

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

**AGENDA**

Date: January 17, 2025

Time: 1:00 p.m.

In-Person Meeting Location: Queen Liliuokalani Conference Room  
HRH King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

Virtual Participation: Virtual Videoconference Meeting – Zoom (use link below)  
<https://dcca-hawaii->

[gov.zoom.us/j/3060819729?pwd=aWh2cXBxOXkwdjRTNzFrQVZjKzR3Zz09&omn=84502702325](https://dcca-hawaii-gov.zoom.us/j/3060819729?pwd=aWh2cXBxOXkwdjRTNzFrQVZjKzR3Zz09&omn=84502702325)

Zoom Phone Number: +1 (669) 900-6833

Meeting ID: 306 081 9729

Passcode: 108625

Agenda: Posted on the State electronic calendar as required by HRS section 92-7(b).

If you wish to submit written testimony on any agenda item, please email your testimony to [phys\\_therapy@dcca.hawaii.gov](mailto:phys_therapy@dcca.hawaii.gov) or by hard copy mail to: Attn: Board of Physical Therapy, P.O. Box 3469, Honolulu, HI 96801. We request submission of testimony at least 24 hours prior to the meeting to ensure that it can be distributed to the Board members.

**INTERNET ACCESS:**

To view the meeting and provide live oral testimony, please use the link at the top of the agenda. You will be asked to enter your name. The Board requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous. You will also be asked for an email address. You may fill in this field with any entry in an email format, e.g., \*\*\*\*\*@\*\*\*mail.com.

Your microphone will be automatically muted. When the Chairperson asks for public testimony, you may click the Raise Hand button found on your Zoom screen to indicate that you wish to testify about that agenda item. The Chairperson will individually enable each testifier to unmute their microphone. When recognized by the Chairperson, please unmute your microphone before speaking and mute your microphone after you finish speaking.

**PHONE ACCESS:**

If you cannot get internet access, you may get audio-only access by calling the Zoom Phone Number listed at the top on the agenda.

Upon dialing the number, you will be prompted to enter the Meeting ID which is also listed at the top of the agenda. After entering the Meeting ID, you will be asked to either enter your panelist number or wait to be admitted into the meeting. You will not have a panelist number. So, please wait until you are admitted into the meeting.

When the Chairperson asks for public testimony, you may indicate you want to testify by entering "\*" and then "9" on your phone's keypad. After entering "\*" and then "9", a voice prompt will let you know that the host of the meeting has been notified. When recognized by the Chairperson, you may unmute yourself by pressing "\*" and then "6" on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter "\*" and then "6" again to mute yourself.

For both internet and phone access, when testifying, you will be asked to identify yourself and the organization, if any, that you represent. Each testifier will be limited to five minutes of testimony per agenda item.

If connection to the meeting is lost for more than 30 minutes, the meeting will be continued on a specified date and time. This information will be provided on the Board's website at [http://cca.hawaii.gov/pvl/boards/physicaltherapy/meeting\\_schedule/](http://cca.hawaii.gov/pvl/boards/physicaltherapy/meeting_schedule/).

Instructions to attend State of Hawaii virtual board meetings may be found online at <https://cca.hawaii.gov/pvl/files/2020/08/State-of-Hawaii-Virtual-Board-Attendee-Instructions.pdf>.

1. Roll Call, Quorum, Call to Order – HRS §92-3 Open Meetings and HAR §16-89-70 Oral testimony.
2. Approval of the Board Meeting Minutes of November 12, 2024 Meeting.
3. Chapter 91, Hawaii Revised Statutes ("HRS") Adjudicatory Matters
  - A. In the Matter of License to Practice Physical Therapy of Laura J. Romig; Board's Final Order; PTS-2023-3-L. Board review list of continuing competence.
4. Continued Competence ("CC") Course Approval Requests
  - A. CC Courses Requests for Review

<b>PROGRAM TITLE (SPONSOR)</b>	<b>UNITS</b>
Bayley-4 Online Independent Study on Demand	12.0
A Clinician's Guide to Lower Extremity Differential Diagnosis of the Neck and Shoulder	3.0
A Clinician's Guide to Lower Extremity Differential Diagnosis, Pathologies, and Special Tests	4.0

Hawaii Physical Therapy Ethics and Jurisprudence	2.0
Bridging the Gap: The Shoulder – From Rehabilitation to Aftercare	2.0
Fractures – From the Nose to the Toes	2.0
Fractures – A Therapeutic Overview	1.0
Hip, Knee and Ankle Arthroplasty: Surgical and Treatment Approaches	2.0
Joint Mobilizations for the Lower Quarter	2.0
Joint Mobilizations for the Upper Quarter	2.0
Orthopedic Rehab Red Flags	1.0
Rehabilitation of the Shoulder	2.0
Rotator Cuff Disorders	2.0
The Knee Joint: Anatomy, Testing, and Diagnosis and Treatment	2.0
The Hip – Anatomy, Examination and Treatment	2.0
The Sacroiliac Joint: Anatomy, Testing and Treatment	2.0
Scapular Dyskinesis	2.0
Stress Fractures	1.0
Upper Extremity Total Joint Arthroplasty & More...	1.0
Concussions: Education, Testing and Management	2.0
Rehabilitation of the Golfer	2.0
Rehabilitation of the Overhead Athlete	2.0
Return to Sport: Guidelines to Testing for the Lower Extremity	2.0
The Throwing Shoulder	2.0
Treatment of the Runner	2.0
Weight Loss for Athletes: A Therapist's Guide	1.0
Evidence Based Primary Care Screening: Foundations	2.0
Evidence Based Primary Care Screening: Symptoms – Part 1	2.0
Evidence Based Primary Care Screening: Symptoms – Part 2	2.0
Functional Performance Measures for Older Adults	2.0
Dance Rehab: Pre-Season Screen/Nutritional Concerns/Common Injuries/Treatment Strategies	3.0
Hip, Foot and Ankle Pathology in Dancer's: A Surgeon's Perspective	1.0
Introduction to Orthopedic Dance Medicine	1.0
Assessment of Functional Skills in the Educational Environment	1.0

Building a Strong Core: Enhancing School Function Through Therapy Using Piga	2.0
From Delivery to Discharge: Understanding the Role of the Therapy in the NICU	2.0
Pediatric Telehealth Therapy: Case Studies/Parent Training/Behavioral Challenges	2.0
Auto Immune Diseases: An Introduction to Rehabilitation and QOL Issues	2.0
Dementia: Understanding the Science, Symptoms & Stages for Optimal Patient Care	1.0
Facial Rehabilitation	4.0
Lumbar Stenosis	2.0
Using Dance with Parkinson's Disease	1.0
Pelvic Stability	1.50
Pilates: An Adjunct for Rehabilitation	2.0
Push, Pull, Squat, Hinge – Analyzing and Improving 4 Common Movement Patterns	2.0
Amyotrophic Lateral Sclerosis	2.0
Balance & Vestibular Training: Dizziness, Falls, and BPPV Symptoms	2.0
Intro to Multiple Sclerosis: A Therapist's Guide	2.0
Neuro-Oncology: Outcome Measures for Therapy	2.0
Neuroplasticity	2.0
A Clinician's Guide to Lower Extremity Differential Diagnosis	2.0
The Pediatric Hand Explained	2.0
Management of Selected Shoulder and Elbow Injuries in the Skeletally Immature Patient	2.0
Cultural Competency and Implicit Bias in Healthcare	2.0
Patient Education: Clinical Tools for Improvement	1.0
Management of Lower Extremity Injuries in the Skeletally Immature Patient	2.0
Preventing Sarcopenia	2.0
Effective Strategies to Address Cognitive and memory Decline	3.0
Diabetes in Older Adults	2.0
Myofascial Mobilization	12.0
Pediatric Myofascial Release	12.0
Myofascial Release	20.0

Fascial Pelvis Myofascial Release	20.0
Cognitive and Memory Decline in the Aging Brain: Assessment and Intervention	2.0
Myofascial Unwinding	20.0
Myofascial Release II	20.0
Women's Health Myofascial Release	25.0
Advanced Full Body Level 1	7.5
Advanced Full Body Online	3.5
Advanced Full Body Level 2	7.5
Lower Extremity Level 1	15.0
Nerve	22.5
Falls Prevention: Evaluation and Treatment	4.0
Pediatric Functional Gastrointestinal Disorders (Peds 2)	11.0
The Pelvic Floor, the Diaphragm, the Core and Their Role in Postural Development in Children	6.0
An Eclectic Approach to Spinal Mobilization and Manipulation	16.0

The Board may enter into Executive Session to consider and evaluate personal information relating to individuals applying for professional or vocational licenses in accordance with Hawaii Revised Statutes section 92-5(a)(1), and to consult with the board's attorney on questions and issues pertaining to the Board's powers, duties, immunities, and liabilities in accordance with Hawaii Revised Statutes section 92-5(a)(4).

5. Applications

A. Physical Therapist Application

- 1) John Fox
- 2) Janice Pitts
- 3) Tyler Cronquist

B. Physical Therapist Assistant Application

- 1) Erica Pinera
- 2) Dyllon Enriquez

C. Ratifications (list attached)

6. 2025 Legislative Session

- A. Proposed Legislation Relating to Administrative Licensure Actions Against Sex Offenders
- B. Proposed Legislation Relating to Therapy Services

7. 2025 Board Meeting Schedule

8. Next Meeting:  
March 11, 2025  
9:00 a.m.

HRH King Kalakaua Building  
King Kalakaua Conference Room  
335 Merchant Street  
Honolulu, HI 96813

9. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, contact Rochelle Araki at (808) 586-2693 or [phys\\_therapy@dcca.hawaii.gov](mailto:phys_therapy@dcca.hawaii.gov) as soon as possible, preferably by January 13, 2025. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

