

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

MINUTES OF MEETING

Date: Tuesday, March 9, 2021

Time: 9:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar (use link below)
<https://dcca-hawaii-gov.zoom.us/j/92137979864>

Present: Cynthia Tamayo, Physical Therapist (“PT”), Chairperson
Michael Turner, PT, Vice Chairperson
Russell Chung, Public Member
Jill Wakabayashi, Physical Therapist Assistant (“PTA”)
Joanne Zazzera, PT, Member
Alan Taniguchi, Executive Officer (“EO”)
Christopher Leong, Deputy Attorney General (“DAG”)
Micah Cadalzo, Secretary
Faith Nishimura, Secretary
Lei Fukumura, Esq., Special Deputy Attorney General
Christine Dela Cruz, Secretary
Stephanie Karger, Secretary

Guests: Donald Oliva, CE Broker

A short video was played to explain procedures for this virtual meeting and how members of the public can participate and interact with the Board during the meeting.

All Board members were present.

Call to Order: There being a quorum present, Chair Tamayo called the meeting to order at 9:19 a.m.

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”).

Approval of Board Minutes of the January 12, 2021 Meeting: Chair Tamayo asked if there were any comments or concerns regarding the Board minutes of the January 12, 2021, meeting. There were none.

There being no further discussion or amendments to the minutes, upon a motion by Chair Tamayo, seconded by Ms. Wakabayashi, it was voted on and unanimously carried to approve the Board minutes of the January 12, 2021, meeting as circulated.

Chapter 91, HRS, Adjudicatory Chair Tamayo called for a recess from the Board’s meeting at 9:20 a.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS

Matters: chapter 91.

- a. In the Matter of the License to Practice Physical Therapy of Eric Torres; PTS 2020-12-L Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

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

The Board will request that a staff attorney from the Regulated Industries Complaints Office ("RICO") attend a future Board meeting to discuss with the Board on determining the terms of settlement for Settlement Agreements and Board's Final Orders.

At 9:47 a.m., the Board moved out of Chapter 91, HRS.

At 9:48 a.m., Ms. Fukumura left the meeting.

The Board returned to its regular order of business.

Executive Session:

At 9:51 a.m., it was moved by Mr. Turner, seconded by Ms. Wakabayashi, and unanimously carried to enter into executive session pursuant to HRS section 92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in HRS section 26-9, and to consult with Christopher Leong, Deputy Attorney General, on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pursuant to HRS section 92-5(a)(4).

At 10:15 a.m., it was moved by Ms. Wakabayashi, seconded by Mr. Turner, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

Old Business: a. Additional Discussion regarding presentation by CE Broker

Mr. Donald Oliva from CE Broker was present to answer any questions and address any concerns that the Board may have.

EO Taniguchi related that the Board cannot require licensees to use CE Broker's program/service or any other vendor that offers the same type of service because it is not stated as a requirement in the Board's administrative rules.

EO Taniguchi indicated that the terms and language in CE Broker's proposed contract will require few changes and will work with DAG Leong on rectifying it. He mentioned that in their proposed contract, it is stated that licensees cannot renew their license unless they are in compliance. However, licensees in Hawaii are able to renew their license and at the time of renewal, they attest that they are in compliance with their Continuing Education ("CE"). He added that after

the renewal period, notices are sent out to selected licensees for the CE random audit.

Mr. Oliva replied that the contract is flexible. He added that there are different methods where the Board can decide on how to leverage CE Broker's available software as follows:

- Hard Stop – A licensee cannot renew their license until all requirements have been successfully reported and is in compliance.
- Soft Stop – A licensee may renew their license, in which throughout the process, the program will show their current completion status, and the licensee will attest that they have met all requirements and is in compliance.
- Audit only – Board will utilize this service as an option for licensees to use voluntarily when they are selected in the random CE audit. It is a platform where an individual is able to upload/report their CE.

Ms. Wakabayashi queried whether the hard stop or soft stop software will require CE Broker to be linked to the State's internal website?

Mr. Oliva clarified that should the Board decide to choose either the hard stop or soft stop software, it will need to be integrated with the Department of Consumer and Affairs' ("DCCA") internal software renewal process. However, he added that for the audits use only, the Board will only need to direct licensees to go to CE Brokers, as the vendor, to sign up voluntarily and upload their documents. There will be no merging needed.

Ms. Zazzera queried whether licensees that sign up to CE Broker for audit use, will be receiving the same features for premium account or will they need to upload/report their certificates manually through the basic feature account?

Mr. Oliva thanked Ms. Zazzera for her question. He advised that when an individual is selected for audit, the licensee will receive an account called "temporary audit", which features the premium account. Once the individual has completed the process, their account will go back to what it was before getting the "temporary audit" account. He added that all individuals, whether they are selected in the random audit or not, are able to upload and report their CE manually through the basic, non-premium account.

Mr. Oliva added that generally, their program sees a big turn-out, in which licensees will sign up and report through them, especially when the other alternative option is only mailing the documents to the respective board. He went on to say that several state boards went on to change their administrative rules or statutes to start the requirement of licensees reporting to a vendor, program, or etc., when the individual is selected in an audit.

DAG Leong related that changing its administrative rules is something that is on the table, but until such time the Board amends its administrative rules, the Board cannot require licensees to submit their proof of CE compliance through another platform/vendor. He added that the Board may only offer to licensees that the service is available to use voluntarily at no cost and is not a requirement.

