

ACT 97

H.B. NO. 730

A Bill for an Act Relating to Occupational Therapists.

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

SECTION 1. The purpose of this Act is to make the regulation of occupational therapists permanent, clarify that the Occupational Therapy Practice Act does not preclude the use of occupational therapy assistants, clarify the applicability of the law relating to occupational therapist qualifications, and repeal the authority for the issuance of temporary permits for occupational therapy practice.

SECTION 2. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

“§26H-4 Repeal dates for newly enacted professional and vocational regulatory programs. [(a)] Any professional or vocational regulatory program enacted after January 1, 1994, and listed in this section shall be repealed on [the date indicated in subsection (b).] December 31, 2003. The auditor shall perform an evaluation of the program, pursuant to section 26H-5, prior to its repeal date.

[(b) Chapter 457G (occupational therapy practice) shall be repealed on December 31, 2003.]”

SECTION 3. Section 457G-1.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Nothing in this chapter shall be construed to [apply to occupational therapy assistants.] prohibit a registered occupational therapist from utilizing occupational therapy support personnel to assist in the practice of occupational therapy; provided that the occupational therapy support personnel shall work under the supervision of or in consultation with the registered occupational therapist.

“Occupational therapy support personnel” includes a person certified by the National Board for Certification in Occupational Therapy, and who uses the title “occupational therapy assistant” or “certified occupational therapy assistant, the letters “COTA” or “OTA”, or any other titles, letters, abbreviations, or insignia indicating or implying that the person is an occupational therapy assistant.”

SECTION 4. 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 National Board for Certification in Occupational Therapy, and shall have passed a national certification examination administered by that association.”

SECTION 5. Section 457G-1, Hawaii Revised Statutes, is amended by deleting the definition “direct supervision”.

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

SECTION 6. Section 457G-2.5, Hawaii Revised Statutes, is repealed.

SECTION 7. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval.

(Approved May 28, 2003.)

Note

1. Edited pursuant to HRS §23G-16.5.