

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

MINUTES OF MEETING

- Date: Tuesday, September 11, 2018
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813
- Present: Rachelle Iopa, Physical Therapist ("PT"), Vice 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: Neil Shimabukuro, PT, Chair
Russell Chung, Public Member
- Guests: Herb Yee, HAPTA
Gregg Pacilio, HAPTA
Joanne Zazzera, HAPTA
Lucy Lessard, Queen's Medical Center
- 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, Vice Chair Iopa called the meeting to order at 9:00 a.m.
 2. Additional Distribution: None.
 3. Approval of Board Minutes of the July 10, 2018 Meeting: Vice Chair Iopa asked if there were any comments or concerns regarding the Board minutes of the July 10, 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 July 10, 2018 meeting as circulated.

4. Executive
Officer's
Report:

a. Update on Proposed Legislation

EO Taniguchi reported that the proposed legislation on dry needling as well as continuing competence ("CC") for PTAs was submitted to the Department of Commerce and Consumer Affairs' ("DCCA") administration, however, it has been determined that the bills would not be submitted as part of the DCCA's administrative bill package. He noted that the DCCA Director would have to defend any administration bills submitted to the Governor. For the dry needling bill, he stated that there was some concern about a possible conflicting position from the Board of Acupuncture. For the bill to add a CC requirement for PTAs, there were concerns that as PTAs began licensing in December 1, 2014, it may be too soon to require CC units. Also, there were concerns that as PTAs make a lower salary than PTs, the required CC units should be less. In addition, there is a list of questions that the Board is required to provide answers for to justify the need for a CC requirement. Historically, the legislature in general and the Senate Committee on Commerce, Consumer Protection, and Health specifically, are very tough on DCCA bills and require strong justification for any bills submitted.

Mr. Turner asked if someone else could introduce similar bills.

EO Taniguchi said yes.

Ms. Wakabayashi asked if the Board can work on the bills for possible submission for the 2020 legislative session.

EO Taniguchi said yes.

Mr. Pacilio stated that he was surprised by the Administration's response as Senator Roz Baker has always been helpful to HAPTA.

Mr. Turner said if so, Senator Baker may be more open to legislation introduced at HAPTA's request.

Mr. Pacilio said he is surprised that there may be opposition from the Acupuncture Board.

EO Taniguchi said that there is always potential for conflict when trying to add something that is within another profession's scope of practice. He acknowledged that HAPTA had requested to be placed on the Acupuncture

Board's meeting agenda, however, the meeting has been cancelled twice, once due to lack of quorum and once due to Hurricane Lane. He stated that if HAPTA still would like to be on the agenda for the Acupuncture Board's next meeting, he can let their EO know.

Mr. Pacilio stated that HAPTA would like to remain on the agenda of the Acupuncture Board's next meeting. HAPTA will continue to work to open a dialogue with the Acupuncture Board.

Ms. Zazzera asked if any testimony given on potential bills would be from the Board or from the members as individuals.

EO Taniguchi stated that testimony would be submitted by the Board. He noted that the Board's testimony must be approved by the DCCA Director's office before it is submitted.

Mr. Turner said he thinks it is still possible for the Board to submit similar legislation for the 2020 session. The Board now has the time to do more legwork and provide additional justification.

Mr. Pacilio noted that based on the information from the Board today, HAPTA needs to restructure their plan for the upcoming legislative session as their current plan was based on the discussion at the Board's July meeting.

Ms. Zazzera stated that basically, the bills are not going forward for political reasons.

EO Taniguchi disagreed, stating that there are many reasons. For example, any board or program who requests that a continuing competence requirement be added must justify why such a requirement is necessary. For professions such as physical therapy, it is difficult because there are rarely complaints about a lack of education leading to public harm.

Ms. Zazzera asked if PTs received their CC requirement because of complaints.

Mr. Turner said no, but a reasonable argument could be made that the profession is continually evolving. He noted that this will allow the Board time to work on such a justification.

EO Taniguchi reported that at the end of June, Vice Chair Iopa and Ms. Kubota will have reached their term limit. He noted that any physical therapists who may be interested in serving on the Board can apply with the Governor's Office of Boards and Commissions.

5. Old Business: a. Letter from the Hawaii Chapter – American Physical Therapy Association (“HAPTA”) regarding their proposed additions to the PT Practice Act – Requested Information from the July 10, 2018 Meeting

The Board reviewed HAPTA's letter which provided additional information regarding whether other states that have attempted to implement “health and wellness” language in their practice act have received any pushback and if CAPTE has any intention to include dry needling into the requirements for entry-level PT education. HAPTA also provided a summary of dry needling regulation by state.

Ms. Zazzera asked if a bill is introduced, would the Board have a hearing to amend their administrative rules.

EO Taniguchi noted that the bill amends the law. Depending on the changes to the law, the Board would potentially draft administrative rules to add more details. He cited dry needling as an example. The proposed bill would have repealed the language in the law which does not allow the puncturing of good skin. If passed, the Board would have then begun drafting proposed changes to their rules to allow for dry needling.

