

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

MINUTES OF MEETING

- Date: Tuesday, August 25, 2015
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813
- Present: Neil Shimabukuro, Physical Therapist (“PT”), Chair
Rachelle Iopa, PT, Vice Chair
Debra Kubota, PT
Michael Turner, PT
Jill Wakabayashi, Physical Therapist Assistant (“PTA”)
Alan Taniguchi, Executive Officer (“EO”)
Rodney Tam, Deputy Attorney General (“DAG”)
Jennifer Fong, Secretary
- Excused: Russell Chung, Public Member
- Guest: Herbert Yee, Hawaii Chapter – American Physical Therapy Association (“HAPTA”)
- 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 Shimabukuro called the meeting to order at 9:05 a.m.
2. Additions/
Additional
Distribution
to Agenda: None.
3. Approval of
Board Meeting
Minutes of the
July 14, 2015
Meeting: After some discussion, it was moved by Ms. Kubota, seconded by Ms. Wakabayashi, and unanimously carried to approve the board meeting minutes of the July 14, 2015 meeting with the following amendments:

On page 3, under Rule Revisions – Title 16, Chapter 110, Hawaii Administrative Rules (“HAR”) – Continued Competence Draft Language, the seventh paragraph

should read as “Ms. Wakabayashi noted that if the Board wants to conduct a live presentation at KCC, she can assist with the arrangements, however, in order for the presentation to be held at KCC, HAPTA will not be able to charge a fee to attendees. Also, the KCC auditorium can only hold about 80 people.” (underlined material added)

On page 5, under Inquiry from Virginia Tully regarding temporary physical therapist licensees, the first paragraph should read as “After some discussion, upon a motion by Mr. Turner [Ms. Nagashima], seconded by Ms. Wakabayashi [the Vice Chair], it was voted on and unanimously carried to inform Ms. Tully that pursuant to HRS §461J-2(b), a Hawaii temporary physical therapist licensee may use the letters “RPT”, “LPT”, “DPT” or “PT” as appropriate as long as their Hawaii temporary physical therapist license is effective. (underlined material added, while bracketed material is to be deleted)

4. Executive Officer’s Report:

EO Taniguchi reported that the Board recently received information from the Federation of State Boards of Physical Therapy (“FSBPT”) regarding the implementation of the appeals process for recently adopted eligibility requirements for the National Physical Therapy Examination (“NPTE”) for both PTs and PTAs.

He reminded the Board that in 2014, the FSBPT decided to adopt new NPTE eligibility requirements – the Lifetime Limit and the Low Score limit – effective January 1, 2016. FSBPT will open registration for the January 2016 exams on September 2, 2015. It will be at that time that the NPTE eligibility rules are implemented. The Lifetime Limit, in which candidates will not be allowed to register if they already have 6 or more exam attempts, is retroactive. The Low Score limit, in which candidates who receive two very low scores on the exam, currently defined as performing at or close to chance level (scale scores 400 and below), will not be allowed to test again, is not retroactive.

EO Taniguchi asked DAG Tam if there would be any possible repercussions on the Board because of the FSBPT’s new eligibility requirements.

DAG Tam said that there may be possible repercussions as the Board’s laws and rules do not address these types of limitations on the exam.

5. New Business:

a. Regulated Industries Complaints Office (“RICO”) Physical Therapy Advisory Committee

The Board reviewed a list provided by RICO of physical therapy advisory committee members effective January 1, 2016 and addendum language which will allow RICO to include any additional interim appointees that they deem necessary to aid in its investigations.

After some discussion, upon a motion by Vice Chair Iopa, seconded by Ms. Kubota, it was voted on and unanimously carried to approve the list provided by RICO for the Physical Therapy Advisory Committee effective January 1, 2016 and the addendum language for the 2016 term.

b. Report from Debbie Kubota on the Federation of State Boards of Physical Therapy ("FSBPT") Leadership Issues Forum ("LIF")

A copy of Ms. Kubota's summary was distributed to the Board.

Ms. Kubota reported that she recently attended the FSBPT LIF and provided the following report on the conference:

- *Physical Therapy Compact*

The Compact draft is available for review on the FSBPT website. The purpose of the Compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. A minimum of 10 states are required in order to form the Compact.

Mr. Yee stated that HAPTA is in support of the Compact as they feel this would allow PTs to begin working in Hawaii sooner.

Chair Shimabukuro asked if Hawaii would be notified in the event of any disciplinary action and criminal convictions.

Mr. Yee said that he believes any disciplinary action and reporting of convictions would be to the state that holds the license, not Hawaii.

Mr. Turner said he feels such a compact may only benefit transient licensees such as traveling therapists. He expressed concern that some PTs and PTAs may use the Compact to move to a state permanently and work without obtaining that state's license.

Mr. Yee said he believes insurance requirements would self-limit people from doing so.

- *NPTE Eligibility*

New rules are being implemented which would: 1) establish a lifetime limit of six (6) attempts; 2) establish a lifetime limit of two (2) very low scores; 3) make the current English proficiency recommendations a requirement; and 4) require the most current Coursework Tool for credentialing.

- *Minimum Data Set (“MDS”)*

The FSBPT is forming a MDS Task Force to see if a consistent set of data elements can be collected on all licensees at regular intervals in order to understand workforce needs related to access to healthcare.

