

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

MINUTES OF MEETING

- Date: Tuesday, November 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
Debra Kubota, PT
Michael Turner, PT
Jill Wakabayashi, Physical Therapist Assistant ("PTA")
Alan Taniguchi, Executive Officer ("EO")
Christopher Leong, Deputy Attorney General ("DAG")
Jennifer Fong, Secretary
- Excused: Cynthia Tamayo, PT, Vice Chair
Russell Chung, Public Member
- Guests: Lei Fukumura, Professional & Vocational Licensing Division
Lucy Lessard, Queen's Medical Center
Herb Yee, Hawaii Chapter of the American Physical Therapy Association ("HAPTA")
Brian Solano, CE Broker
- 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 September 10, 2019 Meeting: Chair Shimabukuro asked if there were any comments or concerns regarding the Board minutes of the September 10, 2019 meeting.
There being none, upon a motion by Ms. Wakabayashi, seconded by Ms. Kubota, it was voted on and unanimously carried to approve the Minutes of the September 10, 2019 Board meeting as circulated.

Chair Shimabukuro asked if there were any comments or concerns regarding the Executive Session minutes of the September 10, 2019 meeting.

There being none, upon a motion by Ms. Kubota, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to approve the Executive Session minutes of the September 10, 2019 meeting as circulated.

4. Chapter 91, HRS Adjudicatory Matters: Chair Shimabukuro called for a recess from the Board's meeting at 9:04 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 Reid P. Elam, PTS 2019-3-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 Ms. Kubota, seconded by Ms. Wakabayashi, and unanimously carried to approve the above-referenced Settlement Agreement.

At 9:08 a.m., the Board moved out of Chapter 91, HRS.

5. Executive Officer's Report: a. 2020 Board Meeting Schedule

A copy of the 2020 Board Meeting Schedule was distributed to Board members.

- b. Debra Kubota – New Federation of State Boards of Physical Therapy ("FSBPT") Nominating Committee Member

EO Taniguchi reported at the recent FSBPT Annual Meeting, Ms. Kubota was elected a member of the FSBPT's Nominating Committee.

Ms. Kubota gave a brief overview of the Nominating Committee's duties and responsibilities.

- c. Department of Human Resources Development ("DHRD") Discrimination/Harassment-Free Workplace Policy

A copy of DHRD's Discrimination/Harassment-Free Workplace Policy ("Policy") was distributed to the Board. Board members were instructed to place this Policy in their Board Member Manual.

EO Taniguchi gave a brief overview of the Policy and noted that Board members are being asked to sign an acknowledgement agreeing to comply with this Policy.

d. Department of Commerce and Consumer Affairs (“DCCA”) Workplace Violence Action Plan

A copy of DCCA’s Workplace Violence Action Plan (“Plan”) was distributed to the Board. Board members were instructed to place this Plan in their Board Member Manual.

EO Taniguchi gave a brief overview of the Plan.

6. New Business: a. Presentation by CE Broker

EO Taniguchi reminded the Board that the Federation of State Boards of Physical Therapy (“FSBPT”) will be discontinuing their free aPTitude program which many licensees use to keep track of their continuing competence units (“CCUs”). The Board is looking for similar free services that licensees can use to keep track of their CCUs.

A copy of CE Broker’s powerpoint presentation slides was distributed to the Board.

Mr. Solano gave an oral presentation to the Board of CE Broker’s services. Mr. Solano stated:

- CE Broker is used by multiple licensing jurisdictions for multiple professions. There are some states, such as Florida, Georgia and Tennessee, that require licensees of multiple or all of their licensing professions use CE Broker to keep track of their CE courses.
- There are three components to CE Broker: the Licensee Suite, the Provider Suite, and the Board Suite.
- The Licensee Suite offers licensees three options: 1) a basic account which is free; 2) a professional account, currently \$29/year, which includes all of the features of the basic account and allows a licensee to print a compliance transcript; and 3) a concierge account, currently \$99/year, which includes all of the features of the professional account and includes a personal account manager who can assist the licensee with uploading the information to their account.
- The Provider Suite allows CE providers to request approval from boards, report course attendance directly to CE Broker and advertise in CE Broker’s Course Search.
- The Board Suite can be used by staff to perform tasks such as audits, approval of continuing competence (“CC”) courses for individual licensees and verification of a licensee’s compliance with the CC requirement. The Board has the option to audit licensees at the time of renewal or conduct a post-renewal audit.

Chair Shimabukuro asked which states require all of their PT licensees to use CE Broker.

