

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

MINUTES OF MEETING

- Date: Tuesday, July 12, 2016
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813
- Present: Neil Shimabukuro, Physical Therapist ("PT"), Chair
Russell Chung, Public Member
Debra Kubota, PT
Jill Wakabayashi, Physical Therapist Assistant ("PTA")
Alan Taniguchi, Executive Officer ("EO")
Rodney Tam, Deputy Attorney General ("DAG")
Jennifer Fong, Secretary
- Excused: Rachelle Iopa, PT, Vice Chair
Michael Turner, PT
- Guests: Kip Ouchi, Straub Clinic & Hospital
Michelle Zippay, Hawaii Pacific Health ("HPH")
Carl Hinson, HPH
Herb Yee, Hawaii Chapter of the American Physical Therapy Association ("HAPTA")
Lucy Lessard, Queen's Medical Center
Pamela Foster, AED Institute
- 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
9:03 a.m.
2. Additions/
Additional
Distribution
to Agenda: None.

At this time, Chair Shimabukuro announced he was taking the agenda out of order to discuss the following agenda item:

- 6. Old Business, a. Inquiry regarding American Heart Association's HeartCode® BLS Course

6. Old Business: a. Inquiry regarding American Heart Association's HeartCode® BLS Course

EO Taniguchi reminded the Board that this item was added to the May agenda at the request of Kip Ouchi of HPH, however, after the agenda was filed, Mr. Ouchi informed the Board that they do not have their documentation in order, nor were they able to send a representative to the meeting, therefore the matter was deferred.

Mr. Hinson asked how other PTs meet the CPR requirement using the same program if HPH's training is not accepted.

EO Taniguchi noted that the issue arose because the Board received a letter from Ms. Zippay which stated that HPH is utilizing the HeartCode® BLS blended learning course. The letter went on to state that the total time for HeartCode® BLS will take approximately two and one half hours.

Mr. Hinson asked what HPH can do to meet the Board's requirements.

EO Taniguchi noted that the requirement is four units in life support for health care professionals. If a PT took a course which is less than four units, they will have to take a different course which meets the requirements.

Mr. Hinson asked if the Board would support HPH if they decided to propose legislation to change the requirement.

Chair Shimabukuro noted that it is the Board's understanding that the time for the course was provided by the certifying body such as AHA.

Ms. Zippay stated that all CPR courses are competency based. There are three types of CPR courses – 1) the traditional four hour course; 2) a blended course which consists of an online portion, followed by a hands-on skills test session; and 3) a blended course which consists of an online portion, followed by a hands-on session using voice-assisted mannequins. She noted that HPH uses the third type of course. She said she feels HPH's course is very comprehensive and is equivalent to any other CPR course.

EO Taniguchi reiterated that the statute is very specific with regards to the four unit requirement.

Ms. Kubota asked Mr. Hinson what kind of legislation HPH would be proposing.

Mr. Hinson said HPH's legislation would change the requirement from time-based to competency-based.

DAG Tam informed Mr. Hinson that it is difficult for the Board to determine whether they would support legislation without a document to review such as a draft of the bill so they can review the content and language.

Chair Shimabukuro noted that the Board is bound to follow the requirements in the statute for the upcoming renewal, however, personally, he can understand HPH's intent in proposing a change to the law.

EO Taniguchi suggested that once HPH has a draft of their bill, they submit it to the Board to be placed on a subsequent meeting agenda.

The Board returned to its regular order of business.

3. Approval of Board Meeting Minutes of the May 10, 2016 Meeting:

Chair Shimabukuro asked if there were any comments or concerns regarding the board meeting minutes of the May 10, 2016 meeting.

There were none.

Upon a motion by Ms. Kubota, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to approve the minutes of the May 10, 2016 meeting as circulated.

4. Executive Officer's Report:

EO Taniguchi reported that the number of continued competence ("CC") courses being submitted to the Board for review and approval is increasing as the renewal date gets closer.

5. New Business:

a. Random Audit Percentage for License Renewals

EO Taniguchi noted that HRS §461J-10.1(d) states "The board may randomly audit a licensee's continuing competence units, and may establish guidelines for random audits in rules adopted in accordance with chapter 91."

Ms. Kubota inquired what the procedure for the upcoming renewal will be.

EO Taniguchi stated that licensees can renew their license either online using the "myPVL" system or by submitting an original renewal application. The attestation on the renewal will include a statement that the licensee has complied with the CC requirement. After the renewal deadline, the Board will randomly audit a percentage of licensees who will then be required to submit proof of compliance with the CC requirement. He noted that the Board still needs to decide what that percentage will be.

