

THE BOARD OF PHYSICAL THERAPY
Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Tuesday, November 8, 2011

Time: 12:00 p.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Members Present: H. Christina Baxendale, Physical Therapist ("PT"), Chair
Charles Aki, Public Member
Rachelle Iopa, PT
Michael Turner, PT

Staff Present: Alan Taniguchi, Executive Officer ("EO")
Rodney J. Tam, Deputy Attorney General ("DAG")
Jennifer Fong, Secretary

Guests: Debbie Kubota, Hawaii Chapter of the American Physical Therapy
Association ("HAPTA")
Joyce Espiritu

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor,
as required by section 92-7(b), Hawaii Revised Statutes ("HRS").

Call to Order: There being a quorum present, the Chair called the meeting to order at 12:00 p.m.

Chair's Report: **Announcements**

The Chair noted that she attended at this year's Federation of State Boards of Physical Therapy ("FSBPT") Conference. If anyone is interested in reviewing the presentations from the conference, they should be up on the FSBPT website soon. There was discussion on the PT exam which is now given on a fixed date schedule primarily because of cheating issues. Beginning in February 2012, the PTA exam will also be given on a fixed date schedule. The hot topics of the conference were continuing education, continued competence, temporary licensure and supervised clinical practice especially for foreign educated PTs and dry needling. She noted that Georgia is the only state that includes dry needling in their practice act.

Mr. Turner stated that Colorado PTs are doing dry needling.

The Chair said that during the discussion, 16 jurisdictions were in support of dry needling. She noted that on the FSBPT's website, there is a position paper on dry needling as well as one on ultrasounds. There was also discussion about concussions and how far a PT can go to determine if an athlete can compete. She asked the EO if he had anything to add regarding the conference.

The EO stated that Hawaii is one of two states that does not license PTAs.

The Chair noted that the next FSBPT conference will be held in Indianapolis, Indiana.

Additions and Additional Distribution

Upon a motion by the Chair, seconded by Mr. Turner, it was voted on and unanimously carried to add the following to today's meeting agenda:

4. Correspondence
 - a. Email from Debbie Kubota regarding PTA Licensure – Medicare Regulations

Approval of Previous Minutes – September 13, 2011 Meeting

Upon a motion by Ms. Iopa, seconded by the Chair, it was voted on and unanimously carried to approve the minutes of the September 13, 2011 meeting as circulated.

Executive Officer's Report:

The EO reported that the PVL Division has hired a new EO, Kenyatta Nichols, who will be starting at the end of this month. Mr. Nichols' responsibilities include the Board of Physical Therapy, therefore, he will no longer be the Board's EO. He assured the Board that he will assist Mr. Nichols and will ensure that there is a smooth transition.

2012 Board Meeting Schedule

Board members were provided with a copy of the 2012 meeting schedule.

The EO stated that if members had any questions regarding the meeting schedule to please contact the Board's secretary.

Correspondence: **Email from Debbie Kubota regarding PTA Licensure – Medicare Regulations**

Ms. Kubota provided information to the Board regarding PTA licensure. She noted that 48 states have PTA licensure or certification. To her knowledge, according to the APTA website, only Colorado and Hawaii do not have licensure. The major reason behind getting PTA licensure in Hawaii is the Medicare regulations which among other requirements states that "effective January 1, 2010, those PTAs must have both graduated from a CAPTE approved curriculum and passed a national examination for PTAs."

The Chair stated she feels this issue is of equal importance to continued competence. She noted that the EO previously provided to the board members a copy of the Professional and Vocational Licensing Division ("PVL") Continuing Professional Education Guidelines – Checklist ("Checklist"). She stated that the Board can utilize information gained from other states' experiences as well as the FSBPT model practice act and model of continued competence in order to assist them with completing this checklist. She reminded the Board that at their previous meeting, the EO mentioned that the statute would have to change to allow PTA licensure and continued competency. She asked if the Board should have one bill for both issues.

The EO stated that the Board could, however, it might be better to have a separate bill for each issue.

The Chair asked if the checklist needs to be completed before the bills are written.

The EO stated that answering the questions would help the Board with their justification. Once completed, then the Board can move on to other details such as how many hours they want to require.