Mr. Solano said Florida, South Carolina and Tennessee.

EO Taniguchi noted that the Board previously determined that they would not require the use of any online reporting system as there is a possibility of some licensees not being able to submit their information and/or upload their CC certificates to an online system. They wanted to allow licensees the option to submit hard copies of the CC certificates to the Board to comply with the requirement.

Board members felt that generally, all current PT practices use the office equipment that would be needed to upload information and certificates to an online service.

Ms. Wakabayashi noted that the Board accepts courses approved by other state boards of PT as long as the course content meets Hawaii's scope of practice. She asked if the list of courses provided would only be those specifically approved by the Hawaii Board.

Mr. Solano stated that there would be a searchable field of courses that anyone can look at. A licensee would have to have an account tied to a Hawaii license in order to review a list of courses approved by the Hawaii Board.

Chair Shimabukuro asked what the general percentage is of those who use the free basic account vs. the paid accounts.

Mr. Solano used Florida as an example, stating that of one million licensees, approximately 200,000 use the \$29.00 professional account, approximately 10,000 use the \$99.00 concierge account, and the remainder use the free account. He noted that a small percentage did not create an account, however, one was created for them because they took courses from a CE provider that reported attendance directly to CE Broker.

Mr. Turner informed Mr. Solano that the Board also accepts approved CC activities other than traditional CC courses. He asked if the system would be able to also keep track of those and if so, how proof of these activities would be submitted.

Mr. Solano acknowledged that if the Board would like to proceed, CE Broker would customize their system for Hawaii licensees based on the Board's requirements. This would hopefully include the ability to track these other types of activities.

EO Taniguchi thanked Mr. Solano for his presentation. He noted that the Board is checking if there are other options available for licensees to track their CC compliance. He asked DAG Leong if the Board will have to go through the State's procurement process to recommend a CCU tracking program like CE Broker if there is no cost to the State or the licensees.

DAG Leong said he believes so, however, he will do some research.

Ms. Wakabayashi asked if a change to the Board's laws or rules would be required if the Board chooses to make the use of a specific tracking system mandatory.

DAG Leong said he would need to check on this.

b. Inquiry from Paulynn Hanief regarding whether the use of the cupping technique is allowed as part of manual therapy

The Board reviewed and discussed Ms. Hanief's email which states in part "I would like to inquire about the stance of the Board of Physical Therapy in the use of cupping technique as part of manual therapy." Ms. Hanief clarified her request further stating "[t]he cupping technique is solely for dry cupping (intact skin), with the intention to use for soft tissue mobilization, scar tissue release and increasing local blood supply in the area to speed up the healing."

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. Hanief that based on the information provided in her email, it is the Board's informal interpretation that dry cupping (intact skin) is within the scope of practice of a physical therapist.

This is an informal interpretation for informational and explanatory purposes only and is not an official opinion or decision and therefore is not to be viewed as binding on the Board.

c. Inquiry from Dr. Christian Robertozzi regarding whether diagnostic sonography is within the scope of practice for physical therapists

The Board reviewed and discussed Dr. Robertozzi's letter which states "Sonography is the analysis of sound using an instrument which produces a graphical representation of its component frequencies. This graphical representation would allow therapists to make a real-time decision about the current state of the soft tissue the physical therapist is treating. These valuable images can give therapists the information they need to give incredibly accurate exercise prescription and manual therapy techniques. This in turn creates better patient outcomes." He asks "Does the board view diagnostic

sonography as being within the scope of practice for physical therapists? In other words, does your state permit physical therapists to use sonography when treating patients?"

After some discussion, upon a motion by Mr. Turner, seconded by Ms. Kubota, it was voted on and unanimously carried to inform Dr. Robertozzi that based on the information provided in his letter as well as the definition of "Physical therapy" or "physical therapy services" in HRS Chapter 461J and the definition of "Treatment" or "Intervention" in HAR Chapter 16-110, it is the Board's informal interpretation that diagnostic sonography is within the scope of practice of a physical therapist in Hawaii.

This is an informal interpretation for informational and explanatory purposes only and is not an official opinion or decision and therefore is not to be viewed as binding on the Board.

d. RICO's Physical Therapy Advisory Committee List and Addendum Language for the 2020 Term

It was moved by Ms. Wakabayashi, seconded by Mr. Turner, voted on and unanimously carried to approve RICO's Physical Therapy Advisory Committee list and Addendum language for the 2020 term.

