

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

MINUTES OF MEETING

- Date: Tuesday, March 12, 2019
- 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”)
Christopher Leong, Deputy Attorney General (“DAG”)
Shari Wong, DAG
Jennifer Fong, Secretary
- Excused: Russell Chung, Public Member
- Guests: Herb 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 9:00 a.m.
 2. Additional Distribution: None.
 3. Approval of Board Minutes of the January 8, 2019 Meeting: Chair Shimabukuro asked if there were any comments or concerns regarding the Board minutes of the January 8, 2019 meeting.
There were none.

There being no further discussion or amendments to the minutes, upon a motion by Ms. Kubota, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to approve the minutes of the January 8, 2019 meeting as circulated.

4. Executive
Officer's
Report:

a. 2018 Renewal – Audit Update

EO Taniguchi reported that the audit of the 2018 renewal has begun. 75 licensees were randomly selected. The deadline for response to the initial audit letters was March 1, 2019. The Board is in the process of reviewing the documents that have been submitted. To date, 10 licensees have not submitted any response to the audit letter.

After some discussion, by consensus, the board members directed the EO to refer to the Regulated Industries Complaints Office ("RICO") for possible disciplinary action against their license all licensees who: 1) have not responded to the audit letter by providing copies of their continuing competence documentation to the Board within 14 calendar days after being requested to provide such documentation pursuant to HRS §461J-10.15(d); and/or 2) used courses taken after December 31, 2018 to complete the audit as doing so indicates that they provided false information when signing the attestation on the license renewal.

b. 2019 Board Appointments

EO Taniguchi noted that the Governor submitted Cindy Tamayo for appointment and Mr. Turner for reappointment to the Legislature. He reminded the Board that on June 30, 2019, the second terms for Vice Chair Iopa and Ms. Kubota end, however, if no other PT is confirmed by the Legislature, it's possible that Ms. Kubota could be held over as a carryover as she will not have exceeded the maximum of eight consecutive years as a board member. To date, the Board has not heard of any applicants for the vacant public member position.

c. 2019 Legislation

EO Taniguchi reported that two dry needling bills, S.B. 547 and H.B. 701, were introduced. S.B. 547 was not heard and has died. H.B. 701 was heard by the House Committee on Health. The Committee amended the bill to require the legislative reference bureau to conduct a study of the laws and regulations regarding dry needling in other states as they pertain to the practice of PTs including the scope of practice of both PTs and acupuncturists in other states in which PTs are permitted to perform dry needling; the market share of acupuncturists and PTs in other states; and any external factors leading other states to adopt or refuse to adopt laws or regulations allowing PTs to perform

dry needling. H.B. 701 has died as it was not heard by the House Committee on Consumer Protection & Commerce. He noted that both bills could be heard again during next year's legislative session.

Chair Shimabukuro noted that HAPTA was the primary proponent of the bills and asked Mr. Yee if he wanted to make any comments.

Mr. Yee thanked the Board for its support of the bills and stated that HAPTA is committed to pushing the bills during the next legislative session. He reported at the hearing, there was strong testimony in opposition to the bill from the acupuncture industry.

Chair Shimabukuro stated that he represented the Board at the hearing on H.B. 701. The Board of Acupuncture's Chair testified on behalf of the Board as well as an individual licensee. Her testimony was very passionate, and it was clear that there were very strong feelings against PTs being able to perform dry needling.

Ms. Wakabayashi asked if HAPTA was able to talk to the Board of Acupuncture prior to the hearing.

Mr. Yee said yes, they did attend a meeting and tried to present the information in a neutral way, however, he is not sure if they got their message across. He noted the irony of the situation is that not every PT is going to be doing dry needling. HAPTA feels only a small percentage of PTs will be performing it. Most clients won't ask for the technique as they won't be aware of it unless they have had it previously performed.

EO Taniguchi noted that if a bill passes allowing dry needling, the Board can amend their rules to add education and/or training requirements for PTs performing dry needling.

Chair Shimabukuro suggested that the Board start looking at possible amendments, so the rule amendments are ready if the bill passes. He noted that having the language regarding education and training requirements ready might also help HAPTA push for the bill's passage during the next legislative session.

Mr. Yee asked if the Board would consider amending the rules to add a continuing competence requirement for PTAs and/or language allowing telemedicine.

EO Taniguchi noted that both changes would require amendments to the statute first. He reminded Mr. Yee that the Board tried to submit proposed legislative bills to address both issues this year, however, they were not accepted as administrative bills.

Mr. Yee asked if the Board if they would support bills on these issues if HAPTA proposed them.

EO Taniguchi noted that the Board would not be able to make a determination until the language of the bills could be reviewed.

