

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

MINUTES OF MEETING

- Date: Tuesday, July 10, 2018
- 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
Debra Kubota, PT
Michael Turner, PT
Jill Wakabayashi, Physical Therapist Assistant (“PTA”)
Alan Taniguchi, Executive Officer (“EO”)
Shari Wong, Deputy Attorney General (“DAG”)
Jennifer Fong, Secretary
- Excused: Rachelle Iopa, PT, Vice Chair
Russell Chung, Public Member
- Guests: Herb Yee, HAPTA
Joanne Zazzera, HAPTA
Gregg Pacilio, HAPTA
Lucy Lessard, Queen’s Medical Center
Lei Fukumura, PVL-SDAG
- 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 9:00 a.m.
 2. Additional Distribution: None.
 3. Approval of Board Minutes of the May 8, 2018 Meeting: Chair Shimabukuro asked if there were any comments or concerns regarding the Board minutes of the May 8, 2018 meeting.
There were none.

There being no further discussion or amendments to the minutes, upon a motion by Ms. Wakabayashi, seconded by Mr. Turner, it was voted on and unanimously carried to approve the minutes of the May 8, 2018 meeting as circulated.

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

- 8. Chapter 91, HRS – Adjudicatory Matters, a. In the Matter of the Physical Therapist’s License of Alan D. Lott, PTS 2017-17-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1” – “3”
- 8. Chapter 91, HRS – Adjudicatory Matters, b. In the Matter of the License to Practice Physical Therapy of Haley A. Waud, PTS 2017-6-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1” through “2”
- 7. Applications, b. Applications, 1) Garrett Smith

8. Chapter 91, HRS
Adjudicatory
Matters:

Chair Shimabukuro called for a recess from the Board’s meeting at 9:05 a.m., to discuss and deliberate on the following adjudicatory matters, pursuant to Chapter 91, HRS:

a. In the Matter of the Physical Therapist’s License of Alan D. Lott, PTS 2017-17-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1” – “3”

After discussion, it was moved by Ms. Kubota, seconded by Ms. Wakabayashi, and unanimously carried to approve the above-referenced Settlement Agreement.

b. In the Matter of the License to Practice Physical Therapy of Haley A. Waud, PTS 2017-6-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1” through “2”

After discussion, it was moved by Chair Shimabukuro, seconded by Ms. Kubota, and unanimously carried to defer the above-referenced Settlement Agreement.

At 9:12 a.m., the Board moved out of Chapter 91, HRS.

7. Applications:

b. Applications

Executive

At 9:13 a.m., it was moved by Mr. Turner, seconded by Ms. Wakabayashi, and

Session: 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 9:18 a.m., it was moved by Mr. Turner, seconded by Ms. Kubota, and unanimously carried to move out of executive session.

1) Garrett Smith

Upon a motion by Ms. Kubota, seconded by Mr. Turner, it was voted on and unanimously carried to approve Mr. Smith's application.

The Board returned to its regular order of business.

4. New Business: a. Letter from the Hawaii Chapter – American Physical Therapy Association ("HAPTA") regarding their proposed additions to the PT Practice Act

The Board reviewed an inquiry from Gregg Pacilio, the President of HAPTA requesting discussion and consideration of the following additions to the PT Practice Act: 1) Inclusion of fitness, health, and quality of life to the definition of Physical Therapy; 2) Elimination of clause forbidding the puncture of good tissue; and 3) Addition of dry needling definition. Mr. Pacilio attached a copy of the APTA's "Physical Therapists' Role in Prevention, Wellness, Fitness, Health Promotion, and Management of Disease and Disability" and the Federation of State Boards of Physical Therapy ("FSBPT") Dry Needling Resource Paper (4th Edition) ("FSBPT Paper").

EO Taniguchi noted that the Board previously discussed the upcoming legislative session and decided to defer proposing legislation on dry needling in favor of focusing on telehealth and continuing competence for PTAs.

Chair Shimabukuro stated that the first proposal amends the definition of "physical therapy" by changing section (2) to: "The provision of consultative, educational, and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction, or pain including the promotion and maintenance of fitness, health, and quality of life in all age populations. (*underlined material added*)

Ms. Zazzera noted that the language for the definition of "physical therapy" provided by HAPTA is from the American Physical Therapy Association ("APTA") and has been implemented by 21 states. She stated that the

profession is moving away from an illness model and focusing on wellness and health.

Mr. Turner questioned whether HAPTA feels the current definition is prohibitive.

Ms. Zazzera said the current definition is not prohibitive but the proposed definition is more specific. She said adding the language would help to support the intent of doing community outreach projects.

Mr. Pacilio said HAPTA feels it strengthens and clarifies the intent of the profession. He added that amending the definition is consistent with the APTA's national goals and would allow for more education and outreach.

EO Taniguchi noted that if the Board decides to amend the definition, the legislature could question why the change is needed. If so, they would need to be ready to justify the additional language.

