

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunrise Analysis of a Proposal to Regulate Physical Therapist Assistants

Summary

We analyzed whether physical therapist assistants should be regulated as proposed in House Bill No. 1240 introduced during the 1995 Regular Session. We concluded that regulation is not warranted and the bill is flawed.

Physical therapy practitioners work to rehabilitate persons suffering from pain, loss of mobility, or a disabling injury or disease. *Physical therapist assistants* work under the supervision and direction of *physical therapists* to perform tests and treatments, supervise exercises, and train patients to use mechanical aids. Assistants may also perform other operational duties such as maintaining equipment and supplies.

In Hawaii, *physical therapists* are already licensed under Chapter 461J, Hawaii Revised Statutes. *Physical therapist assistants* are not currently licensed. House Bill No. 1240 would amend Chapter 461J to regulate physical therapist assistants by limiting the use of certain titles. Unless licensed by the State, no one could use the title "physical therapy assistant," "licensed physical therapist assistant," or any other designations indicating or implying that the person is a licensed physical therapist assistant.

The bill also defines the scope of practice of physical therapist assistants, specifies that a licensed physical therapist assistant may engage in the practice of physical therapy only if supervised by a licensed physical therapist, and requires the existing Board of Physical Therapy to establish the degree of supervision required. The bill would require the board to establish educational and training standards for licensing physical therapist assistants that are equal to national standards. Licensing requirements would include passing a national certifying examination.

The Sunset Law says that professions and vocations should be regulated only when necessary to protect the health, safety, and welfare of consumers. In assessing the need for regulation, evidence of abuses must be given great weight. The Auditor must also consider the cost of regulation to taxpayers.

The regulation of physical therapist assistants is not warranted. We found no documented evidence of harm to the public caused by physical therapist assistants in Hawaii. Agencies we contacted and persons we interviewed, including proponents of regulation, could not identify any cases of actual harm in the state.

While there is a *potential* for personal injury from the practice of physical therapy, protections for consumers already exist and are being strengthened. While physical therapist assistants perform some of the same work as physical therapists, the assistants work under the supervision of the therapist, who is licensed and bears final responsibility for the assistant's actions. Requirements for supervision are set forth



in state and federal regulations and standards of the American Physical Therapy Association. Act 123 of 1995 authorized the Board of Physical Therapy to adopt additional consumer protection rules. We believe that these requirements sufficiently protect consumers.

House Bill No. 1240 would not significantly improve protection of the public health, safety, and welfare. Consumers do not choose their physical therapist assistants; they rely on physicians and others who refer them to the physical therapist. Consumers also depend not on the assistant, but on the physical therapist, who bears overall responsibility for the services provided, including any services delegated to the assistant.

Furthermore, the bill only protects the use of certain titles, such as “licensed physical therapist assistant.” It allows persons *not* licensed as assistants to perform the same services if they do not use the designated titles and if the board’s supervisory requirements are met. In addition, while the bill requires the board to establish the degree of supervision required over assistants and delineates a general scope of practice for assistants, the board has already begun working on administrative rules that will clarify supervisory requirements and scope of practice.

We also found that the costs of regulation would be substantial. The annual cost of the new program would be almost \$91,000. Application/licensee fees to support the program could be about \$600 or more per person. The State should not allocate its limited resources to establish regulation of physical therapist assistants when the benefits of regulation are negligible. Moreover, the fees needed to cover the State’s costs could severely restrict the number entering the profession.

House Bill No. 1240 has other weaknesses. It does not include a physical therapist assistant on the regulatory board and two significant provisions are confusing.

Recommendations and Response

We recommend that House Bill No. 1240 not be enacted.

The Department of Commerce and Consumer Affairs supports our analysis and our conclusion that regulation of physical therapist assistants is not warranted. The chair of the Board of Physical Therapy says that inasmuch as our analysis found insufficient evidence to support regulation, the board would agree with our conclusion.

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