

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

MINUTES OF MEETING

- Date: Tuesday, November 16, 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
Rachelle Iopa, PT, Vice Chair
Russell Chung, Public Member
Michael Turner, PT
Jill Wakabayashi, Physical Therapist Assistant (“PTA”)
Alan Taniguchi, Executive Officer (“EO”)
Rodney Tam, Deputy Attorney General (“DAG”)
Jennifer Fong, Secretary
- Excused: Debra Kubota, PT
- Guests: Herb Yee, Hawaii Chapter of the American Physical Therapy Association (“HAPTA”)
Elisabeth Thatcher, PTA
Lisa Scroggins, PTA
Lucy Lessard, Queens
- 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 9:10 a.m.
 2. Additions/
Additional
Distribution
to Agenda: Upon a motion by Mr. Turner, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to add the following item to the agenda:
 - Under 8.b. Applications, add “4. Aaron Crafton”
 3. Approval of
Board Meeting Chair Shimabukuro asked if there were any comments or concerns regarding the board meeting minutes of the September 13, 2016 meeting.

Minutes of the
September 13,
2016 Meeting:

There were none.

Upon a motion by Vice Chair Iopa, seconded by Mr. Turner, it was voted on and unanimously carried to approve the minutes of the September 13, 2016 meeting as circulated.

4. Executive
Officer's Report:

a. License Renewal

EO Taniguchi reported that renewal is well underway. As of 11/9/16, approximately 20% of PTs and PTAs have renewed their licenses. He noted that the renewal includes an attestation that the PT has completed the continuing competence ("CC") requirement. After the renewal period, the Board will randomly audit licensees to submit proof of compliance.

He also reported that the PTA license renewal fees include the \$100 surcharge. He noted that the Act which allowed licensure of PTAs stated that upon the issuance of a new license and at each license renewal period, each PTA shall pay, in addition to the license fee or renewal fee, a surcharge of \$100 until the sum of \$40,000.00 has been collected. To date, the surcharge amount collected has not reached that amount, therefore, the surcharge is being assessed to all PTAs during this renewal.

Mr. Yee asked why the fee could not also be assessed to licensed physical therapists.

EO Taniguchi reiterated that as the fee was specifically to cover the costs of the implementation of PTA licensure, it is not being assessed to PTs.

Ms. Scroggins noted that all PTAs had to pay a \$100 fee for their initial license and questioned why it was being charged again at renewal.

EO Taniguchi stated that the amount of fees collected has not reached \$40,000.00 yet, therefore, the fee must be assessed for this renewal. Prior to the renewal period, approximately \$30,000.00 has been collected so he does not anticipate that the fee will be assessed for the 2018 renewal.

Ms. Scroggins stated that she took the National Physical Therapy Exam ("NPTE") exam in October and wanted her license this year so she had to pay the fee twice – once for initial licensure and once for renewal.

EO Taniguchi noted that all applicants who are eligible for licensure during a renewal period have the option to request that their license be issued after January 1st of the odd-numbered year. In that case, the applicant will only be required to pay the fee for the initial license.

Ms. Scroggins asked if there is a way to prorate the license fees.

EO Taniguchi stated that the fees are prorated by the year of issuance.

Ms. Scroggins noted that Kapiolani Community College (“KCC”) has the only PTA program in Hawaii and she feels that the Board should work with the school to ensure that their applications are processed in a timelier manner.

DAG Tam noted that the application for the initial PTA license states “[i]f you expect to be licensed in an odd-numbered year, pay \$400. If you expect to be licensed in an even-numbered year, pay \$285.” He stated that if she would like more proration or more consideration given to KCC applicants, she needs to address her concerns and comments to Celia Suzuki, the Licensing Administrator.

5. Old Business: a. Requirements for Ethics, Laws and Rules Courses

EO Taniguchi noted that at the last meeting, Mr. Turner had expressed some concerns with the contents of some of the courses approved by the Board for continuing competence units (“CCUs”) in ethics, laws and rules. He reminded the Board at their May 2016 meeting, they deferred discussion regarding an email from Heidi Herbst Paakkonen of the Federation of State Boards of Physical Therapy (“FSBPT”) regarding concerns about reviewing and approving jurisprudence activities other than the FSBPT’s Hawaii Jurisprudence Assessment Module.

Chair Shimabukuro stated that he believes everyone on the Board shares Mr. Turner’s concern with the content of any course approved for CCUs in ethics, laws and rules.

EO Taniguchi noted that at the FSBPT annual meeting, he was told that some states crafted their requirements so that only courses with strict requirements such as the FSBPT jurisprudence course could qualify. He asked DAG Tam if a Request for Proposal (“RFP”) would be required for the Board to do something similar.