1/10/25

**BOARD OF PHYSICAL THERAPY 1/17/2025 – RATIFICATION LIST**

**PHYSICAL THERAPIST LICENSE**

PT-6036-0	Dale Gibbs
PT-6037-0	SHANNON M GORRIE
PT-6038-0	CHRISTIANA M SPENCER
PT-6039-0	Jake Barancho
PT-6040-0	Solomon Kia
PT-6041-0	Kristin Blank
PT-6042-0	KODY J SEMINARA
PT-6043-0	Kiara Marie N Vicens
PT-6044-0	HAYLEY M URABE
PT-6045-0	Jade Kendig Steele
PT-6046-0	JONATHAN DAC-HOANG LIEM
PT-6047-0	RAY VICENTE G SAN NICOLAS
PT-6048-0	STEPHANIE M ARMSTRONG
PT-6049-0	XIAOYUAN ZHOU
PT-6050-0	KRISTI C KOYANAGI
PT-6051-0	EMILY C BRADLEY
PT-6052-0	JERRY C IVY
PT-6053-0	THEA A CAYABAN DE VERO
PT-6054-0	KAITLYN P STANFORD
PT-6055-0	Kenneth Mercado
PT-6056-0	CARLO L ATIENZA
PT-6057-0	JESSICA MARIE A RUIZ
PT-6058-0	CODY AARON C MALTEZO
PT-6059-0	Minori Osako
PT-6060-0	RUSSELL B PAYTON
PT-6061-0	Rebecca Sharp
PT-6062-0	Myung Soo Choi
PT-6064-0	Monica M Chan
PT-6063-0	Phillip Michael Justice
PT-6065-0	MELISSA N CHOY
PT-6066-0	BRIDGET GILBERTSON
PT-6067-0	Tia Ann Molander
PT-6068-0	YOEL E NAPOLES
PT-6069-0	KAYLA R WITHERS
PT-6070-0	Ryan Koichi Taniguchi

PT-6071-0	JUDY L SETO
PT-6072-0	Alina DeSousa
PT-6073-0	NATALIE R PERMAUL
PT-6074-0	CHRISTOPHER I POMERLEAU
PT-6075-0	BRENDEN J LOVE
PT-6076-0	Nicholas VanderMyde
PT-6077-0	Annie K Detweiler
PT-6078-0	Sarah Melear
PT-6079-0	Aurore Jouvert
PT-6080-0	Michelle Shigeko Gardner Mestanza
PT-6081-0	ISAAC J BAIME
PT-6082-0	ALEXANDRA M SCOZZAFAVA
PT-6083-0	KEELYMAE J REGAN
PT-6084-0	JACQUELINE C GILLIAM
PT-6085-0	CHARLES N SHEPPARD
PT-6086-0	DANIEL T FALANGA
PT-6087-0	MARISSA A K DANNAWAY
PT-6088-0	Halina B Dorman
PT-6089-0	Jerzy Dorman
PT-6090-0	Kayleigh Diane Pate
PT-6091-0	Jessica VanderMyde
PT-6092-0	Kelly Ann Maloney
PT-6093-0	Aidan Joseph Ferrin
PT-6094-0	SARA PEFFLEY
PT-6095-0	TYLER J COOPER

**PHYSICAL THERAPIST ASSISTANT LICENSE**

PTA-754-0	DOUGLAS S NOAEILL
PTA-755-0	Sierra N Garbrick
PTA-756-0	Caroline M Dobinski



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

**MINUTES OF MEETING**

Date: November 12, 2024

Time: 9:00 a.m.

In-Person Meeting Location: King Kalakaua Conference Room  
HRS King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

Present: Cynthia Tamayo, Physical Therapist ("PT"), Chairperson  
Stacie Keliinoi, PT, Vice Chairperson  
Ross Lum, PT, Member  
Michele Chee, PT, Member  
Rochelle Araki, Executive Officer ("EO")  
Christopher Fernandez, Executive Officer ("EO")  
Christopher J.I. Leong, Deputy Attorney General ("DAG")  
Cortnie Tanaka, Secretary

Guests: Liza Canady, RICO  
Ivy Kim, RICO  
Malia Eversole, RICO  
Laura Romig, Respondent

All Board members were present.

Call to Order: There being a quorum present, Chair Tamayo called the meeting to order at 9:05 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 Meeting Minutes of September 10, 2024: Chair Tamayo asked if there were any comments or concerns regarding the Board Meeting Minutes of the September 10, 2024, meeting.

Upon a motion by Vice Chair Keliinoi, seconded by Mr. Lum, it was voted on and unanimously carried to approve the minutes of the September 10, 2024, meeting, as circulated.

Chapter 91, HRS,  
Adjudicatory Matter:

Chair Tamayo called for a recess from the Board's meeting at 9:08 a.m. to discuss and deliberate on the following adjudicatory matters pursuant to HRS Chapter 91.

Following the Board's review and deliberation on these matters pursuant to Chapter 91, HRS, Chair Tamayo announced that the Board reconvenes to its Chapter 92, HRS, meeting at 10:33 a.m.

- a. In the Matter of the Physical Therapy License of Gussie Paniug Merritt; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits 1-2; PTS 2024-1-L

After discussion, it was moved by Vice Chair Keliinoi, seconded by Ms. Chee, and unanimously carried to approve the aforementioned Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits 1-2; PTS 2024-1-L.

- b. In the Matter of the Physical Therapy License of Edward C. Hsu; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; PTS 2023-2-L

After discussion, it was moved by Ms. Chee, seconded by Mr. Lum, and unanimously carried to approve the aforementioned Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final order; PTS 2023-2-L.

- c. In the Matter of License to Practice Physical Therapy of Laura J. Romig; Board's Final Order; PTS-2023-3-L. Board review list of continuing competence.

After discussion, it was moved by Chair Tamayo, seconded by Ms. Chee, and unanimously carried to approve courses below for 30 hours from advantageCEUs.com to satisfy the Board's Final Order PTS-2023-3-L on page 2 section B, C, and D.

- Trauma Informed Care in Therapy, 2 hours, 9/16/2024
- Hawaii Physical Therapy Ethics and Jurisprudence, 2 hours, 9/28/2024
- Evidence Based Primary Care Screening: Foundations, 2 hours, 9/17/2024
- Evidence Based Primary Care Screening: Symptoms - Part 1, 2 hours, 9/17/2024
- Evidence Based Primary Care Screening: Symptoms - Part 2, 2 hours, 9/17/2024
- Patient Education: Clinical Tools for Improvement, 1 hour, 9/22/2024
- Concussions: Education, Testing and Management, 2 hours, 9/29/2024

- Stroke: An Evidence-Based Review, 4 hours, 9/22/2024
- Orthopedic Rehab Red Flags, 1 hour, 9/16/2024
- Neuroplasticity, 2 hours, 9/16/2024
- Preventing Sarcopenia, 2 hours, 9/16/2024
- Fascial Anatomy: Stretching and Performance Training, 2 hours, 9/28/2024
- Falls Prevention: Evaluation and Treatment, 4 hours, 9/27/2024
- Cultural Competency and Implicit Bias in Healthcare, 2 hours, 9/16/2024

Continuing  
 Competence (“CC”)  
 Course Approval  
 Requests:

CC Courses Requests for Review

Upon a motion by Ms. Chee, seconded by Vice Chair Keliinoi, it was voted and unanimously carried to approve the following courses for Professional Practice of Physical Therapy CCUs:

<b>PROGRAM TITLE (SPONSOR)</b>	<b>UNITS</b>
Wheelchair Seating Strategies	2.0
Ethics and JP Course Submissions	2.0
Foundations of Manual Therapy Practice Utilizing and Integrative Approach. Module 1: Low Back and Neck	8.0
Foundations of Manual Therapy Practice Utilizing and Integrative Approach. Module 2: Low Back and Neck (Intermediate)	8.0
Certified Running Gait Analyst Level 1 & Level 2	12.0
B-3 BRAIN 3	18.0
Ethics, Laws, and Rules for Hawaii Physical Therapists. Updated	2.0
B-4 BRAIN 4	18.0
Hawaii Ethics, Laws, and Rules for Physical Therapy	2.0
Hawaii Jurisprudence and Ethics for Physical Therapists	2.0

Executive Session:

At 10:38 a.m., it was moved by Vice Chair Keliinoi, seconded by Mr. Lum 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 10:41 a.m., it was moved by Vice Chair Keliinoi, seconded by Ms. Chee, and unanimously carried to move out of executive session and to reconvene to the Board's regular order of business.

Applications:

a. Physical Therapist Application

1. Douglas Noaeill

Upon a motion by Vice Chair Keliinoi, seconded by Mr. Lum, it was voted on and unanimously carried to approve the application for Douglas Noaeill.

b. Ratification List

Upon a motion by Chair Tamayo, seconded by Ms. Chee, it was voted on and unanimously carried to approve the attached ratification list of individuals for licensure.

Next Meeting:

TBD  
9:00 a.m.  
TBD

Adjournment:

With no further business to discuss, Chair Tamayo adjourned the meeting at 10:45 a.m.

Reviewed by:

Taken by:

\_\_\_\_\_  
Rochelle Araki  
Executive Officer

\_\_\_\_\_  
Cortnie Tanaka  
Secretary

12/4/2024

[ ] Minutes approved as is.

[ ] Minutes approved with changes; see minutes of \_\_\_\_\_.

**BOARD OF PHYSICAL THERAPY 11/12/2024 – RATIFICATION LIST**

**PHYSICAL THERAPIST LICENSE**

PT-5997-0	SARAH P SMITH
PT-5998-0	Katrina Karen Orthmann
PT-6000-0	Glysell Rivera-Alicea
PT-5999-0	Maryann Tadros
PT-6001-0	KRISTINA C KUIL
PT-6002-0	RAZEENA UMRANI
PT-6003-0	EMILY A WITTKE
PT-6004-0	Linda Vuong
PT-6005-0	Kurt Reschenberg
PT-6006-0	STEPHANIE ANN BRUBAKER
PT-6007-0	AARON M CHUN
PT-6008-0	Kyle Hietpas
PT-6009-0	Kayla Ann Corkum
PT-6010-0	Carolane Chevrier
PT-6011-0	Kyle Patrick Savellano
PT-6012-0	Dennis Kwiatkowski
PT-6013-0	Nicolas Kramer
PT-6014-0	MEGAN F LONG
PT-6015-0	Jacqueline Roussos
PT-6016-0	Patrick V Claybaugh JR
PT-6017-0	Brandi Lynn Strudgeon
PT-6018-0	Jaron Musmann
PT-6019-0	MICAH K KALUA
PT-6020-0	KARRAH F PETERS
PT-6021-0	Kylie Nufer
PT-6022-0	MEAGHAN A SOUZA
PT-6023-0	Ryland Thor Johnson
PT-6024-0	Kendra Lynn Vanness
PT-6025-0	Krista A Ross
PT-6026-0	ORI BIALA
PT-6027-0	Madisyn Charest
PT-6028-0	Justus Norman
PT-6029-0	JILL L LYNES
PT-6030-0	MARIO RODRIGUEZ
PT-6031-0	Tomislav Mijo Cotic

PT-6032-0	STACY M ROHAN
PT-6033-0	Jason Jon Davis
PT-6034-0	Samuel John Essy
PT-6035-0	Charlene Janelle Jones

**PHYSICAL THERAPIST ASSISTANT LICENSE**

PTA-740-0	STEVEN L BOLICK
PTA-741-0	Joanna Mey Azarcon
PTA-742-0	NICOLE NAKAMURA
PTA-743-0	Jaisen Sanchez
PTA-744-0	Alysha Lewis
PTA-745-0	Ashley Cloer
PTA-746-0	Kyra Joelle Prokuski
PTA-747-0	Jessie Solomon
PTA-748-0	Jennifer Manaea
PTA-749-0	Jesse Paguio Temple
PTA-750-0	Stene T Tsutsumi
PTA-751-0	Judy Ann Grande Ramos
PTA-752-0	ALICE MARIE DOMINGO OCHOCO
PTA-753-0	Edward Ventura Rimando Jr

\_\_\_**.B. NO.**\_\_\_

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# A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX  
OFFENDERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that a recent Civil Beat  
2 article highlighted the inability of State licensing boards and  
3 agencies to promptly revoke the professional licenses of  
4 registered sex offenders. The legislature believes that timely  
5 action in cases where certain professional license holders are  
6 registered sex offenders is a vital aspect of consumer  
7 protection. Delayed action in revoking a license and preventing  
8 further practice by a registered sex offender places consumers  
9 at unnecessary risk.