DAG Tam reported that in the past, the Department had a statistician from the University of Hawaii do a study which determined that 5% of the licensees is a good sample size. Most of the other professions who do a random audit select 5% of their licensees.

EO Taniguchi noted that there are approximately 1,500 Hawaii licensed physical therapists so 5% of licensees would be about 75 people.

The Board expressed concern that licensees may wait to renew their license until after the random audit selection so they don't have to provide proof of completion of the CC requirement.

DAG Tam noted that §461J-10(b) states "A forfeited license may be restored upon written application within one year from the date of forfeiture, provision of proof of completion of the required continuing competence units, and the payment of the delinquent fee plus an amount equal to fifty per cent of the delinquent fee." Therefore, all licensees who do not renew their license by December 31, 2016, will have to provide proof of completing the CC requirement before their license can be restored.

Upon a motion by Ms. Kubota, seconded by Chair Shimabukuro, it was voted on and unanimously carried that the Board will randomly audit 5% of physical therapist licensees whose licenses are current, active and in good standing.

Mr. Chung asked what would be the consequences for licensees who do not comply with the audit or are found to not have completed their CC requirement.

DAG Tam said those licensees would be referred to RICO.

EO Taniguchi stated that RICO will do an investigation based on the referral and may recommend some type of disciplinary action to the Board. At that point, the Board will need to decide if they will accept or deny the disciplinary action.

6. Old Business: a. Inquiry regarding American Heart Association's HeartCode® BLS Course

EO Taniguchi asked Ms. Foster if she would like to address the Board regarding this matter.

Ms. Foster acknowledged that her company is in direct competition with HPH, however, if any provider is issuing AHA CPR cards, they must abide by the AHA's requirement for those courses. They cannot make up their own rules. She stated that Diana Cave, the AHA Regional Representative is in Hawaii, however, she was not available to attend this meeting. Ms. Foster noted that the new guidelines are hard for all employers, including hospitals, to comply with as what used to be a 2-3 hour course is now a 4 hour course. Per AHA's requirements, the providers are required to provide the students with an agenda which details the course content and timeline.

EO Taniguchi asked if she sees any issues with changing the CPR requirements in the statute to competency based instead of time based.

Ms. Foster expressed concern over how competency would be determined. She noted that seems to be a nationwide problem with trying to ensure the quality of the classes so participants have the needed skills at the end of the course.

7. Continued
Competence
Course Approval
Requests:

After some discussion, upon a motion by Ms. Wakabayashi, seconded by Ms. Kubota, it was voted on and unanimously carried to approve the following courses for Professional Practice continuing competence units ("CCUs"):

Index #: 16-033
Program Title: Brachial Plexus and Upper Extremity Peripheral Nerve Injuries
Sponsor: Rehab Education, LLC
Course Date: 12/3-4/16
CCUs: 14

Index #: 16-034
Program Title: Using FES to Enhance Walking Abilities in Patients with CNS Dysfunction
Sponsor: Innovative Neurotronics
Course Date: To Be Determined
CCUs: 12

Index #: 16-035
Program Title: Legal and Regulatory Issues in Wound Care: Avoid Wound Issues and Keep Yourself Out of Court
Sponsor: PESI, Inc.
Course Date: 10/20/16
CCUs: 6.25

Index #: 16-036
Program Title: The Complex Shoulder: Evaluation and Intervention for Common Conditions
Sponsor: PESI, Inc.
Course Date: 10/24/16
CCUs: 6.25

Index #: 16-037
Program Title: EMT-1: Upper and Lower Extremity Dysfunction: Evaluation and Management with HVLA Thrust Manipulation and Exercise
Sponsor: Spinal Manipulation Institute
Course Date: 3/28-29/15
CCUs: 15

Index #: 16-038
Program Title: IASTM-1: Instrument-Assisted Soft-Tissue Mobilization for Spine & Extremity Conditions: an Evidence-Based Approach
Sponsor: Spinal Manipulation Institute
Course Date: 10/23-25/15
CCUs: 24

Index #: 16-039
Program Title: DD-1: Differential Diagnosis & Multi-Modal Management of Upper & Lower Extremity Spine Related Syndromes
Sponsor: Spinal Manipulation Institute
Course Date: 4/15-17/16
CCUs: 24

After some discussion, upon a motion by Ms. Kubota, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to defer the following courses pending receipt of additional documents and if the additional documents are provided, to delegate approval of the courses for professional practice CCUs to the EO:

Program Title: Stretch Away Muscle Pain – Upper Body
Sponsor: Mary Smithson Hutto, MS, RPT, AT, LMT