Mr. Turner reiterated that the Board did previously decide to defer other potential legislative issues to focus on two specific items – telehealth and continuing competence for PTAs. The Board thought it best to tackle the less controversial issues first and focus on other issues like dry needling next as there may be more pushback from other professions such as acupuncture.

Chair Shimabukuro said he is not sure if telehealth or dry needling is more of a priority with regards to the profession. He feels both issues are important but he is not convinced that telehealth is more important than dry needling.

Mr. Turner said he feels telehealth is important because the issue is currently being addressed by other professions.

Ms. Wakabayashi said she feels the definition should be amended because the profession is focusing more on prevention.

Mr. Yee noted that the focus of the profession is moving towards healthcare and wellness.

Mr. Turner asked if HAPTA is anticipating any pushback from the insurance industry or other professions like the athletic trainers.

Ms. Zazzera said she did not know but would find out.

Mr. Pacilio said he will inquire at their September conference. He feels there is time to work on the issue before the next legislative session.

Ms. Zazzera agreed, stating that HAPTA is committed to attending all of the hearings in support of any bills to amend the practice act. She stated that HAPTA also has support from both the public and military professionals. EO Taniguchi stated that the Board needs the additional information as soon as possible because September will be too late to submit an administrative bill.

Chair Shimabukuro asked if the Board should discuss dry needling.

EO Taniguchi said that is up to the Board.

Chair Shimabukuro stated that HAPTA provided lots of information including the FSBPT resource paper which notes that most jurisdictions do not allow PTAs to perform dry needling. In addition, many programs are not teaching dry needling. Some jurisdictions consider dry needling to be an advanced skill.

Ms. Wakabayashi asked if HAPTA found out if the Commission on Accreditation in Physical Therapy Education ("CAPTE") is adding dry needling to the PT curriculum.

Ms. Zazzera said the issue did not come up at all. HAPTA will get back to the Board with that information.

Mr. Pacilio noted that PTs practice in diverse settings and a PT may come upon many different techniques based on the resources available and the situations that come up.

Ms. Lessard commented that no one practices the way they did on the day they graduated. PTs are constantly learning and growing.

Mr. Turner stated that his Doctor of PT curriculum did not include dry needling. In addition to the definition proposed by HAPTA, if the Board decides to move forward, requirements need to be added to ensure that licensees have the training to perform the technique properly.

Mr. Pacilio stated that Hawaii is one of six states that does not allow dry needling. A statement from the acupuncture profession seems inclined towards collaboration instead of opposition.

Chair Shimabukuro asked if acupuncturists feel dry needling is an acupuncture technique.

Mr. Pacilio said some do.

Ms. Zazzera said a lot of states get the biggest pushback from acupuncturists. She noted page 28 of the FSBPT Paper it states that the Virginia Board requires that a patient consent form be utilized that clearly states that the patient is not receiving acupuncture.

Chair Shimabukuro noted that page 22 of the FSBPT Paper includes Colorado's Requirements for PTs to perform dry needling. He feels their language is clear and concise.

EO Taniguchi reminded the Board in order for a PT to perform dry needling, the section in their statute which prohibits breaking or puncturing of a person's good skin would have to be repealed.

By consensus, the Board deferred this matter until after the reports from both research committees have been discussed.

5. Old Business:

a. Report from research committee on telehealth

Chair Shimabukuro presented the committee's proposed language for the practice of telehealth.

Ms. Wakabayashi stated that the committee reviewed the telehealth sections of the Hawaii Medical Board's HRS Chapter 453.

Chair Shimabukuro stated the committee revised the telehealth language to make it relevant to the physical therapy profession. He noted most of the language was taken word for word from HRS Chapter 453. He reminded the Board that at previous meetings, they had expressed concern regarding the use of telehealth with patients who had not previously been seen in person. He noted section (f) states in part that a PT shall not use telehealth to establish a PT-patient relationship with a patient in Hawaii without a license to practice as a PT in Hawaii.

Ms. Kubota said she feels that "face to face" should be added to the language requiring a documented patient evaluation in section (c).

Mr. Turner said he thinks the purpose of section (c) is for documentation purposes. Basically, the PT needs to write a good soap note.

Mr. Pacilio commented that there is a serious need for PTs in rural areas, especially on the neighbor islands.

By consensus, the Board deferred this matter until after the reports from both research committees have been discussed.

At 10:03 a.m., DAG Wong left the meeting.

- b. Report from research committee on the addition of a continuing competence (“CC”) requirement for renewal of Physical Therapist Assistant (“PTA”) licenses

Chair Shimabukuro asked if the committee had a report.

Mr. Turner noted at the last meeting, the Board decided that the CC requirement for PTAs would be the same as the current requirements for PTs.

Upon a motion by Ms. Wakabayashi, seconded by Ms. Kubota, it was voted on and unanimously carried to direct the EO to draft an administrative bill requiring PTAs provide the same CC units that are currently required for PTs at the time of license renewal.