- *Credentialing and the Coursework Tool (“CWT”)*

CWT 6 is coming soon. New Commission on Accreditation in Physical Therapy Education (“CAPTE”) criteria for both PTs and PTAs will be in effect as of January 2016 and the CWT will be changed to meet these standards.

- *Defining Competencies for Dry Needling*

FSBPT has established a Dry Needling Task Force to define competencies for this technique.

Mr. Turner noted that the Board’s laws and rules do not currently allow Hawaii PTs to perform this technique.

- *U.S. Supreme Court Ruling in North Carolina State Board of Dental Examiners v. FTC*

Ms. Kubota gave a brief overview of the case.

- *Exam, Licensure and Disciplinary Database (“ELDD”)*

FSBPT is interested in compiling and maintaining a Physical Therapy Database containing licensure information, disciplinary information and examination scores.

Ms. Kubota asked if the Board had ever considered participating in the ELDD before.

The Board was informed that their previous EO, Kenyatta Nichols, had discussed the matter with the FSBPT previously, however, due to privacy concerns regarding sharing confidential licensing information, determined that they could not participate.

DAG Tam said that if the Board is required to share confidential information which the law prohibits them from disclosing, they cannot participate.

Ms. Wakabayashi asked if any other professions were reporting to a similar database.

EO Taniguchi noted that the other areas which use a similar database use a database that is overseen by the federal government so there are no privacy issues. In this case, it appears the database would be developed and maintained by the FSBPT, a private organization.

- *Continuing Competence (“CC”) Update*

Ms. Kubota provided a brief overview of the current FSBPT CC Model and its guiding principles as well as the future focus for Model 2.0. She noted that the FSBPT would like all jurisdictions to have CC requirements for their licensees.

- *Consumer Awareness*

Ms. Kubota gave a brief overview of this issue and noted that the FSBPT is recommending that jurisdictions review the APTA’s Choosing Wisely Campaign.

6. Unfinished Business

a. Rule Revisions – Title 16, Chapter 110, Hawaii Administrative Rules (“HAR”) – Continued Competence Draft Language

DAG Tam summarized the following draft documents which were distributed to the Board:

- 1) Important Announcement;
- 2) Guidelines for Continued Competency Course Approval by the Board;
- 3) Competence Related Activities Approved by the Board; and
- 4) Frequently Asked Questions (“FAQs”).

After some discussion, upon a motion by Vice Chair Iopa, seconded by Ms. Kubota, it was voted on and unanimously carried to approve the draft documents for posting and distribution.

Mr. Turner asked how the review of courses which require board approval will work.

EO Taniguchi said that generally, the initial review would be assigned to a board member. That board member will provide a recommendation which would be voted on by the Board at a board meeting. He asked for volunteers to review courses submitted for board approval.

All the members present indicated they would be willing to review courses. DAG Tam suggested that the initial course review not be assigned to a member who knows either the requestor or the course provider. The member will still be able to vote on the recommendation if they feel they can be impartial.

At 10:31 a.m., Mr. Turner left the meeting.

7. Applications: a. Ratifications

Upon a motion by Ms. Wakabayashi, seconded by Ms. Kubota, it was voted on and unanimously carried to ratify the following:

PHYSICAL THERAPIST LICENSE

PT 4023 MARTINE K TWIST
PT 4024 KELINE E YOSHIMURA
PT 4025 KRISTEN M DELSIGN
PT 4026 SUZANNE B MARTIN
PT 4027 KURTIS L LACKLAND
PT 4028 JENNIFER N SAUERS
PT 4029 WILLIAM B MORRIS
PT 4030 KRISTEN T HANDY
PT 4031 ANGELA N MASON
PT 4032 KATE H EDWARDS
PT 4033 ADRIANA M HAUK
PT 4034 DEVON E MCCORD
PT 4035 CAROLINE M CANOVA
PT 4036 EMILY J GUSTIN
PT 4037 JONATHAN D BROWN

PHYSICAL THERAPIST ASSISTANT LICENSE

PTA 246 MELVIN T SLUDER
PTA 247 JASON R RAPANUT
PTA 248 SALVADOR R VIDAL
PTA 249 JIRO J ISHIDA
PTA 250 EMMANUEL V HOLGADO
PTA 251 SEAN P MCKEOWN
PTA 252 EMMA JANE CHANDLER
PTA 253 WILLIAM B ROSS
PTA 254 LLOYD SHANKLIN JR
PTA 255 MARC P ESPOSITO
PTA 256 NICOLE R MCCUTCHON

b. Applications

Executive
Session:

At 10:32 a.m., it was moved by Ms. Wakabayashi, seconded by Vice Chair Iopa, and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a)(1) and (4), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or

both,” and “To consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities”.

At 10:34 a.m., it was moved by Ms. Kubota, seconded by Vice Chair Iopa, and unanimously carried to move out of Executive Session.

- Scott Hartman

Upon a motion by Vice Chair Iopa, seconded by Ms. Kubota, it was voted on and unanimously carried to approve Mr. Hartman’s application for license – physical therapist assistant.

8. Next Meeting: Tuesday, November 3, 2015
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

9. Adjournment: With no further business to discuss, Chair Shimabukuro adjourned the meeting at 10:35 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

9/1/15

Minutes approved as is.

Minutes approved with changes; see minutes of _____.