Ms. Zazzera said if a definition for “dry needling” has to be addressed during rule revisions, there may still be possible opposition.

EO Taniguchi stated that he had a definition for “dry needling” in the proposed bill as adding the definition to the statute is more transparent regarding the Board's intentions in repealing the language which does not allow puncturing of good skin.

6. Continuing Competence (“CC”) Course Approval Requests: a. Ratification of CC Courses Previously Approved by the Board

After some discussion, upon a motion by Ms. Wakabayashi, seconded by Ms. Kubota, it was voted on and unanimously carried to ratify the following course which was previously approved by the Board for Professional Practice of Physical Therapy CCUs:

INDEX #	PROGRAM TITLE (SPONSOR)	UNITS
19-001	Pelvic Floor Dysfunction 101 (A Hybrid Course) Internal Vaginal Pelvic Floor Evaluation and Treatment Techniques (Sponsor: <i>Kathe Wallace Physical Therapy, PLLC</i>) [Previous Index #: 18-009]	15.0

b. Ratification of CC Courses Delegated to the EO for Approval

After some discussion, upon a motion by Mr. Turner, seconded by Ms. Kubota, it was voted on and unanimously carried to ratify the following course delegated to the EO for approval by the Board for Professional Practice of Physical Therapy CCUs:

INDEX #	PROGRAM TITLE (SPONSOR)	UNITS
18-018	The Fundamentals of ICU Rehab (<i>Sponsor: The Queen's Medical Center</i>)	14.0

c. CC Course Requests for Review

After some discussion, upon a motion by Ms. Kubota, seconded by Mr. Turner, it was voted on and unanimously carried to approve the following courses for Professional Practice of Physical Therapy CCUs:

INDEX #	PROGRAM TITLE (SPONSOR)	UNITS
17-065	Focused Spinal Manipulation (<i>Sponsor: Mieko Iwamoto, PT</i>)	14.0
18-019	Mastering Lab Interpretation & The Implications for Patient Care (Sem # 64972) (<i>Sponsor: PESI, Inc.</i>)	6.25
18-020	2-Day: 2018 Geriatric Conference (Sem #64987) (<i>Sponsor: PESI, Inc.</i>)	14.5
18-021	Common Musculoskeletal Issues: Carpal Tunnel and the Tight Shoulder (<i>Sponsor: Hawaii Pacific Health</i>)	2.0
18-022	Prosthetics for Therapists™ Transtibial Prosthetics (<i>Sponsor: Advanced P&O of the Pacific</i>)	1.0
18-023	Prosthetics for Therapists™: Prosthetic Overview (<i>Sponsor: Advanced P&O of the Pacific</i>)	1.0
19-002	Pelvic Organ Prolapse (POP) Exam and Rx (<i>Sponsor: Kathe Wallace Physical Therapy, PLLC</i>)	7.0

After some discussion, upon a motion by Ms. Kubota, seconded by Mr. Turner, it was voted on and unanimously carried to defer the following course pending receipt of additional information:

PROGRAM TITLE (SPONSOR)
• HOPE Meeting in Honor of Dr. Allen B. Richardson (<i>Sponsor: Hawaii Orthopaedic & Performance Education</i>)

After some discussion, upon a motion by Ms. Wakabayashi, seconded by Mr. Turner, it was voted on and unanimously carried to defer the following course pending receipt of additional information and to delegate the approval for Ethics, Laws, and Rules (Jurisprudence) CCUs to the EO once the additional information is received:

PROGRAM TITLE (SPONSOR)
• Legal and Ethical Practice in Hawaii (<i>Sponsor: PhysicalTherapy.com</i>)

d. Other CC Activities Requests for Review

- 1) Request from Suzie Neufeldt inquiring about CC units for: 1) serving on the Advisory Board of the Alzheimer's Association Aloha Chapter; 2) teaching a Gait/Transfer/Bed Mobility Class to Staff at Assistive Living Homes and Care Homes; and 3) doing health fairs/balance testing at senior housing complex

After some discussion, upon a motion by Ms. Kubota, seconded by Mr. Turner, it was voted on and unanimously carried to direct the EO to inform Ms. Neufeldt that if the required supporting documents are submitted, the activities referenced in her request are acceptable for professional practice of physical therapy CCUs as other competence related activities approved by the Board as follows:

- Serving on the Advisory Board of the Alzheimer's Association Aloha Chapter – 2 CCUs for each completed year of service;
- Teaching a Gait/Transfer/Bed Mobility Class to Staff at Assistive Living Homes and Care Homes – 1 CCU for each activity;
- Doing health fairs/balance testing at senior housing complex – 1 CCU for each activity.