10           Accordingly, the purposes of this Act are to:

11           (1) Authorize the board of acupuncture, athletic trainer  
12           program, board of barbering and cosmetology, state  
13           board of chiropractic, board of dental examiners,  
14           electrologist program, hearing aid dealer and fitter  
15           program, marriage and family therapist program, board  
16           of massage therapy, Hawaii medical board, mental  
17           health counselors licensing program, board of

.B. NO.          

1           naturopathic medicine, state board of nursing, nurse  
2           aide program, nursing home administrator program,  
3           occupational therapy program, dispensing opticians  
4           program, midwives licensing program, board of  
5           examiners in optometry, board of pharmacy, board of  
6           physical therapy, board of psychology, behavior  
7           analyst program, respiratory therapist program, social  
8           worker licensing program, and state board of speech  
9           pathology and audiology to automatically revoke and  
10          deny the renewal or restoration of a license to a  
11          licensee who is a registered sex offender;

12          (2) Establish conditions for the disciplinary action; and

13          (3) Ensure consumer protection by requiring any final  
14          order of discipline taken to be public record.

15          SECTION 2. Chapter 436E, Hawaii Revised Statutes, is  
16          amended by adding a new section to be appropriately designated  
17          and to read as follows:

18          "§436E-       Revocation of license or denial of application  
19          to renew, restore, or reinstate a license based on conviction as  
20          a registered sex offender; conditions.    (a) Notwithstanding any  
21          law to the contrary, the board shall automatically revoke a



**.B. NO.**           

1 license or deny an application to renew, restore, or reinstate a  
2 license under either of the following circumstances:

3       (1) The licensee has been convicted in any court in or  
4           outside of this State of any offense that, if  
5           committed or attempted in this State, based on the  
6           elements of the convicted offense, would have been  
7           punishable as one or more of the offenses described in  
8           chapter 846E; or

9       (2) The licensee has been required to register as a sex  
10           offender pursuant to the requirements of chapter 846E,  
11           regardless of whether the related conviction has been  
12           appealed.

13       (b) The board shall notify the licensee of the license  
14           revocation or denial of application to renew, restore, or  
15           reinstate the license and of the right to elect to have a  
16           hearing as provided in subsection (c).

17       (c) Upon revocation of the license or denial of an  
18           application to renew, restore, or reinstate, the licensee may  
19           request a hearing to be held within thirty days of the  
20           revocation or denial. The proceeding shall be conducted in  
21           accordance with chapter 91.

.B. NO.

1       (d) For the purposes of enforcement of this section, a  
2 plea or verdict of guilty or a conviction after a plea of nolo  
3 contendere, shall be deemed a conviction. The record of  
4 conviction shall be conclusive evidence of the fact that the  
5 conviction occurred.

6       (e) If the related conviction of the license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

12       (f) Any final order of discipline taken pursuant to this  
13 section shall be a matter of public record.

14       (g) The board shall not restore, renew, or otherwise  
15 reinstate the license of a person under any of the following  
16 circumstances:

17       (1) The person has been required to register as a sex  
18 offender pursuant to the requirements of chapter 846E,  
19 regardless of whether the conviction has been  
20 appealed; and

21       (2) The person engaged in the offense with a patient or  
22 client, or with a former patient or client if the

.B. NO.          

1           relationship was terminated primarily for the purpose  
2           of committing the offense."

3           SECTION 3. Chapter 436H, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6           "§436H-           Revocation of license or denial of application  
7 to renew, restore, or reinstate a license based on conviction as  
8 a registered sex offender; conditions. (a) Notwithstanding any  
9 law to the contrary, the director shall automatically revoke a  
10 license or deny an application to renew, restore, or reinstate a  
11 license under either of the following circumstances:

12           (1) The licensee has been convicted in any court in or  
13 outside of this State of any offense that, if  
14 committed or attempted in this State, based on the  
15 elements of the convicted offense, would have been  
16 punishable as one or more of the offenses described in  
17 chapter 846E; or

18           (2) The licensee has been required to register as a sex  
19 offender pursuant to the provisions of chapter 846E,  
20 regardless of whether the related conviction has been  
21 appealed.

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1       (b) The director shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5       (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 request a hearing to be held within thirty days of the  
8 revocation or denial. The proceeding shall be conducted in  
9 accordance with chapter 91.

10       (d) For the purposes of enforcement of this section, a  
11 plea or verdict of guilty, or a conviction after a plea of nolo  
12 contendere, shall be deemed a conviction. The record of  
13 conviction shall be conclusive evidence of the fact that the  
14 conviction occurred.

15       (e) If the related conviction of the license holder is  
16 overturned upon appeal, the revocation or denial ordered  
17 pursuant to this section shall automatically cease. Nothing in  
18 this subsection shall prohibit the program from pursuing  
19 disciplinary action based on any cause other than the overturned  
20 conviction.

21       (f) Any final order of discipline taken pursuant to this  
22 section shall be a matter of public record.

**.B. NO.**           

1       (g) The director shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4       (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8       (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12       SECTION 4. Chapter 439A, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15       "**§439A-       Revocation of license or denial of application**  
16 **to renew, restore, or reinstate a license based on conviction as**  
17 **a registered sex offender; conditions.** (a) Notwithstanding any  
18 law to the contrary, the board shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21       (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the  
2 elements of the convicted offense, would have been  
3 punishable as one or more of the offenses described in  
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex  
6 offender pursuant to the requirements of chapter 846E,  
7 regardless of whether the related conviction has been  
8 appealed.

9 (b) The board shall notify the licensee of the license  
10 revocation or denial of application to renew, restore, or  
11 reinstate the license and of the right to elect to have a  
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an  
14 application to renew, restore, or reinstate, the licensee may  
15 request a hearing to be held within thirty days of the  
16 revocation or denial. The proceeding shall be conducted in  
17 accordance with chapter 91.

18 (d) For the purposes of enforcement of this section, a  
19 plea or verdict of guilty or a conviction after a plea of nolo  
20 contendere, shall be deemed a conviction. The record of  
21 conviction shall be conclusive evidence of the fact that the  
22 conviction occurred.

.B. NO.          

1       (e) If the related conviction of the license holder is  
2 overturned upon appeal, the revocation or denial ordered  
3 pursuant to this section shall automatically cease. Nothing in  
4 this subsection shall prohibit the board from pursuing  
5 disciplinary action based on any cause other than the overturned  
6 conviction.

7       (f) Any final order of discipline taken pursuant to this  
8 section shall be a matter of public record.

9       (g) The board shall not restore, renew, or otherwise  
10 reinstate the license of a person under any of the following  
11 circumstances:

12       (1) The person has been required to register as a sex  
13 offender pursuant to the requirements of chapter 846E,  
14 regardless of whether the conviction has been  
15 appealed; and

16       (2) The person engaged in the offense with a patient or  
17 client, or with a former patient or client if the  
18 relationship was terminated primarily for the purpose  
19 of committing the offense."

20

**.B. NO.**           

1           SECTION 5. Chapter 442, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§442-     Revocation of license or denial of application  
5 to renew, restore, or reinstate a license based on conviction as  
6 a registered sex offender; conditions. (a) Notwithstanding any  
7 law to the contrary, the board shall automatically revoke a  
8 license or deny an application to renew, restore, or reinstate a  
9 license under either of the following circumstances:

10           (1) The licensee has been convicted in any court in or  
11           outside of this State of any offense that, if  
12           committed or attempted in this State, based on the  
13           elements of the convicted offense, would have been  
14           punishable as one or more of the offenses described in  
15           chapter 846E; or

16           (2) The licensee has been required to register as a sex  
17           offender pursuant to the requirements of chapter 846E,  
18           regardless of whether the related conviction has been  
19           appealed.

20           (b) The board shall notify the licensee of the license  
21 revocation or denial of application to renew, restore, or



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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 request a hearing to be held within thirty days of the  
6 revocation or denial. The proceeding shall be conducted in  
7 accordance with chapter 91.

8 (d) For the purposes of enforcement of this section, a  
9 plea or verdict of guilty or a conviction after a plea of nolo  
10 contendere, shall be deemed a conviction. The record of  
11 conviction shall be conclusive evidence of the fact that the  
12 conviction occurred.

13 (e) If the related conviction of the license holder is  
14 overturned upon appeal, the revocation or denial ordered  
15 pursuant to this section shall automatically cease. Nothing in  
16 this subsection shall prohibit the board from pursuing  
17 disciplinary action based on any cause other than the overturned  
18 conviction.

19 (f) Any final order of discipline taken pursuant to this  
20 section shall be a matter of public record.

.B. NO.          

1       (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4       (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8       (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12  
13       SECTION 6. Chapter 447, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16       "§447-        Revocation of license or denial of application  
17 to renew, restore, or reinstate a license based on conviction as  
18 a registered sex offender; conditions. (a) Notwithstanding any  
19 law to the contrary, the board shall automatically revoke a  
20 license or deny an application to renew, restore, or reinstate a  
21 license under either of the following circumstances:

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1       (1) The licensee has been convicted in any court in or  
2       outside of this State of any offense that, if  
3       committed or attempted in this State, based on the  
4       elements of the convicted offense, would have been  
5       punishable as one or more of the offenses described in  
6       chapter 846E; or

7       (2) The licensee has been required to register as a sex  
8       offender pursuant to the requirements of chapter 846E,  
9       regardless of whether the related conviction has been  
10      appealed.