EO Taniguchi queried whether CE Broker will accept a contract that will only use their platform as a voluntary option for the next renewal cycle?

Mr. Oliva answered, yes. He added that several state boards are still only using the platform as voluntarily. He went on to explain the process and added that there is customer support available for every individual.

Mr. Oliva advised the Board of a contract called Memorandum of Understanding ("MOU"). The agreement will outline the services that CE Broker will provide, what licensees can do in the system, and a dashboard of what the Board has access and agrees to. He added that the agreement will be noted as an understanding and that the Board is not contracted or obligated to stay. He went on to say that in exchange of the agreement, CE Broker requests for the data file of current population of Hawaii-licensed PTs, which will allow CE Broker to identify an individual's license information such as license type, date of issue, expiration date, etc., and then determine the action needed from the licensee.

EO Taniguchi advised that the Board or the DCCA Licensing Branch does not collect personal email addresses or contact information. He added that due to privacy laws, email addresses and personal information, if were collected and were on record, will still not be readily available.

Mr. Oliva related that the program is functionable without an individual's email address but is optional for the licensee to provide their contact information upon signing up. He added that all information/data that CE Broker will receive will be considered as the State's property and should the Board decide to end the agreement, all data on receipt will be returned or destroyed.

EO Taniguchi stated that each licensee's name, license number, date of issue, and expiration dates are public information. He added that all Hawaii PT licenses, regardless of issuance date, are subject to renewal by December 31, every even-numbered year.

Mr. Oliva went on to say that their implementation specialist will look through the Board's administrative rules to make sure of any need-to-know information that may need attention.

EO Taniguchi thanked Mr. Oliva for his time.

After discussion, it was moved by Ms. Wakabayashi, seconded by Mr. Turner, and unanimously carried to approve the signing of a memorandum of

understanding with CE Broker to be a program used by licensees to upload their continuing education voluntarily.

Continuing
Competence (“CC”)
Course Approval
Requests:

Chair Tamayo asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

a. CC Course Requests for Review

Upon a motion by Mr. Turner, seconded by Ms. Zazzera, it was voted on and unanimously carried to approve the following course for Professional Practice of Physical Therapy or Patient/Client Management CCUs:

INDEX #	PROGRAM TITLE (SPONSOR)	UNITS
21-086	Foundations in Manual Therapy (Sponsor: Walt Fritz, PT)	16

Upon a motion by Ms. Wakabayashi, seconded by Mr. Turner, it was voted on and unanimously carried to approve the following course for Professional Practice of Physical Therapy or Patient/Client Management CCUs:

INDEX #	PROGRAM TITLE (SPONSOR)	UNITS
21-087	A Step Ahead: Effective Management of Excessive Pronation – Webinar (Sponsor: Surestep)	2

Applications:

Chair Tamayo asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

a. Ratifications (list attached)

Upon a motion by Chair Tamayo, seconded by Mr. Turner, it was voted on and unanimously carried to ratify the following (see attachment).

Next Meeting:

Tuesday, May 11, 2021
9:00 a.m.

Adjournment:

With no further business to discuss, Chair Tamayo adjourned the meeting at 10:39 a.m.

Taken by:

/s/ Micah Cadalzo

Micah Cadalzo
Secretary

Reviewed by:

/s/ Alan Taniguchi

Alan Taniguchi
Executive Officer

4/13/21

Minutes approved as is.

Minutes approved with changes; see minutes of _____.

BOARD OF PHYSICAL THERAPY 3/9/2021 – RATIFICATION LIST

PT 5109	KARI J BISHOP-KUHN	PT 5125	TESS M FARISELLI
PT 5110	TRISHA A BECKER	PT 5126	LYNN M HEYNE
PT 5111	NICOLE KIM	PT 5127	DHARTI V SHAH
PT 5112	SIERRA D DOWNUM	PT 5128	AMY H GRAY
PT 5113	PATRICIA L LUKSICH	PT 5129	BILL J G GANANCIAL
PT 5114	DANIEL TOPOLSKI	PT 5130	PHILIP R M ARCA
PT 5115	CHEYENNE M POWER	PT 5131	DIANE K PIPKIN
PT 5116	CHRISTINE L FISCHER	PT 5132	LINDSAY L CHINN
PT 5117	ELIZABETH K CLEGHORN	PT 5133	JESSE T LAMOG
PT 5118	CYNTHIA L TASA	PT 5134	RICHAEL G RODRIGUEZ
PT 5119	KEVIN J KIRSCH	PT 5135	ALICE M MCBRIDE
PT 5120	EMILY N HAW	PT 5136	SUMMER SAID
PT 5121	KALEHUA T H K KATAGIRI	PT 5137	CARISSA N REED
PT 5122	JENSEN N H TSURUDA	PT 5138	KAYLA M MATUSZEWSKI
PT 5123	STEPHANIE A PARKER	PT 5139	KAITLIN C ENDO
PT 5124	KAIMI N SAKAMAKI	PT 5140	SAMANTHA A STEWART
PTA 562	RACHEL R MADDOX		
PTA 563	JHENA AQUINO FUNTILA		
PTA 564	GRACE A VAN ALLEN		
PTA 565	ROBERT B ATALA		
PTA 566	JASMINE C CHABOLLA		