

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

MINUTES OF MEETING

- Date: Tuesday, November 3, 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
August 25,
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 August 25, 2015 meeting as circulated.

4. Executive Officer's Report:

a. 2016 Board Meeting Schedule

The 2016 board meeting schedule was distributed to the members.

5. New Business:

a. Federation of State Boards of Physical Therapy ("FSBPT") 2015 Annual Meeting

EO Taniguchi suggested that the Board require that all licensees use of the FSBPT's aPTitude to submit their proof of completing the continued competence requirement for license renewal. He was concerned that licensees without access to the internet or a scanner would have problems, however, after discussing the issue with Heidi Herbst Paakkonen, the FSBPT's Continuing Competence Product Manager, he was told that other states have not experienced any problems and was assured if any of Hawaii's licensees have a problem, the FSBPT is willing to work with them. He reminded the Board that use of aPTitude is free for licensees and noted that the FSBPT's website includes detailed information on how to use aPTitude.

After some discussion, upon a motion by Ms. Wakabayashi, seconded by Ms. Kubota, it was voted on and unanimously carried to require all licensees to use the FSBPT's aPTitude to submit their continued competency units.

EO Taniguchi reported that with regards to the FSBPT's ProCert, he was told that the cost varies depending on the volume of courses the provider is requesting approval for. Approval for one course is \$60, 20 courses is \$495, 100 courses is \$995 and 500 courses is \$1,995. The approval is valid for one year.

Vice Chair Iopa noted that the course would only need to be approved at the time the licensee took the course.

EO Taniguchi stated that the FSBPT's jurisprudence exam is available. The Board has already received notification of seven licensees taking the exam. He noted that the Board also received a request from PTcourses.com to approve their "Ethics and Jurisprudence: A Practical Application – Hawaii" course. The preliminary review for the course was done by Chair Shimabukuro and Ms. Kubota.

Chair Shimabukuro said he felt the content was good.

Ms. Kubota agreed and asked how much the provider was charging for the course.

EO Taniguchi said that he did not know, however, he noted the course fee is up to the provider as the Board cannot regulate cost.

Upon a motion by Chair Shimabukuro, seconded by Mr. Turner, it was voted on and unanimously carried to approve the "Ethics and Jurisprudence: A Practical Application – Hawaii" course given by PTCourses.com as meeting the requirements for two (2) units in ethics, laws, and rules (jurisprudence), or some combination thereof as required by Hawaii Revised Statutes §461J-10.12. The approval is valid through December 31, 2016.

Chair Shimabukuro asked how approval of courses would work.

EO Taniguchi stated that in most cases so far, the courses have already been approved by another state so the board doesn't need to review. For other courses, the Board can form a subcommittee to review those requests.

DAG Tam said the Board could form either a subcommittee or an investigative committee. He would recommend the subcommittee as the investigative committee would require three board meetings before any action can be taken on the committee's findings and recommendations.

Vice Chair Iopa volunteered to participate in the subcommittee.

Chair Shimabukuro stated he feels there should be at least one more person on the subcommittee.

Mr. Turner said he thought that the members agreed to all participate in course review.

DAG Tam reviewed the previous meeting minutes and confirmed that the minutes state "All the members present indicated they would be willing to review courses."

EO Taniguchi asked if conference attendees would get continuing competence credit for attending.

DAG Tam said they can receive credit, if they provide the required documents.

Ms. Wakabayashi noted that one of the topics discussed at the conference was the formation of a licensure compact. She feels the intent of the compact is good, however, she is not convinced that it will keep the Hawaii public safe. The licensure compact will allow a PT, who holds a license in their home state, to practice in the other states participating in the compact by getting permission to do so. The PT would not be required to obtain a license for those states.

Each participating state would have to come up with their own requirements for those PTs, however, the FSBPT is recommending that a criminal background check be required.

DAG Tam noted that Hawaii does not currently require a criminal background check for applicants.

Ms. Wakabayashi said many states expressed concern that they would not be able to tell if these PTs held any encumbered licenses.

Mr. Turner asked if any other medical professions were participating in similar compacts.

Ms. Wakabayashi said that based on the discussion, she believes many medical professions are looking into licensure compacts, especially with issues such as telemedicine becoming so prevalent.

Mr. Turner said he is concerned that there may be states participating in the compact whose licensure requirements are less than Hawaii's. He questioned if those PTs would still be bound by Hawaii's statutes and rules even if they are not licensed here. He cited an example where a PT who is licensed in a state which allows dry needling comes to Hawaii and performs dry needling even though it is not allowed here.

Ms. Wakabayashi noted that the FSBPT is recommending that these PTs also be required to take the state jurisprudence exam.

Mr. Turner questioned whether the Board will be able to enforce the law against these PTs, noting that the Board cannot revoke a license issued by another state. He asked if the Board's only recourse is to file a complaint against the PT with their home state.

DAG Tam said yes.

Ms. Wakabayashi asked if participation in a licensure compact would require a statute change.

DAG Tam said yes, because the law currently requires anyone practicing physical therapy must be properly licensed in this state.