11      (b) The board shall notify the licensee of the license  
12      revocation or denial of application to renew, restore, or  
13      reinstate the license and of the right to elect to have a  
14      hearing as provided in subsection (c).

15      (c) Upon revocation of the license or denial of an  
16      application to renew, restore, or reinstate, the licensee may  
17      request a hearing to be held within thirty days of the  
18      revocation or denial. The proceeding shall be conducted in  
19      accordance with chapter 91.

20      (d) For the purposes of enforcement of this section, a  
21      plea or verdict of guilty or a conviction after a plea of nolo  
22      contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the board from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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1           SECTION 7. Chapter 448, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§448-     Revocation of license or denial of application  
5 to renew, restore, or reinstate a license based on conviction as  
6 a registered sex offender; conditions. (a) Notwithstanding any  
7 law to the contrary, the board shall automatically revoke a  
8 license or deny an application to renew, restore, or reinstate a  
9 license under either of the following circumstances:

10           (1) The licensee has been convicted in any court in or  
11           outside of this State of any offense that, if  
12           committed or attempted in this State, based on the  
13           elements of the convicted offense, would have been  
14           punishable as one or more of the offenses described in  
15           chapter 846E; or

16           (2) The licensee has been required to register as a sex  
17           offender pursuant to the requirements of chapter 846E,  
18           regardless of whether the related conviction has been  
19           appealed.

20           (b) The board shall notify the licensee of the license  
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 request a hearing to be held within thirty days of the  
6 revocation or denial. The proceeding shall be conducted in  
7 accordance with chapter 91.

8 (d) For the purposes of enforcement of this section, a  
9 plea or verdict of guilty or a conviction after a plea of nolo  
10 contendere, shall be deemed a conviction. The record of  
11 conviction shall be conclusive evidence of the fact that the  
12 conviction occurred.

13 (e) If the related conviction of the license holder is  
14 overturned upon appeal, the revocation or denial ordered  
15 pursuant to this section shall automatically cease. Nothing in  
16 this subsection shall prohibit the board from pursuing  
17 disciplinary action based on any cause other than the overturned  
18 conviction.

19 (f) Any final order of discipline taken pursuant to this  
20 section shall be a matter of public record.

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1       (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4       (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8       (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12       SECTION 8. Chapter 448F, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15       "**§448F-       Revocation of license or denial of application**  
16 **to renew, restore, or reinstate a license based on conviction as**  
17 **a registered sex offender; conditions.** (a) Notwithstanding any  
18 law to the contrary, the director shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21       (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1           committed or attempted in this State, based on the  
2           elements of the convicted offense, would have been  
3           punishable as one or more of the offenses described in  
4           chapter 846E; or

5           (2) The licensee has been required to register as a sex  
6           offender pursuant to the provisions of chapter 846E,  
7           regardless of whether the related conviction has been  
8           appealed.

9           (b) The director shall notify the licensee of the license  
10          revocation or denial of application to renew, restore, or  
11          reinstate the license and of the right to elect to have a  
12          hearing as provided in subsection (c).

13          (c) Upon revocation of the license or denial of an  
14          application to renew, restore, or reinstate, the licensee may  
15          request a hearing to be held within thirty days of the  
16          revocation or denial. The proceeding shall be conducted in  
17          accordance with chapter 91.

18          (d) For the purposes of enforcement of this section, a  
19          plea or verdict of guilty, or a conviction after a plea of nolo  
20          contendere, shall be deemed a conviction. The record of  
21          conviction shall be conclusive evidence of the fact that the  
22          conviction occurred.



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1       (e) If the related conviction of the license holder is  
2 overturned upon appeal, the revocation or denial ordered  
3 pursuant to this section shall automatically cease. Nothing in  
4 this subsection shall prohibit the program from pursuing  
5 disciplinary action based on any cause other than the overturned  
6 conviction.

7       (f) Any final order of discipline taken pursuant to this  
8 section shall be a matter of public record.

9       (g) The director shall not restore, renew, or otherwise  
10 reinstate the license of a person under any of the following  
11 circumstances:

12       (1) The person has been required to register as a sex  
13 offender pursuant to the requirements of chapter 846E,  
14 regardless of whether the conviction has been  
15 appealed; and

16       (2) The person engaged in the offense with a patient or  
17 client, or with a former patient or client if the relationship  
18 was terminated primarily for the purpose of committing the  
19 offense."

20       SECTION 9. Chapter 451A, Hawaii Revised Statutes, is  
21 amended by adding a new section to be appropriately designated  
22 and to read as follows:

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1           "§451A-        **Revocation of license or denial of application**  
2 **to renew, restore, or reinstate a license based on conviction as**  
3 **a registered sex offender; conditions.** (a) Notwithstanding any  
4 law to the contrary, the director shall automatically revoke a  
5 license or deny an application to renew, restore, or reinstate a  
6 license under either of the following circumstances:

7           (1) The licensee has been convicted in any court in or  
8 outside of this State of any offense that, if  
9 committed or attempted in this State, based on the  
10 elements of the convicted offense, would have been  
11 punishable as one or more of the offenses described in  
12 chapter 846E; or

13           (2) The licensee has been required to register as a sex  
14 offender pursuant to the provisions of chapter 846E,  
15 regardless of whether the related conviction has been  
16 appealed.

17           (b) The director shall notify the licensee of the license  
18 revocation or denial of application to renew, restore, or  
19 reinstate the license and of the right to elect to have a  
20 hearing as provided in subsection (c).

21           (c) Upon revocation of the license or denial of an  
22 application to renew, restore, or reinstate, the licensee may

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1 request a hearing to be held within thirty days of the  
2 revocation or denial. The proceeding shall be conducted in  
3 accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a  
5 plea or verdict of guilty, or a conviction after a plea of nolo  
6 contendere, shall be deemed a conviction. The record of  
7 conviction shall be conclusive evidence of the fact that the  
8 conviction occurred.

9 (e) If the related conviction of the license holder is  
10 overturned upon appeal, the revocation or denial ordered  
11 pursuant to this section shall automatically cease. Nothing in  
12 this subsection shall prohibit the program from pursuing  
13 disciplinary action based on any cause other than the overturned  
14 conviction.

15 (f) Any final order of discipline taken pursuant to this  
16 section shall be a matter of public record.

17 (g) The director shall not restore, renew, or otherwise  
18 reinstate the license of a person under any of the following  
19 circumstances:

20 (1) The person has been required to register as a sex  
21 offender pursuant to the requirements of chapter 846E,

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1           regardless of whether the conviction has been  
2           appealed; and

3           (2) The person engaged in the offense with a patient or  
4 client, or with a former patient or client if the relationship  
5 was terminated primarily for the purpose of committing the  
6 offense."

7           SECTION 10. Chapter 451JF, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10           "§451J-           Revocation of license or denial of application  
11 to renew, restore, or reinstate a license based on conviction as  
12 a registered sex offender; conditions. (a) Notwithstanding any  
13 law to the contrary, the director shall automatically revoke a  
14 license or deny an application to renew, restore, or reinstate a  
15 license under either of the following circumstances:

16           (1) The licensee has been convicted in any court in or  
17 outside of this State of any offense that, if  
18 committed or attempted in this State, based on the  
19 elements of the convicted offense, would have been  
20 punishable as one or more of the offenses described in  
21 chapter 846E; or

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1       (2) The licensee has been required to register as a sex  
2       offender pursuant to the provisions of chapter 846E,  
3       regardless of whether the related conviction has been  
4       appealed.

5       (b) The director shall notify the licensee of the license  
6       revocation or denial of application to renew, restore, or  
7       reinstate the license and of the right to elect to have a  
8       hearing as provided in subsection (c).

9       (c) Upon revocation of the license or denial of an  
10      application to renew, restore, or reinstate, the licensee may  
11      request a hearing to be held within thirty days of the  
12      revocation or denial. The proceeding shall be conducted in  
13      accordance with chapter 91.

14      (d) For the purposes of enforcement of this section, a  
15      plea or verdict of guilty, or a conviction after a plea of nolo  
16      contendere, shall be deemed a conviction. The record of  
17      conviction shall be conclusive evidence of the fact that the  
18      conviction occurred.

19      (e) If the related conviction of the license holder is  
20      overturned upon appeal, the revocation or denial ordered  
21      pursuant to this section shall automatically cease. Nothing in  
22      this subsection shall prohibit the program from pursuing

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1 disciplinary action based on any cause other than the overturned  
2 conviction.

3 (f) Any final order of discipline taken pursuant to this  
4 section shall be a matter of public record.

5 (g) The director shall not restore, renew, or otherwise  
6 reinstate the license of a person under any of the following  
7 circumstances:

8 (1) The person has been required to register as a sex  
9 offender pursuant to the requirements of chapter 846E,  
10 regardless of whether the conviction has been  
11 appealed; and

12 (2) The person engaged in the offense with a patient or  
13 client, or with a former patient or client if the relationship  
14 was terminated primarily for the purpose of committing the  
15 offense."

16 SECTION 11. Chapter 452, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 **"§452- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction as**  
21 **a registered sex offender; conditions.** (a) Notwithstanding any  
22 law to the contrary, the board shall automatically revoke a

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1 license or deny an application to renew, restore, or reinstate a  
2 license under either of the following circumstances:

3       (1) The licensee has been convicted in any court in or  
4       outside of this State of any offense that, if  
5       committed or attempted in this State, based on the  
6       elements of the convicted offense, would have been  
7       punishable as one or more of the offenses described in  
8       chapter 846E; or

9       (2) The licensee has been required to register as a sex  
10       offender pursuant to the requirements of chapter 846E,  
11       regardless of whether the related conviction has been  
12       appealed.

13       (b) The board shall notify the licensee of the license  
14       revocation or denial of application to renew, restore, or  
15       reinstate the license and of the right to elect to have a  
16       hearing as provided in subsection (c).

17       (c) Upon revocation of the license or denial of an  
18       application to renew, restore, or reinstate, the licensee may  
19       request a hearing to be held within thirty days of the  
20       revocation or denial. The proceeding shall be conducted in  
21       accordance with chapter 91.

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1       (d) For the purposes of enforcement of this section, a  
2 plea or verdict of guilty or a conviction after a plea of nolo  
3 contendere, shall be deemed a conviction. The record of  
4 conviction shall be conclusive evidence of the fact that the  
5 conviction occurred.

6       (e) If the related conviction of the license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

12       (f) Any final order of discipline taken pursuant to this  
13 section shall be a matter of public record.