Upon a motion by Vice Chair Iopa, seconded by Ms. Kubota, it was voted on and unanimously carried to make the following changes to the "List of Other Competence Related Activities Approved by the Hawaii Board of Physical Therapy" document on the Board's website:

- Effective immediately, "evidence of participation" for all teaching and service activities will be an original letter from an authorized representative which includes all of the required information. If the physical therapist is the course sponsor or the organizer of the community service event, they must submit an original signed written statement with all of the required information and a self-attestation that the written statement provided is true and correct.
- Effective January 1, 2019, physical therapists are limited to a maximum of four (4) CCUs for service activities.

The Board also determined that revisions to the "List of Other Competence Related Activities Approved by the Hawaii Board of Physical Therapy" document on the Board's website should be made for clarification purposes.

Mr. Turner volunteered to review the document and present any proposed changes at the Board's next meeting.

- 2) Request from Mark Werneke inquiring about CC units for: 1) serving as first author or co-author on four articles in peer review journals; and 2) serving as an invited peer reviewer for McMaster Online Rating of Evidence (MORE) program and rating 10 published peer reviewed articles

After some discussion, upon a motion by Vice Chair Iopa, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to direct the EO to inform Mr. Werneke that if the required supporting documents are submitted, the activities referenced in his request are acceptable for professional practice of physical therapy CCUs as other competence related activities approved by the Board as follows:

- Serving as first author or co-author on four articles in peer review journals – 10 CCUs per article
- Serving as an invited peer reviewer for McMaster Online Rating of Evidence (MORE) program and rating 10 published peer reviewed articles – 2.5 CCUs pursuant to the participation letter from MORE

7. Applications: a. Ratifications

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

PHYSICAL THERAPIST

PT 4603 ERIC T NELSON	PT 4618 SARAH L PRITCHARD
PT 4604 ZACHARY R HARRELSON	PT 4619 ALEXANDRA G BOGER
PT 4605 REBECCA L KING	PT 4620 BRIANA R FELLOWS
PT 4606 KATELYN M LAPAK	PT 4621 JENNIFER L KORTZ
PT 4607 CHRISTINA M CATALANO	PT 4622 KAREN J BERG
PT 4608 COLTON H CHURCH	PT 4623 DOUGLAS A FLAMINO
PT 4609 GARRETT G SMITH	PT 4624 JONATHAN CHING
PT 4610 SPENCER M G DEHNAVI	PT 4625 JEENA NAM
PT 4611 LAURA E KNOWLES	PT 4626 MICHAEL V B YAMAMOTO
PT 4612 GEOVANNI K CHAVEZ-PARDINI	PT 4627 JENNIFER M TAYLOR
PT 4613 NORA M COLLINS	PT 4628 HEIDI E TERUYA-WIRTH
PT 4614 CODY V GILLISS	PT 4629 HARRISON A KRYGER
PT 4615 MATTHEW S FRANKLIN	PT 4630 RACQUEL S COLINA
PT 4616 VERONICA E FALZONE	PT 4631 LAURA E BARNES
PT 4617 MATTHEW S PORTER	

PHYSICAL THERAPIST ASSISTANT

PTA 428 CHERYL A HILBERG
PTA 429 LUIS A RIVERA
PTA 430 RICHARD B OGE
PTA 431 HEATHER M BURDICK
PTA 432 JESSICA L GRAF
PTA 433 ROBERT A THORNTON
PTA 434 JESSICA L D WALTON
PTA 435 JESSE H INSLEE
PTA 436 JENNIFER M BAYNE
PTA 437 MICHELLE R CABANERO

b. Applications

1) Scott Smith

Executive Session:

At 10:08 a.m., it was moved by Ms. Kubota, seconded by Ms. Wakabayashi, 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 10:11 a.m., it was moved by Ms. Kubota, seconded by Mr. Turner, and unanimously carried to move out of executive session.

At this time, Vice Chair Iopa announced she was taking the agenda out of order to discuss the following agenda item:

- 8. Chapter 91, HRS Adjudicatory Matters, a. In the Matter of the License to Practice Physical Therapy of Jason M. Burns, PTS 2017-8-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1” and “2”

8. Chapter 91, HRS Adjudicatory Matters:

Vice Chair Iopa called for a recess from the Board’s meeting at 10:12 a.m., to discuss and deliberate on the following adjudicatory matter, pursuant to Chapter 91, HRS:

- a. In the Matter of the License to Practice Physical Therapy of Jason M. Burns, PTS 2017-8-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order; Exhibits “1” and “2”

After discussion, it was moved by Vice Chair Iopa, seconded by Mr. Turner, and unanimously carried to approve the above-referenced Settlement Agreement.

At 10:14 a.m., the Board moved out of Chapter 91, HRS and returned to its regular order of business.

7. Applications:

b. Applications

1) Scott Smith

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

9. Next Meeting:

Tuesday, November 13, 2018
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, Vice Chair Iopa adjourned the meeting at 10:18 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

9/24/18

Minutes approved as is.

Minutes approved with changes; see minutes of _____.