

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

MINUTES OF MEETING

- Date: Tuesday, January 14, 2020
- 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
Cynthia Tamayo, PT, Vice Chair
Russell Chung, Public Member
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
- Guests: Herb Yee, Hawaii Chapter of the 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 9:01 a.m.
 2. Additional Distribution: Chair Shimabukuro announced that the following was distributed to the Board members as additional distribution:
 - 6. New Business, a. Request from Marjorie Bourgeois to extend her temporary physical therapist license – Email from Ms. Bourgeois with additional clarification regarding her request
 3. Approval of Board Minutes of the November 12, 2019 Meeting: Chair Shimabukuro asked if there were any comments or concerns regarding the Board minutes of the November 12, 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 Minutes of the November 12, 2019 Board meeting as circulated.

4. Chapter 91, HRS Adjudicatory Matters: Chair Shimabukuro called for a recess from the Board's meeting at 9:03 a.m., to discuss and deliberate on the following adjudicatory matter, pursuant to Chapter 91, HRS:
- a. In the Matter of the Physical Therapist's License of Sheila Harris; PTS 2018-3-L – Transmittal Memorandum; Hearings Officer's Findings of Fact, Conclusions of Law and Recommended Order; Proposed Final Order

At 9:07 a.m., Vice Chair Tamayo arrived.

After discussion, it was moved by Ms. Wakabayashi, seconded by Vice Chair Tamayo, and unanimously carried to adopt the above-referenced Hearings Officer's recommended order as the Board's Final Order.

At 9:22 a.m., the Board moved out of Chapter 91, HRS.

5. Old Business: a. Additional Discussion regarding Presentation by CE Broker

EO Taniguchi reported that he has not found any other companies that offer a similar service for licensees to track their CC compliance.

Executive Session:

At 9:23 a.m., it was moved by Ms. Wakabayashi, seconded by Mr. Chung, 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" for the following agenda items:

- 5. Old Business, a. Additional Discussion regarding Presentation by CE Broker;
- 6. New Business, a. Request from Marjorie Bourgeois to extend her temporary physical therapist.

Guests were excused from the meeting room.

At 10:06 a.m., it was moved by Mr. Turner, seconded by Ms. Kubota, and unanimously carried to move out of Executive Session.

After some discussion, it was the consensus of the Board to defer discussion on this matter pending additional research by DAG Leong.

6. New Business: a. Request from Marjorie Bourgeois to extend her temporary physical therapist license

The Board reviewed Ms. Bourgeois' request to extend the expiration date of her temporary physical therapist license for an additional six months.

After some discussion, upon a motion by Mr. Turner, seconded by Vice Chair Tamayo, it was voted on to approve Ms. Bourgeois' request for an extension of her temporary physical therapist license with Vice Chair Tamayo, Mr. Chung, Ms. Kubota, Mr. Turner and Ms. Wakabayashi voting "yes" and Chair Shimabukuro voting "no". The motion passed.

b. Request from Gregg Pacilio to discuss Proposed Dry Needling Legislation from the Hawaii Chapter of the American Physical Therapy Association ("HAPTA")

The Board reviewed and discussed an email from Mr. Pacilio and HAPTA's proposed dry needling bill.

EO Taniguchi reminded the Board that last session's version of this bill did not pass due to opposition from the acupuncture profession. He said he has concerns regarding the language added to HRS §461J-10.13(3).

DAG Leong noted that the statute is meant to be generally worded with clarification following in the rules.

Ms. Wakabayashi agreed. She noted that the current language of the statute does not include specific modalities such as manual therapy.

EO Taniguchi said he thinks specific requirements should be in the rules, not the statute.

Chair Shimabukuro asked Mr. Yee if HAPTA would be willing to change the language.

Mr. Yee said he can propose changes. He said his question is whether the proposed bill as it is would allow any licensed PT to automatically perform dry needling, regardless of whether they have had any training or not.

EO Taniguchi said yes. He noted that last session's bill had qualifications for a PT to perform dry needling.

Chair Shimabukuro said he thinks there should be requirements to perform dry needling as it is not currently part of a general PT education.

Vice Chair Tamayo noted that there are no specific qualifications to perform any of the techniques allowed in a PT's practice. She does not believe PTs will perform any technique without the proper training.

Chair Shimabukuro noted that some jurisdictions require education for PTs to perform dry needling. He thinks doing something similar may appease concerns from legislators and help with opposition from the acupuncture community.

Mr. Yee asked if there was a possibility that the Board could create a separate certification for dry needling. He thinks in the future, dry needling will become common practice. Until then, there should be requirements listed such as a course covering specific content.

Mr. Turner asked if there is a governing body that regulates dry needling certification.

Mr. Yee said none that he is aware of.

Ms. Wakabayashi suggested that language regarding education or training could be added to the proposed definition of dry needling.

EO Taniguchi stated that a new section regarding dry needling could be added.

Chair Shimabukuro said there are two different issues: 1) allowing dry needling; and 2) allowing dry needling for the continuing competence requirement. As the bill is written, dry needling would be allowed for any licensed PT. The requirements for dry needling specific knowledge are currently in the section for other competence related activities. It does not seem that the requirements are placed in an appropriate section.