Program Title: Stretch Away Muscle Pain – Lower Body
Sponsor: Mary Smithson Hutto, MS, RPT, AT, LMT

After some discussion, upon a motion by Ms. Kubota, seconded by Chair Shimabukuro, it was voted on and unanimously carried that based on the information provided, the following sponsors are requesting approval for multiple courses but did not submit all of the required information and directed the EO to inform the sponsors that they must submit a request for each course (including the required supporting documentation) separately:

Program Title: Stott Pilates Rehab Courses
Sponsor: Pacific Northwest Pilates

Program Title: Pilates Principles for Rehabilitation Series
Sponsor: Olivia Sadeler, PT, DPT

After some discussion, upon a motion by Chair Shimabukuro, seconded by Ms. Kubota, it was voted on and unanimously carried that based on the information provided, the following course does not appear to meet the content standards of continuing competence pursuant to HRS § 461J-10.11 and the definition of “physical therapy” or “physical therapy services” pursuant to HRS § 461J-1, therefore, this course cannot be used towards the Hawaii continued competence requirement for physical therapists:

Program Title: Holistic Approach to the Assessment and Treatment of the Musculoskeletal System
Sponsor: Nick Carter, PT
Category: Professional Practice

The Board also reviewed a letter from Beth Wagner requesting continuing competence units for teaching activities in Bhutan and Vietnam. After some discussion, upon a motion by Ms. Kubota, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to defer this request pending receipt of additional documents and if the additional documents are provided, to delegate approval of 17 CCUs in the professional practice category to the EO.

8. Applications:

a. Ratifications

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

Approved for Physical Therapist License

PT 4181 KEILYN M TANIMOTO	PT 4200 GIOVANNI R MACAPAGAL
PT 4182 CHRISTIAN A VANDERFORD	PT 4201 KATIE A FUNDAKOWSKI
PT 4183 SHERMAINE BAKER	PT 4202 MARY F HUGHES
PT 4184 CHERI B WARD	PT 4203 RUTH E BAILEY
PT 4185 JORDAN L ISOM	PT 4204 HILLARY E CHUN
PT 4186 MICHAEL MALAWAY	PT 4205 JESSICA R OLIVAREZ
PT 4187 BILLY JOE RAINES	PT 4206 SCOTT N PULEIO
PT 4188 JESSICA L S BARHAM	PT 4207 LEIGH ANN SCISCO
PT 4189 AMY J KELLY	PT 4208 AKI TAKAHASHI
PT 4190 DAVID T K KIM	PT 4209 ADEEB KHALFE
PT 4191 DEBORAH S SMITH	PT 4210 OLIVIA C DASHIELL
PT 4192 KELLY N CHUN	PT 4211 REBECCA L KOVAL
PT 4193 PARISA C KARIMI	PT 4212 JAMES W BEDWELL
PT 4194 MARY C TAYLOR	PT 4213 CATHERINE E QUINN
PT 4195 EDWARD C HSU	PT 4214 TARA L PEPPER
PT 4196 NAOMI R JACOBS-EL	PT 4215 KELLY L MCCORMICK
PT 4197 JESSICA L MUEHR	PT 4216 MELANIE C BEAN
PT 4198 CATARINA I L SHIMABUKURO	PT 4217 C AMY HIRATA
PT 4199 DAVIS B TEMPLETON	PT 4218 HANNAH M KRAUSE
	PT 4219 HEATHER L HALLIDAY
	PT 4220 NANETTE P BURNETT

PHYSICAL THERAPIST ASSISTANT LICENSE

PTA 306 SHAROLYN M KAUI
PTA 307 BRANDT S MADDOX
PTA 308 DENIS ROTARI
PTA 309 CHRISTIAN M CADAWAS-TANICALA
PTA 310 JOHN W DOCKINS
PTA 311 SHANE C WARREN
PTA 312 BLAYSE K CHUN

b. Applications

Executive
Session:

At 10:27 a.m., it was moved by Ms. Wakabayashi, seconded by Ms. Kubota, 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 10:30 a.m., it was moved by Chair Shimabukuro, seconded by Ms. Kubota, and unanimously carried to move out of Executive Session.

i. Richard Schmeski

Upon a motion by Ms. Kubota, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to approve Mr. Schmeski's application for Physical Therapist license.

9. Next Meeting: Tuesday, September 13, 2016
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

10. Adjournment: With no further business to discuss, Chair Shimabukuro adjourned the meeting at 10:32 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

7/26/16

Minutes approved as is.

Minutes approved with changes; see minutes of _____.