At this time, Chair Shimabukuro announced he was returning to the following deferred agenda items:

- 4. New Business, a. Letter from the HAPTA regarding their proposed additions to the PT Practice Act
 - 5. Old Business, a. Report from research committee on telehealth
4. New Business:
 - a. Letter from the Hawaii Chapter – American Physical Therapy Association (“HAPTA”) regarding their proposed additions to the PT Practice Act

Chair Shimabukuro said he is in favor of changing the definition of physical therapy.

Mr. Turner commented that most PTs already view the promotion and maintenance of fitness, health, and quality of life in all age populations as part of their job.

Chair Shimabukuro asked if HAPTA was planning on introducing their own bill on dry needling.

Ms. Zazzera said she thinks it would be confusing if both HAPTA and the Board introduce bills.

Upon a motion by Chair Shimabukuro, seconded by Mr. Turner, it was voted on and unanimously carried to direct the EO to draft an omnibus administrative bill to include the following: 1) HAPTA’s proposed amendment to the definition of “physical therapy”; 2) repeal of section §461J-2.5; 3) language to allow the practice of telehealth.

5. Old Business: a. Report from research committee on telehealth

Upon a motion by Ms. Kubota, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to include a definition of “telehealth” and a new section on the practice of telehealth in the aforementioned omnibus administrative bill.

The Board returned to its regular order of business.

6. Continuing Competence (“CC”) Course Approval Requests: a. Requests for Review

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 of Physical Therapy CCUs:

INDEX #	PROGRAM TITLE (SPONSOR)	UNITS
18-015	PWR!Moves® Therapist Training and Certification Workshop (Sponsor: Parkinson Wellness Recovery)	14.75
18-016	Functional Capacity Evaluation + Return-to-Work + Work Hardening/Work Conditioning Certification (Sponsor: Occupro)	21.75
18-017	Sports Medicine Symposium 2018 (Sponsor: Hawaii Pacific Health)	4.0

After some discussion, upon a motion by Ms. Kubota, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to defer the following course pending receipt of additional information and to delegate the approval for Professional Practice of Physical Therapy CCUs to the EO once the additional information is received:

PROGRAM TITLE (SPONSOR)
• The Fundamentals of ICU Rehab (Sponsor: The Queen’s Medical Center)

7. Applications: a. Ratifications

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

PHYSICAL THERAPIST

PT 4570 KRISTINE M CHIN LOY	PT 4587 MARIE T CALVET
PT 4571 CATHERINE P GUELF	PT 4588 CRYSTAL M CODY
PT 4572 DANIEL A WITKOWSKI	PT 4589 COLIN H ONO-MOORE
PT 4573 NICHOLAS C HIGA	PT 4590 CARLEN K KOONS
PT 4574 JORDAN C LUTHER	PT 4591 BRANDON M DOUGHERTY
PT 4575 JOY I SCHOENHERR	PT 4592 JERRY CHEN
PT 4576 SHEILA D PIERRE	PT 4593 JOSHUA A GREENWAY
PT 4577 MARGARET A MCCABE	PT 4594 CHRISTOPHER
PT 4578 LINDA K SHEPPARD	EDMUNDSON
PT 4579 CAMILLE A SHIPMAN	PT 4595 KELSEY C GANN
PT 4580 BETHANY M LUKENS	PT 4596 CINDY K LEVIN
PT 4581 MARTA L HEIDENREICH	PT 4597 ANDREA C WOODING
PT 4582 JAMES Y KUO	PT 4598 ROSEALIZA B WAN ZAID
PT 4583 CORY B CARR	PT 4599 DAVID T WALKER
PT 4584 CHRISTINE J LYNDERS	PT 4600 CONN E WITWERT
PT 4585 CHRIS T HOEFLEIN	PT 4601 JU H JUNG
PT 4586 HALLIE BENNETT	PT 4602 LISSA A SHEA

PHYSICAL THERAPIST ASSISTANT

PTA 417 JOSEPH R SIMPSON	PTA 423 MISHELLE ROMANELLO
PTA 418 GREGORY R BAER	PTA 424 ELIZABETH J
PTA 419 SOPHIA G POSTLEWAIT	STRUTHERS
PTA 420 BRITTANY M WEST	PTA 425 ZACHARY D KETCHAM
PTA 421 STEVEN C QUIGLEY	PTA 426 JOSELEO R DELOS REYES
PTA 422 JESSICA BEYER	PTA 427 YVETTE C MENDOZA

9. Next Meeting: Tuesday, September 11, 2018
9:00 a.m.
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Ms. Zazzera requested clarification on the proposed omnibus administrative bill. She asked if dry needling would be included in the bill.

Chair Shimabukuro said no. The proposed bill will include the repeal of the section which currently prohibits PTs from performing invasive procedures which break or puncture a person's good skin. If that section is repealed, the Board can

then work on amending their administrative rules to include dry needling.

10. Adjournment: With no further business to discuss, Chair Shimabukuro adjourned the meeting at 11:10 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

8/3/18

Minutes approved as is.

Minutes approved with changes; see minutes of _____.