

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

**MINUTES OF MEETING**

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").

Date: Tuesday, September 19, 2012

Time: 9:00 a.m.

Place: Princess Likelike Conference Room  
King Kalakaua Building  
335 Merchant Street, 3rd Floor  
Honolulu, Hawaii 96813

Present: Charles Aki, Public Member, Chairperson  
Michael Turner, Physical Therapist ("PT"), Vice Chairperson  
Rachelle Iopa, PT  
Neil Shimabukuro, PT  
Rodney J. Tam, Deputy Attorney General ("DAG")  
Kenyatta Nichols, Executive Officer ("EO")  
Jennifer Fong, Secretary

Excused: Debra Kubota, PT

Guest: Jill Wakabayashi, Kapiolani Community College ("KCC")

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").

1. Call to Order: There being a quorum present, Chair Aki called the meeting to order at 9:57 a.m.

2. Additions/  
Additional  
Distribution: None.

3. Approval of  
Minutes: Upon a motion by Vice Chair Turner, seconded by Ms. Iopa, it was voted on and unanimously carried to approve the August 21, 2012 Board meeting minutes as circulated.

4. Proposed  
Legislation:

a. Licensure of Physical Therapist Assistants ("PTAs")

EO Nichols reported on the comments he has received from the administration on the latest draft of the bill. He noted that most of the comments were regarding minor revisions which he will make, however, the main concern appears to be that there is no language in the bill that would delineate the relationship between the PT and the PTA and also, that there is no reference in section 12 regarding scope and supervision violations.

DAG Tam stated that the rules currently states that a physical therapist can use "Support or auxiliary personnel" which includes a physical therapist assistant, to perform duties delegated by the supervising physical therapist. He asked why it is necessary to license PTAs and if they are causing harm to the patients they are working with.

Vice Chair Turner said the issue is very complex. Currently, the PTA is allowed to work with a patient by themselves and they need to be able to deal with the patient appropriately as they have the same potential to cause harm as a PT.

DAG Tam asked if anyone was aware of cases where the PTA has caused harm.

Vice Chair Turner said no, but the potential is there.

DAG Tam reminded the Board that the rules currently require all PTAs to be graduates of an accredited physical therapist assistant program or an accredited physical therapy program so theoretically, all Hawaii PTAs should have adequate training.

Mr. Shimabukuro asked if PTAs need to be accountable to the Board for their actions. Currently, the supervising PT is responsible for the actions of the PTA.

Chair Aki said he can see both points. The PTAs would like to be licensed, however, the question is whether there is a need for licensure.

Ms. Iopa said Medicare will be requiring the PTA to have a license in order for payment.

Vice Chair Turner reiterated that the PTA will be in the same challenging situations as the PT. The potential for harm is there. Licensure will ensure

that the PTAs meet the requirements and maintain their competency. DAG Tam said that currently, to be a PTA, they must meet the education requirement. Also, the PTA is accountable for their actions through the PT who is supposed to be supervising the PTA.

Vice Chair Turner said that the PT is not present in every situation. As long as the PT is available by phone and can be on site within two hours, it is considered "supervising". There is a lot of leeway there.

Mr. Shimabukuro asked if it would be helpful to get examples of PTA misconduct.

Ms. Wakabayashi said she believes it would be extremely difficult to get examples because the PTA follows the PT's plan of care. She said that KCC teaches their students that they are responsible for the patient and also, that any misconduct on their part can jeopardize their supervisor's career and livelihood.

DAG Tam read §16-110-4(b)(4), §16-110-4(b)(8), §16-110-4(c), and §16-110-4(d), relating to duties and minimum standards of a supervising physical therapist.

Vice Chair Turner said that there is a need for continued competency. If there is no license, the Board does not have the ability to require continued competency. Also, he believes that two hours is a long time to wait if the supervising PT's presence is needed.

Chair Aki said the reasons to license PTAs include increasing the quality of care and also precluding any possible violations.

EO Nichols noted that currently, 41 states license and 8 states certify PTAs. Another issue may be getting a potential influx of people that can't get a license elsewhere.

The DAG noted that the proposed definition of PTA states in part "...who assists the physical therapist in selected components of the physical therapy treatment intervention." He asked for clarification regarding "selected components".

Vice Chair Turner said that the PTA would basically be participating in all of the components that the PT allows them to.

Mr. Shimabukuro explained that the PT assesses, evaluates and diagnoses. The PTA carries out the PT's treatment plan. PTAs are not allowed to change or progress the PT's treatment plan. They can make suggestions to the PT but ultimately the PT makes the final decision. PTAs are also not allowed to do some things such as spinal manipulation.

Vice Chair Turner said it would be difficult to offer more specifics because it is up to the PT what they choose to delegate to the PTA.

DAG Tam reminded the Board that the existing rules would still apply.

DAG Tam noted on page 6, there are some exemptions listed under (g) including "established athletic teams". He asked who would be considered an "established athletic team".

Chair Aki suggested that professional sporting teams would be considered as established.

Mr. Shimabukuro said that the Board should not limit the definition to professional teams.

DAG Tam noted that the Board is already providing a limit by listing some exemptions.

After some discussion, it was the consensus of the Board that the exemption language in the current bill draft is adequate.

b. Continued Competency Requirements for Re-licensure

EO Nichols reported on the comments he has received from the administration on the latest draft of the bill.

DAG Tam noted that the administration suggested including a reference to Department of Education ("DOE") accreditation in the list of approved providers. He said that if the Board is considering the Federal DOE as an approved provider, they need to state so, otherwise, an assumption could be made that they are referencing the state DOE.

Vice Chair Turner said that they did not want to limit providers to those accredited by the DOE because some small regional and/or private institutions may not be accredited by the DOE.

DAG Tam stated that he is also the DAG for the Board of Professional Engineers, Architects, Surveyors and Landscape Architects ("EASLA Board"). Their continued competency language includes the grounds upon which the EASLA Board will issue a waiver. He also suggested that the Board define the term "unit".

5. Next Meeting: It was announced that the Board's next meeting, currently scheduled for Tuesday, October 9, 2012 at 12:00 noon in the Queen Liliuokalani Conference Room, may have to change due to lack of quorum. The board members were asked to send their October available dates to the Board's secretary as soon as possible.
6. Adjournment: With no further business to discuss, Chair Aki adjourned the meeting at 11:04 a.m.

Taken by:

/s/ Jennifer Fong

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Jennifer Fong  
Secretary

Reviewed by:

/s/ Kenyatta Nichols

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Mr. Kenyatta Nichols  
Executive Officer

9/27/12

[  ] Minutes approved as is.

[  ] Minutes approved with changes; see minutes of \_\_\_\_\_.