

ACT 198

S.B. NO. 591

A Bill for an Act Relating to Occupational Therapists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 457G, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§457G- Definitions. As used in this chapter unless the context otherwise requires:

“Department” means the department of commerce and consumer affairs.

“Director” means the director of commerce and consumer affairs.

“Direct supervision” means daily, direct contact at the site of work by a registered occupational therapist.

“Occupational therapy services” include:

- (1) The assessment of needs and provision of treatment in consultation with the individual, family, or other appropriate persons;
- (2) Interventions directed toward developing, improving, ascertaining, enhancing, or restoring:

- (A) Daily living skills, including self-care skills and activities that involve interactions with others and the environment, work readiness or work performance, play skills or leisure capacities, or educational performance skills; or
- (B) Sensorimotor, oral-motor, perceptual, or neuromuscular functioning; or emotional, motivational, cognitive, or psychosocial components of performance;
- (3) The education of the individual, family, or other appropriate persons in carrying out appropriate interventions;
- (4) Design, development, adaptation, application, or training in the use of:
 - (A) Assistive technology devices; and
 - (B) Rehabilitative technology such as orthotic or prosthetic devices;
- (5) The application of physical agent modalities as an adjunct to, or in preparation for, purposeful activity;
- (6) The application of ergonomic principles, and the adaptation of environments and processes to enhance functional performance; and
- (7) The promotion of health and wellness.

§457G- Temporary permit. (a) An individual who has completed the educational requirements and supervised field work experience required by this chapter, but who has not yet passed the national certification examination, may be issued a temporary permit to perform occupational therapy services under the direct supervision of an individual who is duly registered under this chapter.

Applicants for a temporary permit shall submit an application to the department in the form prescribed by the department, which shall be accompanied by:

- (1) A non-refundable application fee of \$25, which shall be deposited to the credit of the compliance resolution fund established pursuant to section 26-9(o);
- (2) A letter from a registered occupational therapist verifying that the registered occupational therapist:
 - (A) Will provide direct supervision over all occupational therapy services performed by the applicant; and
 - (B) Advise the department of any change in or the termination of the supervisory relationship within forty-eight hours of the change.

Applicants shall also provide an original certificate of confirmation of examination registration and eligibility to examine, which shall be submitted directly to the department by the National Board for Certification in Occupational Therapy or its successor organization.

(b) The department may issue a non-renewable temporary permit for not longer than one year; provided that the temporary permit shall expire upon:

- (1) Termination of the supervisory relationship between the permittee and the supervising registered occupational therapist; or
- (2) Determination by the department that the applicant does not possess the qualifications required for the permit.”

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

“§457G-1 Practice of occupational therapy; qualifications; registration.

(a) No person shall represent, advertise, or announce oneself, either publicly or privately, as an occupational therapist, nor use, in connection with the person’s name or place of business, the words “occupational therapist”, “certified occupational therapist”, “occupational therapist registered”, or the letters “OT”, “COT”, or “OTR”, or any other words, letters, abbreviations, or insignia indicating or imply-

ing that such person is an occupational therapist unless such person registers the person’s name and business address biennially with the department of commerce and consumer affairs in a manner established by rules adopted pursuant to chapter 91, and meets the qualifications of section 457G-2.

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

(c) Nothing in this chapter shall be construed to apply to occupational therapy assistants.

(d) A registration granted under this chapter shall mean that the person has met requirements that include minimum practice standards to provide protection to the public and is permitted to use the title and engage in the practice as an occupational therapist. In the granting of permission to engage in this profession, and consistent with section 436B-2, the definition for “license” is inclusive of a registration issued under this chapter and, as such, an occupational therapist that holds a registration shall be similarly regarded as an occupational therapist that holds a license.”

SECTION 3. Section 457G-2, Hawaii Revised Statutes, is amended to read as follows:

“§457G-2 Qualifications of occupational therapists and occupational therapy assistants. Occupational therapists and occupational therapy assistants shall have completed the educational requirements and supervised field work experience required for certification by the ~~[American Occupational Therapy Association,]~~ National Board for Certification in Occupational Therapy, and shall have passed a national certification examination administered by that association.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved May 31, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.