5. New
Business:

a. Federation of State Boards of Physical Therapy ("FSBPT") 2019 Annual Meeting, October 24-26, 2019, Oklahoma City, Oklahoma

Ms. Wakabayashi noted that she will already be attending the 2019 Annual Meeting as a member of the FSBPT's education committee.

Ms. Kubota said if she is able to remain on the Board as a carryover, she is willing to attend.

Chair Shimabukuro said he is able to attend the Annual Meeting but cannot attend the Leadership Issues Forum.

After some discussion, upon a motion by Vice Chair Iopa, seconded by Chair Shimabukuro, it was voted on and unanimously carried to elect Ms. Kubota as the voting delegate, Chair Shimabukuro as the alternate delegate and EO Taniguchi as the funded administrator to the FSBPT 2019 Annual Meeting.

b. FSBPT 2019 Leadership Issues Forum, July 13-14, 2019, Alexandria, Virginia

After some discussion, upon a motion by Vice Chair Iopa, seconded by Chair Shimabukuro, it was voted on and unanimously carried to elect Ms. Kubota to represent the Board at the 2019 Leadership Issues Forum.

c. Request from Reid Elam to Waive the Continuing Competence Requirement

The Board reviewed Mr. Elam's request to waive the continuing competence ("CC") requirement for medical reasons.

Chair Shimabukuro recused himself from the discussion on this matter.

At 9:26 a.m., Chair Shimabukuro left the room.

EO Taniguchi noted that HRS §461J-10.14 (a) states “Prior to the expiration of a renewal period, a licensee may submit a written request to the board for an exemption from the continuing competence requirements in this chapter.” Mr. Elam did not do so and renewed his license online, including certifying that he met the CC requirement.

Ms. Wakabayashi noted that Mr. Elam's letter stated due to his medical issues, beginning in late April 2017 into 2018, he was involved with rehabilitation and was unable to attend or participate in CC activities. Along with his letter, Mr. Elam submitted an audit form and certificates for online professional practice courses completed in March 2018 and the online ethics course which was completed in December 2018.

Mr. Turner stated that theoretically, all of the courses, with the sole exception of the CPR course, can be completed online as the Board does not limit the amount of online courses a licensee can take.

At 9:45 a.m., Chair Shimabukuro returned.

After some discussion, upon a motion by Ms. Wakabayashi, seconded by Vice Chair Iopa, it was voted on to direct the EO to inform Mr. Elam of the following: 1) as his request was not submitted pursuant to HRS §461J-10.14 (a), he does not qualify for the exemption and must comply with the continuing competence requirement for the 2018 renewal; and 2) the Board will be referring him to RICO for providing false information when signing the attestation on the license renewal, with Vice Chair Iopa, Ms. Kubota, Mr. Turner and Ms. Wakabayashi voting “Yes” and Chair Shimabukuro abstaining. The motion passed.

6. Old Business:

a. Discussion regarding update of “Requirements to Request Approval from the the Hawaii Board of Physical Therapy for Professional Practice of Physical Therapy or Patient/Client Management Courses”

After some discussion, it was the consensus of the Board to develop a form for course providers to fill out to submit to the Board. A list of required supporting documentation would be included with the form. Mr. Turner volunteered to work on the form.

b. Discussion regarding Course Work Tool (“CWT”) used for applicants who graduated from a non-Commission on Accreditation in Physical Therapy Education (“CAPTE”) accredited program

EO Taniguchi noted at their last meeting, the Board deferred this matter to allow time for further research into this issue. He reiterated that recently, staff have received several inquiries asking if the Board would allow the use of retro

tools based on when the applicant graduated. He reported that currently, eight states require the use of CWT 6 with no retro tools. He noted that it may be an issue here because Hawaii does not have reciprocal licensure with other states.

Ms. Wakabayashi stated that she thinks the Board should require applicants to use the current CWT. Sometimes applicants will have to take additional classes to meet the requirements for the current CWT but feels this would be best for public protection.

Mr. Turner asked if the Board can grant exemptions on a case-by-case basis.

EO Taniguchi said he does not think so.

Upon a motion by Ms. Wakabayashi, seconded by Ms. Kubota, it was voted on and unanimously carried to require that all Board-approved credential evaluation services use the current CWT when conducting evaluations for Hawaii applicants.