The Chair noted that most jurisdictions require 20 – 30 hours of continuing education or competence. 19 jurisdictions require a jurisprudence exam for initial licensure only. 8 jurisdictions require a jurisprudence exam for both initial licensure and license renewal. She asked the EO what kind of timeline the Board has.

The EO stated that the Board needs to answer the questions on the checklist first. The deadline for administration bills which would be introduced by the Governor's Office has passed. If they would like to submit the bills to the legislature as administration bills, the Board would have to complete the by Summer 2012, submit them to the Director's Office for approval and hopefully be introduced in the 2013 Legislative Session.

The Chair asked if there are parameters for the language in a bill.

The EO said that the language in the bill can be general. After the bill has passed, the Board can put specifications in their rules.

The DAG agreed, noting that the broader the language in the statute, the more detailed they will have to make their rules.

The EO stated that regarding PTA licensure, if the bill is passed, the Legislative Auditor is required to do a sunrise study to find out if there is a need to regulate the new profession. Because of this, legislation for this issue would be a two year process.

Mr. Turner asked if the Board has to wait until the 2013 Legislative Session before the bill can be introduced.

The EO stated that if the bill is introduced by an outside party and the Legislature has a hearing during the 2012 session, it would trigger a concurrent resolution which would request a sunrise study by the Legislative Auditor. This study would be done between June 2012 – December 2012. If the study recommends that PTAs should be regulated, another PTA bill should be introduced in the 2013 Legislative Session.

Mr. Turner asked if the process always takes two years.

The EO stated that the Legislative Auditor has many studies to do. These studies are prioritized in the order that they need to be completed. After completion, another bill may have to be introduced during the next Legislative Session, therefore, it is a two year process.

Ms. Iopa asked the EO when the bill would have to be ready if they would like it to be introduced as an administration bill.

The EO said September.

Mr. Turner asked what the Board's role would be if the bill is introduced by an outside party such as HAPTA.

The EO said generally, because it would not be an administrative bill, the Board would submit testimony stating that the sunrise study would be required by law. Once the sunrise study is completed, if it is in support of PTA licensure, at that time, the Board can provide testimony.

Applications: **Ratification List**

Upon a motion by Mr. Aki, seconded by Mr. Turner, it was voted on and unanimously carried to approve the attached ratification list.

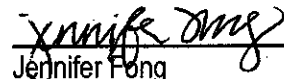
Applications

None.

Next Meeting: Tuesday, January 10, 2012
12:00 p.m.
King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813


Adjournment: With no further business to discuss, the Chair adjourned the meeting at 12:35 p.m.

Taken by:



Jennifer Fong
Secretary

Reviewed by:



Alan Taniguchi
Executive Officer

11/17/11

Minutes approved as is.
 Minutes approved with changes; see minutes of _____.

LTYPE	LIC NUM	BP NAME PART 1
PT	3424	HEATHER N <EASTERLY<
PT	3425	JOHN P <CUMMINGS<
PT	3426	HEATHER L <GREENWELL<
PT	3427	RAMONA D <LAZARD<
PT	3428	NOREEN M <STEINMETZ<
PT	3429	AMANDA L <STRAUWALD<
PT	3430	CINDY D <ROBINETT<
PT	3431	JARED J L <CHONG<
PT	3432	ABBIE G <MCDONALD<
PT	3433	LEIGH C <BOVAIRD<
PT	3434	ELEANOR M <HICKERSON<
PT	3435	DIANA E <KULAYA<
PT	3436	ASHLEY E V <VALVIEJA<
PT	3437	JASON M <GREINER<
PT	3438	DEVIN M <OTAGAKI<
PT	3439	LAURINDA L <BURKS<
PT	3440	NATASHA R <TININENKO<
PT	3441	TIMOTHY T <HAFEMEYER<
PT	3442	MACKENZIE A <ROBY<
PT	3443	TARYN H <KITAMURA<
PT	3444	STEPHANIE M <HEACOCK<
PT	3445	KRISTOPHER D <KAUFMAN<
PT	3446	BLYTHE Y <NAGAREDA-PATEL<
PT	3447	JOHN B <WAGNER<
PT	3448	KATIE L <BARR<
PT	3449	LAURA C <HAFEMEYER<
PT	3450	SAKI <TOGUCHI<