

JAN 18 2019

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 healthcare was
3 focused on the curing of illness. Since that time, health care
4 has evolved to a greater focus on the prevention of illness and
5 disability, with the growth of evidence-based treatment
6 intervention options for patient care.

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
10 patients' movement and function to treat chronic pain. It is
11 recognized by the American Physical Therapy Association, the
12 American Academy of Orthopaedic Manual Physical Therapists, and
13 the Federation of State Boards of Physical Therapists and has
14 been utilized effectively to treat neuromuscular pain in
15 specific pain populations, such as chronic pain, opioid
16 dependence, work restrictions, and disability.



1 The legislature additionally finds that the educational
2 qualifications for physical therapists have increased since the
3 practice act was established, with all new graduates now at the
4 doctoral level. Entry-level physical therapy programs provide
5 more than eighty-six per cent of the relevant knowledge
6 requirements for competency in dry needling, including
7 evaluation, assessment, diagnosis and plan of care development,
8 documentation, safety, and professional responsibilities. This
9 additional advanced training is almost solely related to the
10 knowledge and psychomotor skills relating to needle technique,
11 such as palpation and selection, placement, handling, and
12 manipulation of needles.

13 The legislature also finds that dry needling is recognized
14 as a skilled intervention within the scope of physical therapy
15 practice in all but seven states, California, Florida, Hawaii,
16 New Jersey, New York, Oregon, and Washington. Local therapists
17 practicing in federal facilities, patients who benefited from
18 its use in prior treatments, and therapists who have used it in
19 their practice in states that permit it all support dry needling
20 in Hawaii.



1 The Legislature further finds that under existing law,
2 physical therapists are prohibited from breaking or puncturing
3 good skin integrity through surgery or injection. This
4 prohibition was originally intended to ensure that physical
5 therapists did not perform surgery and medical procedures
6 outside the scope of practice and education of physical
7 therapists. However, the existing law does not allow for modern
8 techniques in physical therapy that are within the scope of
9 physical therapy practice and education.

10 Accordingly, the purpose of this Act is to clarify the
11 scope of practice for licensed physical therapists to allow
12 physical therapists to practice at their highest level of
13 training and education for optimum patient care.

14 SECTION 2. Section 461J-1, Hawaii Revised Statutes, is
15 amended as follows

16 1. By adding a new definition to be appropriately inserted
17 and to read:

18 "Dry needling" is a skilled technique performed by a
19 physical therapist using filiform needles to penetrate the skin
20 or underlying tissues to affect change in body structures and
21 functions for the evaluation and management of



1 neuromusculoskeletal conditions, pain, movement impairments, and
2 disability."

3 2. By amending the definitions of "physical therapy" or
4 "physical therapy services" and "practice of physical therapy"
5 to read:

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

12 It includes but is not limited to:

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



1 course of treatment in conflict and take appropriate
2 action in the best interest of the patient; and
3 (2) The provision of consultative, educational, and other
4 advisory services for the purpose of reducing the
5 incidence and severity of physical disability, bodily
6 malfunction, or pain[-], including the promotion and
7 maintenance of fitness, health, and quality of life in
8 all age populations.

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. Invasive procedures shall not
2 include dry needling."

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

5 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 547

Report Title:

Physical Therapy; Dry Needling; Physical Therapy Practice Act

Description:

Amends the physical therapy practice act to allow physical therapists to practice dry needling.

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