7. 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 Vice Chair Iopa, it was voted on and unanimously carried to ratify the following course which was previously approved by the Board for Ethics, Laws, and Rules (Jurisprudence) CCUs:

INDEX #	PROGRAM TITLE (SPONSOR)	UNITS
19-044	Legal and Ethical Practice in Hawaii (Sponsor: <i>PhysicalTherapy.com</i>) [Previous Index #: 18-024]	2.0

b. CC Course 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 course for Ethics, Laws, and Rules (Jurisprudence):

INDEX #	PROGRAM TITLE (SPONSOR)	UNITS
19-045	Hawaii Jurisprudence, Rules and Professional Ethics for Physical Therapists (Sponsor: <i>MedBridge</i>)	2.0

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

INDEX #	PROGRAM TITLE (SPONSOR)	UNITS
19-046	RunTech Video Gait Analysis and Runner Re-Training (formerly listed as <i>RUNFIT Video Gait Analysis and Re-Training Course</i>) (Sponsor: <i>OrthoSport Hawaii</i>)	15.0
19-047	Fascial Anatomy: cadaver dissection, biomechanics and ultrasound imaging in living (Sponsor: <i>Fascial Manipulation® Institute by Stecco®</i>)	35.0
19-048	Certificate Course in Wound Care: Intensive 3-Day Boot Camp with Hands-on Simulation (Sem #67999) (Sponsor: <i>PESI, Inc.</i>)	19.0
19-049	Challenging Geriatric Behaviors (seminar #69830) (Sponsor: <i>PESI, Inc.</i>)	6.25

After some discussion, upon a motion by Vice Chair Iopa, 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)
<ul style="list-style-type: none"> Understanding Pathophysiology: Its Direct Impact on Patient Care (Sem #68022) (Sponsor: <i>PESI, Inc.</i>)

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:

PHYSICAL THERAPIST

- | | |
|-----------------------------|---------------------------|
| PT 4708 MARY ANN J CATANIAG | PT 4715 DEVLIN A DIZACOMO |
| PT 4709 MIRICK A ABRIO | PT 4716 JUSTEN M HINERMAN |
| PT 4710 MICHELLE E PILAR | PT 4717 ROGELIO HERNANDEZ |
| PT 4711 ADRIENNE M BARR | PT 4718 CRYSTAL L KNAPP |
| PT 4712 JODI A BROWN | PT 4719 ERICK T S MOON |
| PT 4713 CRAIG J BUNING | PT 4720 JOSHUA A LEY |
| PT 4714 AUSTIN A BROWN | PT 4721 SARA S MEYERS |

PHYSICAL THERAPIST (continued from previous page)

PT 4722	ALEXANDER W OHMES	PT 4746	NICOLAS B CIVALE
PT 4723	THEODORE H NGUYEN	PT 4747	DANIEL K MIN
PT 4724	NIKITA PATEL	PT 4748	KELSEY A KUEHN
PT 4725	AUGUSTO REYNOSO	PT 4749	TIFFNEY M TOUTON
PT 4726	PAMELA J WIEDERHOLT	PT 4750	KENDALL R HOLLIS
PT 4727	CONNOR J RAGAN	PT 4751	MARAWAN A A AHMED
PT 4728	LINDSEY K WOOSLEY	PT 4752	ISABEL DUTRA
PT 4729	DANIEL S MURTY	PT 4753	KIMBERLY D FEUTZ
PT 4730	LINDSEY N AD SHADE	PT 4754	ERICA L NIWA
PT 4731	GEORGE B HOMAN	PT 4755	AMANDA CHU
PT 4732	ERIK A PEREZ	PT 4756	SIDHARTH SAHNI
PT 4733	SCOTT J BENJAMIN	PT 4757	MICHAEL T FRASSO
PT 4734	KELSEA J SHINER	PT 4758	DAKOTA C CONROY
PT 4735	CHLOE S SONDLER	PT 4759	RACHEL L POPELKA
PT 4736	KRISTINA E BACCO	PT 4760	LAURA E DOUGHTY
PT 4737	AMANDA J KOVAL	PT 4761	FRANK B HELFST
PT 4738	SUSAN M POWROZNIK	PT 4762	RITESH NIRWAL
PT 4739	TAYLOR J DAVIES	PT 4763	MEGAN A BROTHEN
PT 4740	MARY FRANCES SHAUGHNESSY	PT 4764	ALEXIS M CALABRESE
PT 4741	CALEB M ALLEN	PT 4765	SAMANTHA R HELMSTETTER
PT 4742	LAURA M DRUM	PT 4766	KYLE D FREEMAN
PT 4743	LILLIE A MILEY	PT 4767	JESHUA P SPADINO
PT 4744	JULIE M VERDY		
PT 4745	CHELSEA L LORENSON		

PHYSICAL THERAPIST ASSISTANT

PTA 454	DIONNE L HIGBEE	PTA 460	BRADLEY J STURGIS
PTA 455	ANGELA D PEPPER	PTA 461	KATRINA J BALMAN
PTA 456	SHEILA M RIBAYA	PTA 462	TIFFANY M PATRICIO-HUDDY
PTA 457	APRIL M SHRUM	PTA 463	RAQUEL M RODRIGUEZ
PTA 458	TRISHA R YUEN	PTA 464	ERIC C MURPHY
PTA 459	CATHY J WEINGARTNER		

9. Next Meeting: Tuesday, May 14, 2019
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 10:14 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

3/25/19

[] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.