DAG Tam said he doesn't think an RFP is needed for the Board to determine what their criteria for the ethics, laws and rules CCUs are. He said he believes guidelines are sufficient.

EO Taniguchi reminded the Board that for the December 2016 renewal, licensees would have to take and pass one the Board's currently approved courses in ethics, laws and rules. Any changes made to the criteria for these types of courses would not affect this renewal. EO Taniguchi noted that he will work on proposed criteria for ethics, laws and rules continuing competence courses for the Board's review.

6. New Business: a. Requirements for Exemption from Continuing Competence Requirements

EO Taniguchi noted that while the statute allows for licensees to request an exemption from the continuing competence ("CC") requirements, the Board has not determined what supporting documents they would require from a licensee who is requesting the exemption due to residing in another country for one year or longer during the two-year period prior to the expiration of the license, reasonably preventing completion of the CC requirements.

After some discussion, it was the consensus of the Board that all licensees who request an exemption from the CC requirements due to residing in another country for one year or longer during the two-year period prior to the expiration of the license, reasonably preventing completion of the continuing competence requirements, need to provide at minimum: 1) a letter from the licensee providing the dates they were out of the country and explaining the justification for requesting the exemption; and 2) a copy of their passport showing the date the licensee left the U.S. and the date returned. If the justification is for employment reasons, the Board would also like a letter from the licensee's employer verifying the period that the licensee was out of the country.

b. Requirements for Continuing Competence Units in Life Support for Health Care Professionals

The Board reviewed an email inquiry whether they would accept certifications from online courses such as the ones from procpr.com.

EO Taniguchi stated that he believed that the American Heart Association ("AHA") basic life support health care provider course was taught either live or a combination of live and online.

Mr. Turner said he feels the method of delivery for courses should be the same.

DAG Tam noted that the Board may want to consider that some licensees may not have access to live courses, such as if they are in another country. Chair Shimabukuro asked Ms. Lessard how Queen's does their training.

Ms. Lessard stated that Queen's does their training in house using AHA trainers.

DAG Tam asked if the content of the course can be taken solely online.

Ms. Lessard stated that part of the AHA training requires use of mannequins which give immediate feedback about the pressure, location, etc. She believes it would be difficult to replicate that training online.

Mr. Turner stated that he has completed an online CPR course which offered comprehensive video instruction, however, his concern is that the videos could be clicked through to the end. If this is the case, the individual would not be getting the required instruction. He said he does not believe solely online training is as comprehensive as a course that includes a live component.

Mr. Chung noted that he believes that this may not be an issue in the future due to advancements in technology.

Ms. Lessard agreed that technology is changing rapidly. Queen's is building skills and robotics labs to help staff keep up with technology, however there is still a live component to their course.

Mr. Turner said he thinks online courses are okay if the course content is equivalent. It is up to the licensee to ensure that they have the training required.

DAG Tam stated that HRS §461J-10.12(2) requires four units in life support for health care professionals; provided that such training shall be comparable to, or more advanced than, the AHA's basic life support health care provider course. He noted that basically, the Board has to determine what they feel is comparable.

After some discussion, upon a motion by Mr. Turner, seconded by Ms. Wakabayashi, it was voted on and unanimously carried that for the renewal of physical therapist licenses which expire on December 31, 2016, the Board

will accept four units in life support for health care professionals, provided that the content of such training shall be comparable to, or more advanced than, the AHA's basic life support health care provider course.

The Board directed EO Taniguchi to inquire with the AHA the method of course delivery for their basic life support health care provider course.

c. Requirements for Continuing Competence Course Review

Mr. Turner noted that the Board previously approved requirements for continuing competence courses.

EO Taniguchi stated that staff have been getting inquiries regarding what is required for proof of some of the guidelines such as "contain specific measurable learning objectives" and "be based on referenced scientific evidence, practice-based evidence, case studies, or clearly labeled anecdotal experience; or incorporate current or proposed regulation of practice (including but not limited to regulatory documents, accepted professional guidelines, policy documents, or best practices in management)."

After some discussion, Mr. Turner volunteered to draft a revision to the current requirements including clarifying what information needs to be submitted.

d. Request from Lisa Scroggins regarding PTA concerns

Ms. Scroggins noted that she had several issues she wanted to speak to the Board about, however, her first issue was already discussed earlier. Her second issue is that PTAs were first licensed in December of 2014 so KCC has already had two classes of graduates from their PTA program. She feels the Board is not doing enough to assist those graduates with obtaining their Hawaii license as many of her classmates had to take the NPTE in another state because they were not approved in time.

EO Taniguchi stated that in order to be approved for the NPTE exam, PTA applicants which graduate from a Commission on Accreditation in Physical Therapy Education ("CAPTE") accredited program such as KCC's must provide a certified transcript indicating graduation by the application submission deadline. His understanding is that the issue is that KCC does not issue the official transcripts in time for their students to meet that deadline.