14       (g) The board shall not restore, renew, or otherwise  
15 reinstate the license of a person under any of the following  
16 circumstances:

17       (1) The person has been required to register as a sex  
18 offender pursuant to the requirements of chapter 846E,  
19 regardless of whether the conviction has been  
20 appealed; and

21       (2) The person engaged in the offense with a patient or  
22 client, or with a former patient or client if the



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1           relationship was terminated primarily for the purpose  
2           of committing the offense."

3           SECTION 12. Chapter 453, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6           "§453-           **Revocation of license or denial of application**  
7 **to renew, restore, or reinstate a license based on conviction as**  
8 **a registered sex offender; conditions.** (a) Notwithstanding any  
9 law to the contrary, the board shall automatically revoke a  
10 license or deny an application to renew, restore, or reinstate a  
11 license under either of the following circumstances:

12           (1) The licensee has been convicted in any court in or  
13 outside of this State of any offense that, if  
14 committed or attempted in this State, based on the  
15 elements of the convicted offense, would have been  
16 punishable as one or more of the offenses described in  
17 chapter 846E; or

18           (2) The licensee has been required to register as a sex  
19 offender pursuant to the requirements of chapter 846E,  
20 regardless of whether the related conviction has been  
21 appealed.

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1       (b) The board shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5       (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 request a hearing to be held within thirty days of the  
8 revocation or denial. The proceeding shall be conducted in  
9 accordance with chapter 91.

10       (d) For the purposes of enforcement of this section, a  
11 plea or verdict of guilty or a conviction after a plea of nolo  
12 contendere, shall be deemed a conviction. The record of  
13 conviction shall be conclusive evidence of the fact that the  
14 conviction occurred.

15       (e) If the related conviction of the license holder is  
16 overturned upon appeal, the revocation or denial ordered  
17 pursuant to this section shall automatically cease. Nothing in  
18 this subsection shall prohibit the board from pursuing  
19 disciplinary action based on any cause other than the overturned  
20 conviction.

21       (f) Any final order of discipline taken pursuant to this  
22 section shall be a matter of public record.

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1       (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4       (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8       (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12  
13       SECTION 13. Chapter 453D, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16       "§453D-       Revocation of license or denial of application  
17 to renew, restore, or reinstate a license based on conviction as  
18 a registered sex offender; conditions. (a) Notwithstanding any  
19 law to the contrary, the director shall automatically revoke a  
20 license or deny an application to renew, restore, or reinstate a  
21 license under either of the following circumstances:

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1       (1) The licensee has been convicted in any court in or  
2       outside of this State of any offense that, if  
3       committed or attempted in this State, based on the  
4       elements of the convicted offense, would have been  
5       punishable as one or more of the offenses described in  
6       chapter 846E; or

7       (2) The licensee has been required to register as a sex  
8       offender pursuant to the provisions of chapter 846E,  
9       regardless of whether the related conviction has been  
10      appealed.

11      (b) The director shall notify the licensee of the license  
12      revocation or denial of application to renew, restore, or  
13      reinstate the license and of the right to elect to have a  
14      hearing as provided in subsection (c).

15      (c) Upon revocation of the license or denial of an  
16      application to renew, restore, or reinstate, the licensee may  
17      request a hearing to be held within thirty days of the  
18      revocation or denial. The proceeding shall be conducted in  
19      accordance with chapter 91.

20      (d) For the purposes of enforcement of this section, a  
21      plea or verdict of guilty, or a conviction after a plea of nolo  
22      contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the program from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the relationship  
20 was terminated primarily for the purpose of committing the  
21 offense."

**.B. NO.**           

1           SECTION 14. Chapter 455, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§455-       Revocation of license or denial of application  
5 to renew, restore, or reinstate a license based on conviction as  
6 a registered sex offender; conditions. (a) Notwithstanding any  
7 law to the contrary, the board shall automatically revoke a  
8 license or deny an application to renew, restore, or reinstate a  
9 license under either of the following circumstances:

10           (1) The licensee has been convicted in any court in or  
11               outside of this State of any offense that, if  
12               committed or attempted in this State, based on the  
13               elements of the convicted offense, would have been  
14               punishable as one or more of the offenses described in  
15               chapter 846E; or

16           (2) The licensee has been required to register as a sex  
17               offender pursuant to the requirements of chapter 846E,  
18               regardless of whether the related conviction has been  
19               appealed.

20           (b) The board shall notify the licensee of the license  
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3       (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 request a hearing to be held within thirty days of the  
6 revocation or denial. The proceeding shall be conducted in  
7 accordance with chapter 91.

8       (d) For the purposes of enforcement of this section, a  
9 plea or verdict of guilty or a conviction after a plea of nolo  
10 contendere, shall be deemed a conviction. The record of  
11 conviction shall be conclusive evidence of the fact that the  
12 conviction occurred.

13       (e) If the related conviction of the license holder is  
14 overturned upon appeal, the revocation or denial ordered  
15 pursuant to this section shall automatically cease. Nothing in  
16 this subsection shall prohibit the board from pursuing  
17 disciplinary action based on any cause other than the overturned  
18 conviction.

19       (f) Any final order of discipline taken pursuant to this  
20 section shall be a matter of public record.

**.B. NO.**           

1       (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4       (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8       (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12       SECTION 15. Chapter 457, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15       "§457-         **Revocation of license or denial of application**  
16 **to renew, restore, or reinstate a license based on conviction as**  
17 **a registered sex offender; conditions.** (a) Notwithstanding any  
18 law to the contrary, the board shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21       (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if



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1           committed or attempted in this State, based on the  
2           elements of the convicted offense, would have been  
3           punishable as one or more of the offenses described in  
4           chapter 846E; or

5           (2) The licensee has been required to register as a sex  
6           offender pursuant to the requirements of chapter 846E,  
7           regardless of whether the related conviction has been  
8           appealed.

9           (b) The board shall notify the licensee of the license  
10          revocation or denial of application to renew, restore, or  
11          reinstate the license and of the right to elect to have a  
12          hearing as provided in subsection (c).

13          (c) Upon revocation of the license or denial of an  
14          application to renew, restore, or reinstate, the licensee may  
15          request a hearing to be held within thirty days of the  
16          revocation or denial. The proceeding shall be conducted in  
17          accordance with chapter 91.

18          (d) For the purposes of enforcement of this section, a  
19          plea or verdict of guilty or a conviction after a plea of nolo  
20          contendere, shall be deemed a conviction. The record of  
21          conviction shall be conclusive evidence of the fact that the  
22          conviction occurred.

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1       (e) If the related conviction of the license holder is  
2 overturned upon appeal, the revocation or denial ordered  
3 pursuant to this section shall automatically cease. Nothing in  
4 this subsection shall prohibit the board from pursuing  
5 disciplinary action based on any cause other than the overturned  
6 conviction.

7       (f) Any final order of discipline taken pursuant to this  
8 section shall be a matter of public record.

9       (g) The board shall not restore, renew, or otherwise  
10 reinstate the license of a person under any of the following  
11 circumstances:

12       (1) The person has been required to register as a sex  
13 offender pursuant to the requirements of chapter 846E,  
14 regardless of whether the conviction has been  
15 appealed; and

16       (2) The person engaged in the offense with a patient or  
17 client, or with a former patient or client if the  
18 relationship was terminated primarily for the purpose  
19 of committing the offense."

20

**.B. NO.**           

1           SECTION 16. Chapter 457A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§457A-       Revocation of license or denial of application  
5 to renew, restore, or reinstate a license based on conviction as  
6 a registered sex offender; conditions. (a) Notwithstanding any  
7 law to the contrary, the director shall automatically revoke a  
8 license or deny an application to renew, restore, or reinstate a  
9 license under either of the following circumstances:

10           (1) The licensee has been convicted in any court in or  
11           outside of this State of any offense that, if  
12           committed or attempted in this State, based on the  
13           elements of the convicted offense, would have been  
14           punishable as one or more of the offenses described in  
15           chapter 846E; or

16           (2) The licensee has been required to register as a sex  
17           offender pursuant to the provisions of chapter 846E,  
18           regardless of whether the related conviction has been  
19           appealed.

20           (b) The director shall notify the licensee of the license  
21 revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3       (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 request a hearing to be held within thirty days of the  
6 revocation or denial. The proceeding shall be conducted in  
7 accordance with chapter 91.

8       (d) For the purposes of enforcement of this section, a  
9 plea or verdict of guilty, or a conviction after a plea of nolo  
10 contendere, shall be deemed a conviction. The record of  
11 conviction shall be conclusive evidence of the fact that the  
12 conviction occurred.

13       (e) If the related conviction of the license holder is  
14 overturned upon appeal, the revocation or denial ordered  
15 pursuant to this section shall automatically cease. Nothing in  
16 this subsection shall prohibit the program from pursuing  
17 disciplinary action based on any cause other than the overturned  
18 conviction.

19       (f) Any final order of discipline taken pursuant to this  
20 section shall be a matter of public record.

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1       (g) The director shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4       (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8       (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the relationship  
10 was terminated primarily for the purpose of committing the  
11 offense."

12       SECTION 17. Chapter 457B, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15       "§457B-       Revocation of license or denial of application  
16 to renew, restore, or reinstate a license based on conviction as  
17 a registered sex offender; conditions. (a) Notwithstanding any  
18 law to the contrary, the director shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21       (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1           committed or attempted in this State, based on the  
2           elements of the convicted offense, would have been  
3           punishable as one or more of the offenses described in  
4           chapter 846E; or

5           (2) The licensee has been required to register as a sex  
6           offender pursuant to the provisions of chapter 846E,  
7           regardless of whether the related conviction has been  
8           appealed.

9           (b) The director shall notify the licensee of the license  
10          revocation or denial of application to renew, restore, or  
11          reinstate the license and of the right to elect to have a  
12          hearing as provided in subsection (c).

13          (c) Upon revocation of the license or denial of an  
14          application to renew, restore, or reinstate, the licensee may  
15          request a hearing to be held within thirty days of the  
16          revocation or denial. The proceeding shall be conducted in  
17          accordance with chapter 91.

18          (d) For the purposes of enforcement of this section, a  
19          plea or verdict of guilty, or a conviction after a plea of nolo  
20          contendere, shall be deemed a conviction. The record of  
21          conviction shall be conclusive evidence of the fact that the  
22          conviction occurred.

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1       (e) If the related conviction of the license holder is  
2 overturned upon appeal, the revocation or denial ordered  
3 pursuant to this section shall automatically cease. Nothing in  
4 this subsection shall prohibit the program from pursuing  
5 disciplinary action based on any cause other than the overturned  
6 conviction.

