

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunset Evaluation Report: Physical Therapy

Summary

We evaluated the regulation of physical therapy under Chapter 461J, Hawaii Revised Statutes, and conclude that the public interest is best served by reenactment of the statute.

Physical therapists treat and rehabilitate persons suffering from pain, loss of mobility, or a disabling injury or disease. In concert with physicians or other specialists, physical therapists may use a variety of treatments, including heat, cold, electricity, traction, exercise, massage, joint mobilization, and ultrasound.

In Hawaii, the regulatory program is placed under the five-member Board of Physical Therapy, which is administratively attached to the Department of Commerce and Consumer Affairs. The board consists of three physical therapists; one consumer; and one physician, surgeon, or dentist. The department's Professional and Vocational Licensing Division provides administrative services and the Regulated Industries Complaints Office (RICO) handles consumer complaints and pursues legal action when appropriate.

We found that physical therapy needs continued regulation. There is a potential for injury because physical therapists use hands-on techniques to treat serious conditions. Moreover, the supervision of physical therapists varies. All states require that physical therapists be licensed.

We also found that the statute could be interpreted to permit physical therapists to use invasive procedures, and patients could suffer harm as a result. Also, the statute does not exempt other health practitioners such as respiratory therapists and physical therapy assistants, so they could be accused of practicing physical therapy without a license.

The scoring of the licensing examination is norm-referenced, or based on the relative performance of those who took the examination. This approach does not measure entry-level competency. Furthermore, the board has set a restrictive passing score higher than most other states. We observed an examination and found that a test supervisor sometimes did not follow established procedures.

In addition, we found that the board lacks balance. There is only one consumer member, and recently the consumers have been athletic trainers, whose work overlaps with physical therapy. Furthermore, the board has strong ties with the American Physical Therapy Association, whose interests may conflict with those of the board.

Recommendations and Response

We recommend that the Legislature reenact Chapter 461J, HRS, to continue the regulation of physical therapists. In addition, the Legislature could amend the law to prohibit physical therapists from using invasive techniques. It could require a seven-member board consisting of three physical therapists, one physician, surgeon, or dentist, and three consumers. We recommend other amendments to make the board more consumer oriented and reduce its involvement with the American Physical Therapy Association.

We also recommend that the board propose legislation to exempt from Chapter 461J allied health practitioners who work under the supervision of licensed health care providers. The board should shift from norm-referenced scoring of the national examination to criterion-based scoring, which can better determine basic competency. In the meantime, the board should change the passing score to that used by the majority of the states. The department's examination branch should review procedures with test supervisors before each examination and periodically monitor examinations to ensure that procedures are followed.

The Board of Physical Therapy agrees with our recommendations concerning continued regulation, invasive procedures, and board composition. It disagrees with our recommendation concerning legislative exemptions for allied health practitioners. It says that it will consider criterion-referenced examination scoring, but disagrees with our recommendation to change in the meantime to the passing score used by the majority of other states.

The department says that the examination branch is already monitoring examinations periodically. It believes that reviewing examination procedures with test supervisors and proctors before each examination is impractical in light of the examination branch's many other tasks.

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