Ms. Scroggins stated that Idaho allows applicants to apply 90 days prior to graduation. She thinks Hawaii's requirements should be changed.

EO Taniguchi stated that such changes would require amendments to the statute and/or rules.

Ms. Scroggins suggested that the Board offer an addendum to accept a letter from the school stating that the applicant will complete the program.

Ms. Wakabayashi noted that the FSBPT is considering changing exam qualifications so that they will handle NPTE approval for applicants who are attending CAPTE accredited schools.

DAG Tam noted that the Board would also need to check that no impact would be made to the statute for that change.

Ms. Scroggins inquired if the excess funds collected from the PTA surcharge could be spent on getting the Licensing Branch clerk an assistant.

EO Taniguchi stated that the Board does not determine how funds are used.

7. Continued
Competence
Course Approval
Requests:

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

Index #: 16-045
Program Title: Fascial Manipulation® Level III
Sponsor: Fascial Manipulation Association
Course Date: 6/08-14/15
CCUs: 49.5

Index #: 16-046
Program Title: Myofascial Reposturing System for Upper Body
Sponsor: Mary Smithson Hutto, MS, RPT, AT, LMT
Course Date: 11/19/16
CCUs: 8.0

Index #: 16-047
Program Title: Myofascial Reposturing System for Lower Body
Sponsor: Mary Smithson Hutto, MS, RPT, AT, LMT
Course Date: 12/10/16
CCUs: 8.0

Index #: 16-048
Program Title: Extracorporeal Shockwave Therapy in Rehab
Sponsor: CIAO Seminars
Course Date: 10/15/16
CCUs: 8.0

8. Applications:

a. Ratifications

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

Approved for Physical Therapist License

PT 4255 EMILY J BRUTON	PT 4269 APRIL E HUBBARD
PT 4256 KATHLEEN M KAMERZEL	PT 4270 HAZEN W KAUL
PT 4257 PAMELA S TURNER	PT 4271 CORINE B COJOCARU
PT 4258 STEPHEN R HENDERSON	PT 4272 STEPHANIE M COLASANTI
PT 4259 KYLA S Y S WANG	PT 4273 JENNA L ROMANO
PT 4260 CASEY N MOKRES	PT 4274 DANIEL A MAGANA
PT 4261 JILLIAN E MAY	PT 4275 JANA E N MAGANA
PT 4262 JENNIFER S IYO	PT 4276 MOLLY M WHITTED
PT 4263 SARAH J V ALLEN	PT 4277 JASON A WRIGHT
PT 4264 DESIREE N PEREZ	PT 4278 JAMES G NOLL
PT 4265 RACHAEL N MIGITA	PT 4279 ROMILEN P M HANIEF
PT 4266 KASSIA O GARFIELD	PT 4280 KELLY M L PANG
PT 4267 JENNIFER N GEISSERT	PT 4281 KATHLEEN HANSEN
PT 4268 GINA C WYATT	PT 4282 LIZA M MACIOROWSKI
	PT 4283 CAITLYN M NAPOLI
	PT 4284 JOSE M B MENTZER

Approved for Physical Therapist Assistant License

PTA 321 STEPHANIE K GRAMS

b. Applications

Executive
Session:

At 10:33 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 10:47 a.m., it was moved by Mr. Turner, seconded by Mr. Chung, and unanimously carried to move out of Executive Session.

1) Jana Andrus

Upon a motion by Mr. Turner, seconded by Vice Chair Iopa, it was voted on and unanimously carried to forward Ms. Andrus' NPTE Appeal Form to the FSBPT.

2) Claudia Bullard

Upon a motion by Vice Chair Iopa, seconded by Mr. Turner, it was voted on and unanimously carried to approve Ms. Bullard's application for physical therapist license.

3) Paul Wang

Upon a motion by Mr. Turner, seconded by Vice Chair Iopa, it was voted on and unanimously carried to approve Mr. Wang's request for an exemption from the continuing competence requirements.

4) Aaron Crafton

Upon a motion by Vice Chair Iopa, seconded by Chair Shimabukuro, it was voted on to defer Mr. Crafton's application for PTA license pending receipt of a written explanation and documents pertaining to the 2008 OVI conviction and if there are no other convictions, delegate authority to the EO to approve his application with Chair Shimabukuro, Vice Chair Iopa, Mr. Turner and Mr. Chung voting "Yes" and Ms. Wakabayashi voting "No". The motion passed.

9. Next Meeting: Tuesday, January 10, 2017
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 10:53 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

12/02/16

Minutes approved as is.

Minutes approved with changes; see minutes of _____.