7       (f) Any final order of discipline taken pursuant to this  
8 section shall be a matter of public record.

9       (g) The director shall not restore, renew, or otherwise  
10 reinstate the license of a person under any of the following  
11 circumstances:

12       (1) The person has been required to register as a sex  
13 offender pursuant to the requirements of chapter 846E,  
14 regardless of whether the conviction has been  
15 appealed; and

16       (2) The person engaged in the offense with a patient or  
17 client, or with a former patient or client if the relationship  
18 was terminated primarily for the purpose of committing the  
19 offense."

20       SECTION 18. Chapter 457G, Hawaii Revised Statutes, is  
21 amended by adding a new section to be appropriately designated  
22 and to read as follows:

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1           "§457G-       Revocation of license or denial of application  
2 to renew, restore, or reinstate a license based on conviction as  
3 a registered sex offender; conditions. (a) Notwithstanding any  
4 law to the contrary, the director shall automatically revoke a  
5 license or deny an application to renew, restore, or reinstate a  
6 license under either of the following circumstances:

7           (1) The licensee has been convicted in any court in or  
8 outside of this State of any offense that, if  
9 committed or attempted in this State, based on the  
10 elements of the convicted offense, would have been  
11 punishable as one or more of the offenses described in  
12 chapter 846E; or

13           (2) The licensee has been required to register as a sex  
14 offender pursuant to the provisions of chapter 846E,  
15 regardless of whether the related conviction has been  
16 appealed.

17           (b) The director shall notify the licensee of the license  
18 revocation or denial of application to renew, restore, or  
19 reinstate the license and of the right to elect to have a  
20 hearing as provided in subsection (c).

21           (c) Upon revocation of the license or denial of an  
22 application to renew, restore, or reinstate, the licensee may



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1 request a hearing to be held within thirty days of the  
2 revocation or denial. The proceeding shall be conducted in  
3 accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a  
5 plea or verdict of guilty, or a conviction after a plea of nolo  
6 contendere, shall be deemed a conviction. The record of  
7 conviction shall be conclusive evidence of the fact that the  
8 conviction occurred.

9 (e) If the related conviction of the license holder is  
10 overturned upon appeal, the revocation or denial ordered  
11 pursuant to this section shall automatically cease. Nothing in  
12 this subsection shall prohibit the program from pursuing  
13 disciplinary action based on any cause other than the overturned  
14 conviction.

15 (f) Any final order of discipline taken pursuant to this  
16 section shall be a matter of public record.

17 (g) The director shall not restore, renew, or otherwise  
18 reinstate the license of a person under any of the following  
19 circumstances:

20 (1) The person has been required to register as a sex  
21 offender pursuant to the requirements of chapter 846E,

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1 regardless of whether the conviction has been  
2 appealed; and

3 (2) The person engaged in the offense with a patient or  
4 client, or with a former patient or client if the relationship  
5 was terminated primarily for the purpose of committing the  
6 offense."

7 SECTION 20. Chapter 458, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10 **"§458- Revocation of license or denial of application**  
11 **to renew, restore, or reinstate a license based on conviction as**  
12 **a registered sex offender; conditions.** (a) Notwithstanding any  
13 law to the contrary, the director shall automatically revoke a  
14 license or deny an application to renew, restore, or reinstate a  
15 license under either of the following circumstances:

16 (1) The licensee has been convicted in any court in or  
17 outside of this State of any offense that, if  
18 committed or attempted in this State, based on the  
19 elements of the convicted offense, would have been  
20 punishable as one or more of the offenses described in  
21 chapter 846E; or

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1       (2) The licensee has been required to register as a sex  
2       offender pursuant to the provisions of chapter 846E,  
3       regardless of whether the related conviction has been  
4       appealed.

5       (b) The director shall notify the licensee of the license  
6       revocation or denial of application to renew, restore, or  
7       reinstate the license and of the right to elect to have a  
8       hearing as provided in subsection (c).

9       (c) Upon revocation of the license or denial of an  
10       application to renew, restore, or reinstate, the licensee may  
11       request a hearing to be held within thirty days of the  
12       revocation or denial. The proceeding shall be conducted in  
13       accordance with chapter 91.

14       (d) For the purposes of enforcement of this section, a  
15       plea or verdict of guilty, or a conviction after a plea of nolo  
16       contendere, shall be deemed a conviction. The record of  
17       conviction shall be conclusive evidence of the fact that the  
18       conviction occurred.

19       (e) If the related conviction of the license holder is  
20       overturned upon appeal, the revocation or denial ordered  
21       pursuant to this section shall automatically cease. Nothing in  
22       this subsection shall prohibit the program from pursuing

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1 disciplinary action based on any cause other than the overturned  
2 conviction.

3 (f) Any final order of discipline taken pursuant to this  
4 section shall be a matter of public record.

5 (g) The director shall not restore, renew, or otherwise  
6 reinstate the license of a person under any of the following  
7 circumstances:

8 (1) The person has been required to register as a sex  
9 offender pursuant to the requirements of chapter 846E,  
10 regardless of whether the conviction has been  
11 appealed; and

12 (2) The person engaged in the offense with a patient or  
13 client, or with a former patient or client if the relationship  
14 was terminated primarily for the purpose of committing the  
15 offense."

16 SECTION 21. Chapter 459, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 **"§459- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction as**  
21 **a registered sex offender; conditions.** (a) Notwithstanding any  
22 law to the contrary, the board shall automatically revoke a

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1 license or deny an application to renew, restore, or reinstate a  
2 license under either of the following circumstances:

3       (1) The licensee has been convicted in any court in or  
4           outside of this State of any offense that, if  
5           committed or attempted in this State, based on the  
6           elements of the convicted offense, would have been  
7           punishable as one or more of the offenses described in  
8           chapter 846E; or

9       (2) The licensee has been required to register as a sex  
10           offender pursuant to the requirements of chapter 846E,  
11           regardless of whether the related conviction has been  
12           appealed.

13       (b) The board shall notify the licensee of the license  
14           revocation or denial of application to renew, restore, or  
15           reinstate the license and of the right to elect to have a  
16           hearing as provided in subsection (c).

17       (c) Upon revocation of the license or denial of an  
18           application to renew, restore, or reinstate, the licensee may  
19           request a hearing to be held within thirty days of the  
20           revocation or denial. The proceeding shall be conducted in  
21           accordance with chapter 91.

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1       (d) For the purposes of enforcement of this section, a  
2 plea or verdict of guilty or a conviction after a plea of nolo  
3 contendere, shall be deemed a conviction. The record of  
4 conviction shall be conclusive evidence of the fact that the  
5 conviction occurred.

6       (e) If the related conviction of the license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

12       (f) Any final order of discipline taken pursuant to this  
13 section shall be a matter of public record.

14       (g) The board shall not restore, renew, or otherwise  
15 reinstate the license of a person under any of the following  
16 circumstances:

17       (1) The person has been required to register as a sex  
18 offender pursuant to the requirements of chapter 846E,  
19 regardless of whether the conviction has been  
20 appealed; and

21       (2) The person engaged in the offense with a patient or  
22 client, or with a former patient or client if the

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1           relationship was terminated primarily for the purpose  
2           of committing the offense."

3           SECTION 22. Chapter 461, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6           "§461-           **Revocation of license or denial of application**  
7 **to renew, restore, or reinstate a license based on conviction as**  
8 **a registered sex offender; conditions.** (a) Notwithstanding any  
9 law to the contrary, the board shall automatically revoke a  
10 license or deny an application to renew, restore, or reinstate a  
11 license under either of the following circumstances:

12           (1) The licensee has been convicted in any court in or  
13 outside of this State of any offense that, if  
14 committed or attempted in this State, based on the  
15 elements of the convicted offense, would have been  
16 punishable as one or more of the offenses described in  
17 chapter 846E; or

18           (2) The licensee has been required to register as a sex  
19 offender pursuant to the requirements of chapter 846E,  
20 regardless of whether the related conviction has been  
21 appealed.

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1       (b) The board shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5       (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 request a hearing to be held within thirty days of the  
8 revocation or denial. The proceeding shall be conducted in  
9 accordance with chapter 91.

10       (d) For the purposes of enforcement of this section, a  
11 plea or verdict of guilty or a conviction after a plea of nolo  
12 contendere, shall be deemed a conviction. The record of  
13 conviction shall be conclusive evidence of the fact that the  
14 conviction occurred.

15       (e) If the related conviction of the license holder is  
16 overturned upon appeal, the revocation or denial ordered  
17 pursuant to this section shall automatically cease. Nothing in  
18 this subsection shall prohibit the board from pursuing  
19 disciplinary action based on any cause other than the overturned  
20 conviction.

21       (f) Any final order of discipline taken pursuant to this  
22 section shall be a matter of public record.



**.B. NO.**           

1       (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4       (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8       (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12       SECTION 23. Chapter 461J, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15       "**§461J- Revocation of license or denial of application**  
16 **to renew, restore, or reinstate a license based on conviction as**  
17 **a registered sex offender; conditions.** (a) Notwithstanding any  
18 law to the contrary, the board shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21       (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1           committed or attempted in this State, based on the  
2           elements of the convicted offense, would have been  
3           punishable as one or more of the offenses described in  
4           chapter 846E; or

5           (2) The licensee has been required to register as a sex  
6           offender pursuant to the requirements of chapter 846E,  
7           regardless of whether the related conviction has been  
8           appealed.

9           (b) The board shall notify the licensee of the license  
10          revocation or denial of application to renew, restore, or  
11          reinstate the license and of the right to elect to have a  
12          hearing as provided in subsection (c).

13          (c) Upon revocation of the license or denial of an  
14          application to renew, restore, or reinstate, the licensee may  
15          request a hearing to be held within thirty days of the  
16          revocation or denial. The proceeding shall be conducted in  
17          accordance with chapter 91.

18          (d) For the purposes of enforcement of this section, a  
19          plea or verdict of guilty or a conviction after a plea of nolo  
20          contendere, shall be deemed a conviction. The record of  
21          conviction shall be conclusive evidence of the fact that the  
22          conviction occurred.

**.B. NO.**           

1       (e) If the related conviction of the license holder is  
2 overturned upon appeal, the revocation or denial ordered  
3 pursuant to this section shall automatically cease. Nothing in  
4 this subsection shall prohibit the board from pursuing  
5 disciplinary action based on any cause other than the overturned  
6 conviction.

7       (f) Any final order of discipline taken pursuant to this  
8 section shall be a matter of public record.

