling. Requires the board of physical therapists to certify qualified licensed physical therapists to perform dry needling and designate requirements to perform dry needling. Allows the board of physical therapists to revoke or suspend a physical therapist's license for performing dry needling incorrectly, without proper training or certification, or in a manner that would likely harm a patient. Effective 7/1/2050. (SD1)

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