Ms. Kubota said she thinks Hawaii does not qualify for the licensure compact because one of the requirements is participation in the FSBPT's Exam licensure and disciplinary database ("ELDD").

EO Taniguchi reminded the Board that due to privacy concerns, Hawaii is unable to participate in the ELDD as it would require providing the licensee's confidential information such as social security number or date of birth.

Mr. Yee said that HAPTA is in favor of a licensure compact because it would reduce the number of people who have to maintain licenses in multiple states. He noted that people using the compact would not practice in a state indefinitely as most insurance providers would require the PT to hold a license in that state.

Vice Chair Iopa reported that she attended a presentation about DUI charges in California. California has sent applicants with multiple offenses through a drug program prior to issuing their license. In some cases, applicants who do not want to participate in such a program choose to get their license in another state.

Ms. Wakabayashi noted that if you look at California's website, they have revoked licenses for three DUI convictions. Their newsletter contains pages of license suspensions and revocations.

Chair Shimabukuro asked if Hawaii has a similar provision for DUI convictions.

DAG Tam stated that the Board reviews each adjudicatory matter and based on the allegations, makes a decision. All licensees must be offered the opportunity to explain themselves to the Board.

6. Unfinished
Business

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

EO Taniguchi noted that because time is short, the Board is making a lot of the decisions by policy. Eventually, the Board will have to amend the rules to include these policies.

Chair Shimabukuro asked if HAPTA was getting any feedback from its members.

Mr. Yee said they are still getting a lot of questions. Part of it is that licensees are not going to the Board's website.

Chair Shimabukuro said he has been getting a lot of inquiries also, however, once he provides the Board's website, their questions are usually answered by the posted documents.

7. Applications: a. Ratifications

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

PHYSICAL THERAPIST LICENSE

PT 4038 CODY B BURROUGH
PT 4039 JESSICA N LEWIS
PT 4040 JOEL M STAHL
PT 4041 MIA Z JEHANNO
PT 4042 JUSTIN P BROUHARD
PT 4043 MOTOKI J NAKAMURA
PT 4044 JUSTIN T FUKUNAGA
PT 4045 STEPHANIE C YAMAMOTO
PT 4046 BRIANNA R DEWITT
PT 4047 MARC R PAGADUAN
PT 4048 REID T FUJIMORI
PT 4049 LINDSAY N NELSON
PT 4050 RYAN R SUMMERS
PT 4051 JACKY M MARCUS
PT 4052 DAVID WAITE
PT 4053 BRYCE E KATO
PT 4054 KYLE T SATO
PT 4055 DANA M VANDDEVEER
PT 4056 MARIA PEREIRA
PT 4057 FRANK L SOWA
PT 4058 KATELYN A STAHLEY
PT 4059 MATTHEW T WINNEY
PT 4060 SEAN D FIELD-EATON
PT 4061 SAMANTHA A MORIGEAU
PT 4062 KATELYN C KAYA
PT 4063 KELLI K M GANIKO
PT 4064 VICKI S MCNEILL
PT 4065 JESSICA M OGAWA
PT 4066 KENDRA Y KAWAMURA
PT 4067 JAMES WARD JR
PT 4068 JOCELYN Y SHIRO
PT 4069 IMRAN KHAN
PT 4070 EVAN O HIRAGA
PT 4071 JASON BIRD
PT 4072 TRUONG M VO
PT 4073 ARTURO SANTIAGO
PT 4074 MARESA MADSEN

PHYSICAL THERAPIST LICENSE (continued from previous page)

PT 4075 SHELDON NAKASHIMA
PT 4076 TARYN M FUKUROKU
PT 4077 LYDIA E ALLEN
PT 4078 MEGAN E DORAN
PT 4079 CAROLYNE K WADE
PT 4080 CAITLIN E BERRY
PT 4081 RYAN R HOLZUM
PT 4082 AMANDA J SCHRAMP
PT 4083 JACLYN D STOERZBACH
PT 4084 BROOKS P LANDY
PT 4085 COLLEEN M JONES
PT 4086 MURRAY A COHEN JR
PT 4087 KARISSA J HOUSER

PHYSICAL THERAPIST ASSISTANT LICENSE

PTA 257 LIBERTY A CRANE
PTA 258 SCOTT A HARTMAN
PTA 259 ERIC M WONG
PTA 260 MICHAEL L CHEN
PTA 261 TRACEY L ROSS
PTA 262 RUSSELL J LYMAN
PTA 263 BRENT E EWING
PTA 264 CHARLENE M S M SISON
PTA 265 ELAINE S STACK
PTA 266 VIVIAN M ASHTON
PTA 267 KAILA R SPINDLER
PTA 268 JANA HOWARD
PTA 269 RYAN C PORCHE
PTA 270 FRANCINE M SUMMERS
PTA 271 JESSICA A RAPPOLD
PTA 272 JODI L HAMBLIN

b. Applications

None.

8. Next Meeting: Tuesday, January 12, 2016
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 10:15 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

11/20/15

Minutes approved as is.

Minutes approved with changes; see minutes of _____.