9       (g) The board shall not restore, renew, or otherwise  
10 reinstate the license of a person under any of the following  
11 circumstances:

12       (1) The person has been required to register as a sex  
13 offender pursuant to the requirements of chapter 846E,  
14 regardless of whether the conviction has been  
15 appealed; and

16       (2) The person engaged in the offense with a patient or  
17 client, or with a former patient or client if the  
18 relationship was terminated primarily for the purpose  
19 of committing the offense."

20       SECTION 24. Chapter 463E, Hawaii Revised Statutes, is  
21 amended by adding a new section to be appropriately designated  
22 and to read as follows:

**.B. NO.**           

1           "§463E-        Revocation of license or denial of application  
2 to renew, restore, or reinstate a license based on conviction as  
3 a registered sex offender; conditions. (a) Notwithstanding any  
4 law to the contrary, the board shall automatically revoke a  
5 license or deny an application to renew, restore, or reinstate a  
6 license under either of the following circumstances:

7           (1) The licensee has been convicted in any court in or  
8 outside of this State of any offense that, if  
9 committed or attempted in this State, based on the  
10 elements of the convicted offense, would have been  
11 punishable as one or more of the offenses described in  
12 chapter 846E; or

13           (2) The licensee has been required to register as a sex  
14 offender pursuant to the requirements of chapter 846E,  
15 regardless of whether the related conviction has been  
16 appealed.

17           (b) The board shall notify the licensee of the license  
18 revocation or denial of application to renew, restore, or  
19 reinstate the license and of the right to elect to have a  
20 hearing as provided in subsection (c).

21           (c) Upon revocation of the license or denial of an  
22 application to renew, restore, or reinstate, the licensee may

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1 request a hearing to be held within thirty days of the  
2 revocation or denial. The proceeding shall be conducted in  
3 accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a  
5 plea or verdict of guilty or a conviction after a plea of nolo  
6 contendere, shall be deemed a conviction. The record of  
7 conviction shall be conclusive evidence of the fact that the  
8 conviction occurred.

9 (e) If the related conviction of the license holder is  
10 overturned upon appeal, the revocation or denial ordered  
11 pursuant to this section shall automatically cease. Nothing in  
12 this subsection shall prohibit the board from pursuing  
13 disciplinary action based on any cause other than the overturned  
14 conviction.

15 (f) Any final order of discipline taken pursuant to this  
16 section shall be a matter of public record.

17 (g) The board shall not restore, renew, or otherwise  
18 reinstate the license of a person under any of the following  
19 circumstances:

20 (1) The person has been required to register as a sex  
21 offender pursuant to the requirements of chapter 846E,

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1           regardless of whether the conviction has been  
2           appealed; and

3           (2) The person engaged in the offense with a patient or  
4           client, or with a former patient or client if the  
5           relationship was terminated primarily for the purpose  
6           of committing the offense."

7           SECTION 25. Chapter 465, Hawaii Revised Statutes, is  
8           amended by adding a new section to be appropriately designated  
9           and to read as follows:

10           "§465-           Revocation of license or denial of application  
11 to renew, restore, or reinstate a license based on conviction as  
12 a registered sex offender; conditions. (a) Notwithstanding any  
13 law to the contrary, the board shall automatically revoke a  
14 license or deny an application to renew, restore, or reinstate a  
15 license under either of the following circumstances:

16           (1) The licensee has been convicted in any court in or  
17           outside of this State of any offense that, if  
18           committed or attempted in this State, based on the  
19           elements of the convicted offense, would have been  
20           punishable as one or more of the offenses described in  
21           chapter 846E; or

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1       (2) The licensee has been required to register as a sex  
2       offender pursuant to the requirements of chapter 846E,  
3       regardless of whether the related conviction has been  
4       appealed.

5       (b) The board shall notify the licensee of the license  
6       revocation or denial of application to renew, restore, or  
7       reinstate the license and of the right to elect to have a  
8       hearing as provided in subsection (c).

9       (c) Upon revocation of the license or denial of an  
10      application to renew, restore, or reinstate, the licensee may  
11      request a hearing to be held within thirty days of the  
12      revocation or denial. The proceeding shall be conducted in  
13      accordance with chapter 91.

14      (d) For the purposes of enforcement of this section, a  
15      plea or verdict of guilty or a conviction after a plea of nolo  
16      contendere, shall be deemed a conviction. The record of  
17      conviction shall be conclusive evidence of the fact that the  
18      conviction occurred.

19      (e) If the related conviction of the license holder is  
20      overturned upon appeal, the revocation or denial ordered  
21      pursuant to this section shall automatically cease. Nothing in  
22      this subsection shall prohibit the board from pursuing

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1 disciplinary action based on any cause other than the overturned  
2 conviction.

3 (f) Any final order of discipline taken pursuant to this  
4 section shall be a matter of public record.

5 (g) The board shall not restore, renew, or otherwise  
6 reinstate the license of a person under any of the following  
7 circumstances:

8 (1) The person has been required to register as a sex  
9 offender pursuant to the requirements of chapter 846E,  
10 regardless of whether the conviction has been  
11 appealed; and

12 (2) The person engaged in the offense with a patient or  
13 client, or with a former patient or client if the  
14 relationship was terminated primarily for the purpose  
15 of committing the offense."

16 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 **"§465D- \_\_\_\_\_ Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction as**  
21 **a registered sex offender; conditions.** (a) Notwithstanding any  
22 law to the contrary, the director shall automatically revoke a



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1 license or deny an application to renew, restore, or reinstate a  
2 license under either of the following circumstances:

3       (1) The licensee has been convicted in any court in or  
4           outside of this State of any offense that, if  
5           committed or attempted in this State, based on the  
6           elements of the convicted offense, would have been  
7           punishable as one or more of the offenses described in  
8           chapter 846E; or

9       (2) The licensee has been required to register as a sex  
10           offender pursuant to the provisions of chapter 846E,  
11           regardless of whether the related conviction has been  
12           appealed.

13       (b) The director shall notify the licensee of the license  
14           revocation or denial of application to renew, restore, or  
15           reinstate the license and of the right to elect to have a  
16           hearing as provided in subsection (c).

17       (c) Upon revocation of the license or denial of an  
18           application to renew, restore, or reinstate, the licensee may  
19           request a hearing to be held within thirty days of the  
20           revocation or denial. The proceeding shall be conducted in  
21           accordance with chapter 91.

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1       (d) For the purposes of enforcement of this section, a  
2 plea or verdict of guilty, or a conviction after a plea of nolo  
3 contendere, shall be deemed a conviction. The record of  
4 conviction shall be conclusive evidence of the fact that the  
5 conviction occurred.

6       (e) If the related conviction of the license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the program from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

12       (f) Any final order of discipline taken pursuant to this  
13 section shall be a matter of public record.

14       (g) The director shall not restore, renew, or otherwise  
15 reinstate the license of a person under any of the following  
16 circumstances:

17       (1) The person has been required to register as a sex  
18 offender pursuant to the requirements of chapter 846E,  
19 regardless of whether the conviction has been  
20 appealed; and

21       (2) The person engaged in the offense with a patient or  
22 client, or with a former patient or client if the relationship

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1 was terminated primarily for the purpose of committing the  
2 offense."

3         SECTION 27. Chapter 466D, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6         "§466D-         Revocation of license or denial of application  
7 to renew, restore, or reinstate a license based on conviction as  
8 a registered sex offender; conditions. (a) Notwithstanding any  
9 law to the contrary, the director shall automatically revoke a  
10 license or deny an application to renew, restore, or reinstate a  
11 license under either of the following circumstances:

12         (1) The licensee has been convicted in any court in or  
13 outside of this State of any offense that, if  
14 committed or attempted in this State, based on the  
15 elements of the convicted offense, would have been  
16 punishable as one or more of the offenses described in  
17 chapter 846E; or

18         (2) The licensee has been required to register as a sex  
19 offender pursuant to the provisions of chapter 846E,  
20 regardless of whether the related conviction has been  
21 appealed.

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1       (b) The director shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5       (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 request a hearing to be held within thirty days of the  
8 revocation or denial. The proceeding shall be conducted in  
9 accordance with chapter 91.

10       (d) For the purposes of enforcement of this section, a  
11 plea or verdict of guilty, or a conviction after a plea of nolo  
12 contendere, shall be deemed a conviction. The record of  
13 conviction shall be conclusive evidence of the fact that the  
14 conviction occurred.

15       (e) If the related conviction of the license holder is  
16 overturned upon appeal, the revocation or denial ordered  
17 pursuant to this section shall automatically cease. Nothing in  
18 this subsection shall prohibit the program from pursuing  
19 disciplinary action based on any cause other than the overturned  
20 conviction.

21       (f) Any final order of discipline taken pursuant to this  
22 section shall be a matter of public record.

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1       (g) The director shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4       (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8       (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the relationship  
10 was terminated primarily for the purpose of committing the  
11 offense."

12       SECTION 28. Chapter 467E, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15       "§467E-       **Revocation of license or denial of application**  
16 **to renew, restore, or reinstate a license based on conviction as**  
17 **a registered sex offender; conditions.** (a) Notwithstanding any  
18 law to the contrary, the director shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21       (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1           committed or attempted in this State, based on the  
2           elements of the convicted offense, would have been  
3           punishable as one or more of the offenses described in  
4           chapter 846E; or

5           (2) The licensee has been required to register as a sex  
6           offender pursuant to the provisions of chapter 846E,  
7           regardless of whether the related conviction has been  
8           appealed.

9           (b) The director shall notify the licensee of the license  
10          revocation or denial of application to renew, restore, or  
11          reinstate the license and of the right to elect to have a  
12          hearing as provided in subsection (c).

13          (c) Upon revocation of the license or denial of an  
14          application to renew, restore, or reinstate, the licensee may  
15          request a hearing to be held within thirty days of the  
16          revocation or denial. The proceeding shall be conducted in  
17          accordance with chapter 91.

18          (d) For the purposes of enforcement of this section, a  
19          plea or verdict of guilty, or a conviction after a plea of nolo  
20          contendere, shall be deemed a conviction. The record of  
21          conviction shall be conclusive evidence of the fact that the  
22          conviction occurred.

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1       (e) If the related conviction of the license holder is  
2 overturned upon appeal, the revocation or denial ordered  
3 pursuant to this section shall automatically cease. Nothing in  
4 this subsection shall prohibit the program from pursuing  
5 disciplinary action based on any cause other than the overturned  
6 conviction.

7       (f) Any final order of discipline taken pursuant to this  
8 section shall be a matter of public record.