Mr. Turner asked who wrote the bill.

Mr. Yee said his understanding is that the bill was written by the office staff of Senator Roz Baker ("Senator Baker").

EO Taniguchi said last session's bill just took out the prohibition on breaking good skin.

Mr. Chung said it appears that all other competence related activities will need to include dry needling specific knowledge, regardless of whether it is applicable to the activity content.

Ms. Wakabayashi said pretty soon, dry needling will be incorporated in the Commission on Accreditation in Physical Therapy Education ("CAPTE") requirements for accredited PT programs. She asked if HAPTA is supporting the bill as is.

Mr. Yee said HAPTA has no resources to push the dry needling bill past the 2020 legislative session so they may have to take whatever they can get.

Chair Shimabukuro said he is concerned because there is no mechanism to approve PTs to perform dry needling. It may be a public safety issue.

Ms. Wakabayashi asked how risky dry needling is.

Vice Chair Tamayo said she heard someone punctured a lung once but she did not know how. She said she thinks manual therapy is a bigger hazard to the public, if performed incorrectly. There is always risk to performing any technique poorly.

Chair Shimabukuro asked the members if they would support the bill as written.

Mr. Turner said he thinks the problems he has heard about regarding performing dry needling are small and he thinks there is little risk regarding public safety, however, he would not support the bill as is.

EO Taniguchi noted that all bills go to the office of the attorney general ("AG") for review and comment regarding legalities.

Mr. Yee said he thinks as long as Senator Baker sees the elements she wants will be preserved, the bill will go forward. He believes if DAG Leong can suggest changes in his review, it will be okay.

DAG Leong stated that the AG review is for formatting and legal issues, not substance.

EO Taniguchi noted that if the bill passes as is, if any of the 16 requirements in the proposed HRS §461J-10.13(3)a changes, the Board will have to amend the statute.

Ms. Wakabayashi noted that other techniques such as pilates and spinal manipulation don't require proof of education or training.

EO Taniguchi noted that the bill has not been introduced yet.

Mr. Yee said he believes Senator Baker will be introducing the bill.

It was the consensus of the Board to defer discussion on this matter.

7. Continuing
Competence ("CC")
Course Approval

a. CC Course Requests for Review

After some discussion, upon a motion by Ms. Wakabayashi, seconded by

Requests:

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
20-006	2-Day Movement Specialist Certification (Seminar 76212) (Sponsor: PESI, Inc.)	12.0
20-00_	2-Day: Treating Pain: Effective Interventions to Move People from Hurt to Hope (SEM# 75505) (Sponsor: PESI, Inc.)	12.5
20-00_	Focused Spinal Manipulation Review (Sponsor: Mieko Iwamoto)	7.0
20-00_	Manual Therapy of the Fascial System (Sponsor: Mieko Iwamoto)	14.0
20-00_	LT1: Visceral Manipulation: Listening Techniques 1: An Integrative Approach to Evaluation (Sponsor: International Alliance of Healthcare Educators)	18.0
20-00_	C-720 Advanced Clinical Reasoning (Sponsor: NAIOMT)	20.0
20-00_	C-725 A&B Advanced Spinal Manipulation (Sponsor: NAIOMT)	27.0

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

- Hawaii Ethics, Laws, and Rules for Physical Therapy (Sponsor: Summit Professional Education)

7. Applications:

a. Ratifications

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

PHYSICAL THERAPIST

PT 4920 JENNIFER L LUNARDINI	PT 4930 ELAINE M WESTLAKE
PT 4921 HANNAH MARIE DROLET	PT 4931 REBECCA A HAUG
PT 4922 MARIA A FOX	PT 4932 BRETT W JANSSEN
PT 4923 JESIREE MAE R DIZON	PT 4933 JORDAN M CLEVY
PT 4924 KRISTEN E W SHIMABUKURO	PT 4934 JAMES PATRICK MCMAHON
PT 4925 DANIEL T WAGNER	PT 4935 BETHANY HELEN THORESEN
PT 4926 BENJAMIN Y S C OTA	PT 4936 CRISTINA ANNE SOLIMENO

PT 4927	EWA MAZUREK	PT 4937	SUSAN M GRAFF
PT 4928	ANGELA J CRAWFORD	PT 4938	AMY M ISHIOKA
PT 4929	NIKOLA DO BRUNELLE-TRAN	PT 4930	ELAINE M WESTLAKE

PHYSICAL THERAPIST ASSISTANT

PTA 508	MELISSA M FORTIER	PTA 511	SHAWN J LESSARD
PTA 509	KATHLEEN-ANN D GUERRERO	PTA 512	ALEX B OH
PTA 510	RANDELL B BARRIENTOS	PTA 513	TAYLOR-ASHLEY A VILLANUEVA

9. Public Forum: None.
10. Next Meeting: Tuesday, March 10, 2020
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii 96813
11. Adjournment: With no further business to discuss, Chair Shimabukuro adjourned the meeting at 11:04 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

1/21/2020

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