

## ACT 35

S.B. NO. 1075

A Bill for an Act Relating to Physical Therapy.

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

SECTION 1. Chapter 461J, Hawaii Revised Statutes, is amended by adding seven new sections to be appropriately designated and to read as follows:

**“§461J- Continuing competence.** (a) Beginning with the December 31, 2016, renewal, each licensed physical therapist shall be required to obtain at least thirty units of approved continuing competence units in each two-year license renewal period, where one continuing competence unit is equivalent to at least fifty minutes of classroom or hands on instruction.

(b) For first-time license renewals, if the initial license was issued less than twelve months prior to the renewal date, no continuing competence units will be required for the first renewal period. If the initial license was issued more than twelve months prior to the renewal date, the licensee shall be required to obtain fifteen units of approved continuing competence units for the first renewal period.

(c) At the time of renewal, each licensee shall submit evidence of completing the required continuing competence units to the board or agency designated by the board. Failure to present evidence of compliance at the time of renewal shall constitute a forfeiture of the license, which may be restored only upon written application and payment to the board of a restoration fee and proof of compliance with continued competence requirements.

(d) The board may randomly audit a licensee's continuing competence units, and may establish guidelines for random audits in rules adopted in accordance with chapter 91.

**§461J- Content standards of continuing competence.** (a) Continuing competence units shall be obtained in subjects related to either the professional practice of physical therapy or patient/client management.

(b) The "professional practice of physical therapy" includes but is not limited to professional accountability, professional behavior, and professional development.

(c) "Patient/client management" includes but is not limited to examination, evaluation, diagnosis, and prognosis; plan of care; implementation; education; and discharge.

**§461J- Continuing competence subject matter requirements and other limitations.** For each renewal period, a licensee's continuing competence units shall include the following:

- (1) Two units in ethics, laws, and rules (jurisprudence), or some combination thereof; and
- (2) Four units in life support for health care professionals; provided that such training shall be comparable to, or more advanced than, the American Heart Association's basic life support health care provider course.

**§461J- Authorized providers of continuing competence units.** Continuing competence units shall be obtained from a provider or agency approved by the board, including but not limited to:

- (1) Continuing education courses, including home and self study courses, obtained from an agency recognized by the board;
- (2) College coursework from an educational institution accredited by the United States Department of Education or other agency recognized by the board; and
- (3) Other competence related activities approved by the board or an agency recognized by the board.

**§461J- Exemption from continuing competence requirements.** (a) Prior to the expiration of a renewal period, a licensee may submit a written request to the board for an exemption from the continuing competence requirements in this chapter.

(b) The request for an exemption shall include the following information:

- (1) Evidence that, during the two-year period prior to the expiration of the license, the licensee was residing in another country for one year or longer, reasonably preventing completion of the continuing competence requirements;
- (2) Evidence that, during the two-year period prior to the expiration of the license, the licensee was ill or disabled for one year or longer as documented by a licensed physician, surgeon, or clinical psychologist, preventing completion of the continuing competence requirements; or
- (3) Evidence that, during the two-year period prior to the expiration of the license, a dependent family member of the licensee was ill or disabled for one year or longer as documented by a licensed physician, surgeon, or clinical psychologist, preventing completion of the continuing competence requirements.

(c) The above exemptions shall not be granted for more than one renewal period. In the event a licensee cannot complete the continuing competence requirements during the two-year period after receiving an exemption, the licensee may only renew the license on an inactive status.

(d) When a licensee is absent from the State because of military service for a period of one year or longer during the two-year renewal period, preventing completion of the continuing competence requirement, the board may provide an exemption from the continuing competence requirement for more than one renewal period.

**§461J- Inactive status.** (a) A licensee may apply in writing to have the licensee's license placed on inactive status. While on inactive status, the licensee shall not engage in the practice of physical therapy.

(b) A license on inactive status shall be renewed during the same time period as active licenses. While on inactive status, the licensee shall not be required to comply with the continuing competence requirements in this chapter.

(c) To reactivate a license on inactive status, the licensee shall:

(1) Pay the renewal and any applicable fees; and

(2) Have obtained continuing competence units equivalent to that required for a single renewal period of an active license within the last two years prior to applying to restore the license to active status.

(d) The inactive status of any licensee shall not deprive the board of its authority to institute or continue any disciplinary or enforcement action against the licensee.

**§461J- Record keeping for continuing competence.** (a) Each licensee shall keep and maintain records showing that each course or activity for which credit is claimed has been completed.

(b) These records shall reflect the title of the course or activity, the date taken or completed, and the record of participation.

(c) Each licensee shall retain such documentation for a period of seven years after the course or activity concludes.

(d) Each licensee shall provide copies of such documentation to the board or its designee within fourteen calendar days after being requested to provide such documentation."

SECTION 2. Section 461J-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

"Competence" is the application of knowledge, skills, and behaviors required to function effectively, safely, ethically, and legally within the context of the individual's role and environment.

"Continuing competence" is the lifelong process of maintaining and documenting competence through ongoing self-assessment, development, and implementation of a personal learning plan, and subsequent reassessment.

"Unit" is a relative value assigned to continuing competence activities in which one continuing competence unit is equivalent to at least fifty minutes of classroom or hands on instruction."

SECTION 3. Section 461J-10, Hawaii Revised Statutes, is amended to read as follows:

~~"§461J-10~~ **Biennial renewal; failure to renew.** (a) The biennial renewal fee shall be paid to the department of commerce and consumer affairs on or before December 31 of each even-numbered year. Failure, neglect, or refusal of any licensee to pay the biennial renewal fee on or before such date shall constitute a forfeiture of the license.

(b) A forfeited license may be restored upon written application within one year from the date of forfeiture, provision of proof of completion of the re-

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quired continuing competence units, and the payment of the delinquent fee plus an amount equal to fifty per cent of the delinquent fee.”

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

SECTION 5. This Act, upon its approval, shall take effect on December 31, 2016.

(Approved April 22, 2013.)

**Note**

1. Edited pursuant to HRS §23G-16.5.