The Board asked the EO to request that a RICO staff member attend a future meeting to explain how the advisory committee members are selected.

e. Report on the FSBPT 2019 Annual Meeting, October 24-26, 2019, Oklahoma City, Oklahoma

EO Taniguchi, Ms. Kubota and Ms. Wakabayashi gave a brief report on the FSBPT 2019 Annual Meeting. They reported that there was a lot of discussion on the FSBPT's Exam, Licensure, and Disciplinary Database ("ELDD"). Hawaii is still considered a "1-star state" because the Board is prohibited from providing the licensee's social security number ("SSN") which is required information.

EO Taniguchi reminded the Board that a licensee's SSN can only be provided to other state agencies, and not to private organizations such as the FSBPT. He informed the Board that the Professional & Vocational Licensing Division is in the process of getting a new database system. They are anticipating that beta testing of the new system will begin sometime next year. He is hopeful that the new system may make future participation in the ELDD a possibility.

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
20-001	Clinical Cancer Exercise Specialist Level I Certification Course (Sponsor: REHAB Hospital of the Pacific) [Previous Index #: 18-026; 19-051]	16.0

b. CC Course Requests for Review

After some discussion, upon a motion by Chair Shimabukuro, 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
19-069	2019 Common Musculoskeletal Issues (Sponsor: Hawaii Pacific Health)	2.0
19-070	Acute Care & ICU Rehab: Strategies for the Medically Complex Patient (SEM# 74430-Day 1) (Sponsor: PESI, Inc.)	6.0
19-071	Cardiopulmonary Therapy for the Rehab Professional: Therapeutic Interventions for All Aspects of Cardiac Care - From ICU to Outpatient (SEM# 74430-Day 2) (Sponsor: PESI, Inc.)	6.0
20-002	C-715 Advanced Upper Quarter Integration Part A (Sponsor: NAIOMT)	20.0
20-003	C-705 Advanced Lower Quarter Integration Part A (Sponsor: NAIOMT)	20.0
20-004	C-705 Advanced Lower Quarter Integration Part B (Sponsor: NAIOMT)	20.0
20-005	C-715 Advanced Lower Quarter Integration Part B (Sponsor: NAIOMT)	20.0

Upon a motion by Ms. Wakabayashi, seconded by Mr. Turner, it was voted on and unanimously carried to defer the following course pending additional information:

- 2-Day: Treating Pain: Effective Interventions to Move People from Hurt to Hope (SEM# 75505) (Sponsor: PESI, Inc.)
- PWR! Moves Therapist Training and Certification Workshop (Sponsor: Parkinson Wellness Recovery! PWR!)

7. 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 4895	MATTHEW R KOCIUBA	PT 4908	ASHLYNN C AOKI
PT 4896	DANIELLE N DREW	PT 4909	WESLEY K ENDOW
PT 4897	HEIDI F MECHALKE	PT 4910	DANIEL M GRIFFIN
PT 4898	CALEB M FAIREY	PT 4911	PAYDEN G HOUSER
PT 4899	BRITTANY M WASHKO	PT 4912	PHILLIP D SCALISE
PT 4900	AARON R KNIGHTON	PT 4913	DREW M LEMAY
PT 4901	SETH D CONWAY	PT 4914	LEAH M BAILEY
PT 4902	KATHERINE A WILLS	PT 4915	STEVEN A BURKHARDT
PT 4903	TAYLOR J LAU	PT 4916	ALLISON N HUNT
PT 4904	CAITLIN M ABOLT	PT 4917	MARY THERESE GRAGEDA GOMEZ
PT 4905	ANNE C L NOBLE	PT 4918	JOSEPH S MUCHMORE
PT 4906	CAROLINE M SALAM	PT 4919	ANNE V STAHL
PT 4907	DINAH M COMPTON		

PHYSICAL THERAPIST ASSISTANT

PTA 503	IMMACULATE KOSGEI	PTA 506	MARGIE N BENITEZ
PTA 504	GARRETT J MYNK	PTA 507	RUI REIDPATH
PTA 505	THOMAS BUTKOVICH		

9. Next Meeting:

Tuesday, January 14, 2020
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813

EO Taniguchi noted that the Board will need new physical therapist members next year as the terms of both Chair Shimabukuro and Ms. Kubota end. He stated that any interested individuals may submit an application to the Boards and Commissions Office.

10. Adjournment: With no further business to discuss, Chair Shimabukuro adjourned the meeting at 10:43 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

11/20/19

Minutes approved as is.

Minutes approved with changes; see minutes of _____.