

OVERVIEW

Sunset Evaluation: Occupational Therapy Practice

Report No. 02-17, October 2002

Summary

We evaluated the regulation of occupational therapy practice under Chapter 457G, Hawaii Revised Statutes (HRS), which is scheduled for repeal on December 31, 2003. Occupational therapists help people develop, recover, or maintain their daily living and working skills. They may work with individuals who are mentally, physically, developmentally, or emotionally disabled. The goal of occupational therapists is to help clients lead independent, productive, and satisfying lives.

In 1998, the Legislature found that full-scale regulation of occupational therapists was not warranted because the practice of occupational therapy posed little risk of actual harm to consumers. Therefore, the Legislature instituted a simple registration system under Chapter 457G (Occupational Therapy Practice), HRS. As of March 2002, the Department of Commerce and Consumer Affairs reported a total of 331 registered occupational therapists in Hawaii.

We found that the regulation of occupational therapy practice is not warranted. The scope of practice for occupational therapy has not changed significantly since our previous review of the profession in 1997, which recommended against continued regulation. We also found that since 1998, the Regulated Industries Complaints Office, Office of Consumer Protection, Ombudsman, and the National Board for Certification in Occupational Therapy have not registered any complaints against an occupational therapist practicing in Hawaii. Furthermore, we note that employers of occupational therapists provide a level of protection for consumers and that other states have recently attempted to deregulate occupational therapy practice.

However, if regulation of occupational therapy practice is continued, statutory amendments are needed. We found that the current law inappropriately equates registration with "licensure." Additionally, references to occupational therapy assistants are confusing and the temporary permit provision is obsolete. We also suggest that the Legislature consider the potential benefits of including occupational therapists as qualified medical providers under Hawaii's workers' compensation law.

Finally, if regulation is continued, the Department of Commerce and Consumer Affairs can make minor improvements. Although we found that the department operates the program with relative effectiveness, improvements are needed in collecting more timely and accurate information from registrants.

Recommendations and Response

We recommended that the Legislature allow Chapter 457G, HRS, to be repealed as scheduled. If regulation continues, we recommended that the Legislature amend Chapter 457G, HRS, to remove language equating registration with “licensure,” as well as requirements relating to occupational therapy assistants and temporary permit provisions. Also, if regulation continues, we recommended that the Department of Commerce and Consumer Affairs amend its initial application form to emphasize that registrants must notify the department of any change in employment within 30 days of the change. Finally, we recommended amendments to the re-registration form requiring registrants to identify their current business addresses.

Responding to a draft of our report, the Department of Commerce and Consumer Affairs generally agreed with all of our recommendations. The department indicated a willingness to work with the appropriate government agencies and industry organizations to facilitate recommended statutory changes. The department also reported that it will amend both its initial application and re-registration forms as recommended.

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