9       (g) The director shall not restore, renew, or otherwise  
10 reinstate the license of a person under any of the following  
11 circumstances:

12       (1) The person has been required to register as a sex  
13 offender pursuant to the requirements of chapter 846E,  
14 regardless of whether the conviction has been  
15 appealed; and

16       (2) The person engaged in the offense with a patient or  
17 client, or with a former patient or client if the relationship  
18 was terminated primarily for the purpose of committing the  
19 offense."

20       SECTION 29. Chapter 468E, Hawaii Revised Statutes, is  
21 amended by adding a new section to be appropriately designated  
22 and to read as follows:

**.B. NO.**           

1           "§468E-            **Revocation of license or denial of application**  
2 **to renew, restore, or reinstate a license based on conviction as**  
3 **a registered sex offender; conditions.** (a) Notwithstanding any  
4 law to the contrary, the board shall automatically revoke a  
5 license or deny an application to renew, restore, or reinstate a  
6 license under either of the following circumstances:

7           (1) The licensee has been convicted in any court in or  
8 outside of this State of any offense that, if  
9 committed or attempted in this State, based on the  
10 elements of the convicted offense, would have been  
11 punishable as one or more of the offenses described in  
12 chapter 846E; or

13           (2) The licensee has been required to register as a sex  
14 offender pursuant to the requirements of chapter 846E,  
15 regardless of whether the related conviction has been  
16 appealed.

17           (b) The board shall notify the licensee of the license  
18 revocation or denial of application to renew, restore, or  
19 reinstate the license and of the right to elect to have a  
20 hearing as provided in subsection (c).

21           (c) Upon revocation of the license or denial of an  
22 application to renew, restore, or reinstate, the licensee may



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1 request a hearing to be held within thirty days of the  
2 revocation or denial. The proceeding shall be conducted in  
3 accordance with chapter 91.

4 (d) For the purposes of enforcement of this section, a  
5 plea or verdict of guilty or a conviction after a plea of nolo  
6 contendere, shall be deemed a conviction. The record of  
7 conviction shall be conclusive evidence of the fact that the  
8 conviction occurred.

9 (e) If the related conviction of the license holder is  
10 overturned upon appeal, the revocation or denial ordered  
11 pursuant to this section shall automatically cease. Nothing in  
12 this subsection shall prohibit the board from pursuing  
13 disciplinary action based on any cause other than the overturned  
14 conviction.

15 (f) Any final order of discipline taken pursuant to this  
16 section shall be a matter of public record.

17 (g) The board shall not restore, renew, or otherwise  
18 reinstate the license of a person under any of the following  
19 circumstances:

20 (1) The person has been required to register as a sex  
21 offender pursuant to the requirements of chapter 846E,

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1 regardless of whether the conviction has been  
2 appealed; and

3 (2) The person engaged in the offense with a patient or  
4 client, or with a former patient or client if the  
5 relationship was terminated primarily for the purpose  
6 of committing the offense."

7 SECTION 30. This Act does not affect rights and duties  
8 that matured, penalties that were incurred, and proceedings that  
9 were begun before its effective date.

10 SECTION 31. New statutory material is underscored.

11 SECTION 32. This Act shall take effect upon its approval.

12  
13 INTRODUCED BY: \_\_\_\_\_

14 BY REQUEST

DRAFT

\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Department of Commerce and Consumer Affairs; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstate

**Description:**

Authorizes the [REDACTED] certain licensed professions to automatically revoke and refuse to renew, restore, or reinstate certain professional licenses of registered sex offenders.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

DRAFT

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.

PURPOSE: To allow the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee is a registered sex offender.

MEANS: Add new sections to Chapters 436E, 436H, 439A, 442, 447, 448, 448F, 451A, 451J, 452, 453, 453D, 455, 457, 457A, 457B, 457G, 457J, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 467E, 468E, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Current laws do not facilitate timely denial or revocation of a professional license when the license holder becomes or is found to be a registered sex offender. This bill allows the automatic denial of an application to renew or restore, or revocation of certain professional licenses when the license holder is a registered sex offender.

Impact on the public: Increases consumer safety and welfare.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: CCA-105.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

\_\_\_B. NO. \_\_\_

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# A BILL FOR AN ACT

RELATING TO THERAPY SERVICES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that amending Hawaii's  
2 occupational therapy, physical therapy, and speech-language  
3 pathology laws is necessary to promote a more effective model  
4 for delivering therapeutic services to students in the  
5 department of education. Currently, licensed occupational  
6 therapists, physical therapists, and speech-language  
7 pathologists employed by or contracted with the department of  
8 education are required to obtain a physician's referral before  
9 providing services to students. This requirement creates  
10 administrative barriers that hinders the department of  
11 education's ability to be reimbursed by Medicaid for the  
12 services provided.

13           The legislature further finds that timely access to  
14 occupational, physical, and speech therapy services is critical  
15 for supporting students' development, particularly in physical,  
16 sensory, cognitive, and communication skills. These services  
17 enable students to participate more fully in educational and

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1 social activities and to benefit more effectively from their  
2 learning environments.

3         Moreover, the legislature finds that removing the physician  
4 referral requirement for these licensed professionals would  
5 enable the department of education to expand its capacity for  
6 Medicaid reimbursement. By allowing occupational therapy,  
7 physical therapy, and speech therapy services to be provided  
8 without a physician's referral, the department of education can  
9 more effectively bill Medicaid for these services, generating  
10 additional funding to support and enhance therapeutic resources  
11 for students.

12         The purpose of this act is to remove the physician referral  
13 requirement to allow occupational therapists, physical  
14 therapists and speech-language pathologists in the department of  
15 education to diagnose and treat students within their scope of  
16 practice. Thereby streamlining service delivery and expanding  
17 Medicaid reimbursement eligibility.

18         SECTION 2. Section 457G-1.5, Hawaii Revised Statutes, is  
19 amended to read as follows:

20         "**§457G-1.5 Practice of occupational therapy.** (a) The  
21 practice of occupational therapy is the therapeutic use of  
22 everyday life activities with individuals or groups for the

.B. NO.          

1 purpose of participation in roles and situations in home,  
2 school, workplace, community, and other settings. It includes:

3       (1) Evaluation of factors affecting activities of daily  
4           living, instrumental activities of daily living, rest  
5           and sleep, education, work, play, leisure, and social  
6           participation, including:

7           (A) Client factors, including body functions, such as  
8                neuromusculoskeletal, sensory-perceptual, visual,  
9                mental, cognitive, and pain factors; body  
10              structures, such as cardiovascular, digestive,  
11              nervous, integumentary, genitourinary systems,  
12              and structures related to movement, values,  
13              beliefs, and spirituality;

14           (B) Habits, routines, roles, rituals, and behavior  
15              patterns;

16           (C) Occupational and social environments, cultural,  
17              personal, temporal, and virtual contexts and  
18              activity demands that affect performance; and

19           (D) Performance skills, including motor and praxis,  
20              sensory-perceptual, emotional regulation,  
21              cognitive, communication, and social skills;

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- 1           (2) Methods or approaches selected to direct the process  
2           of interventions, including:
- 3           (A) Establishment, remediation, or restoration of a  
4           skill or ability that has not yet developed, is  
5           impaired, or is in decline;
- 6           (B) Compensation, modification, or adaptation of  
7           activity or environment to enhance performance or  
8           prevent injuries, disorders, or other conditions;
- 9           (C) Retention and enhancement of skills or abilities  
10          without which performance in everyday life  
11          activities would decline;
- 12          (D) Promotion of health and wellness, including the  
13          use of self-management strategies, to enable or  
14          enhance performance in everyday life activities;  
15          and
- 16          (E) Prevention of barriers to performance and  
17          participation, including injury and disability  
18          prevention; and
- 19          (3) Interventions and procedures to promote or enhance  
20          safety and performance in activities of daily living,  
21          instrumental activities of daily living, rest and



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- 1           sleep, education, work, play, leisure, and social  
2           participation, including:
- 3           (A) Therapeutic use of occupations, exercises, and  
4           activities;
- 5           (B) Training in self-care, self-management, health  
6           management and maintenance, home management,  
7           community reintegration, work reintegration,  
8           school activities, and work performance;
- 9           (C) Development, remediation, or compensation of  
10          neuromusculoskeletal, sensory-perceptual, visual,  
11          mental, and cognitive functions; pain tolerance  
12          and management; and behavioral skills;
- 13          (D) Therapeutic use of self, including one's  
14          personality, insights, perceptions, and  
15          judgments, as part of the therapeutic process;
- 16          (E) Education and training of individuals, including  
17          family members, caregivers, groups, populations,  
18          and others;
- 19          (F) Care coordination, case management, and  
20          transition services;
- 21          (G) Consultative services to groups, programs,  
22          organizations, or communities;

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- 1           (H) Modification of environments, such as home, work,
- 2                           school, or community, and adaptation of
- 3                           processes, including the application of ergonomic
- 4                           principles;
- 5           (I) Assessment, design, fabrication, application,
- 6                           fitting, and training in seating and positioning;
- 7                           assistive technology; adaptive devices; orthotic
- 8                           devices; and training in the use of prosthetic
- 9                           devices;
- 10          (J) Assessment, recommendation, and training in
- 11                           techniques to enhance functional mobility,
- 12                           including management of wheelchairs and other
- 13                           mobility devices;
- 14          (K) Low vision rehabilitation;
- 15          (L) Driver rehabilitation and community mobility;
- 16          (M) Management of feeding, eating, and swallowing to
- 17                           enable eating and feeding performance;
- 18          (N) Application of physical agent modalities and use
- 19                           of a range of specific therapeutic procedures,
- 20                           such as wound care management, interventions to
- 21                           enhance sensory-perceptual and cognitive

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1                   processing, and manual therapy, to enhance  
2                   performance skills; and

3                   (O) Facilitating the occupational performance of  
4                   groups, populations, or organizations through the  
5                   modification of environments and the adaptation  
6                   of processes.

7                   (b) No person shall engage in the practice of occupational  
8                   therapy gratuitously or for pay, offer to practice occupational  
9                   therapy, offer occupational therapy, or represent, advertise, or  
10                  announce, either publicly or privately, that the person is an  
11                  occupational therapist, unless the person is appropriately  
12                  licensed under this chapter.

13                  (c) No person shall use, in connection with the person's  
14                  name or business, the words "occupational therapist licensed",  
15                  "registered occupational therapist", "licensed occupational  
16                  therapist", "occupational therapist", or "doctor of occupational  
17                  therapy", or the letters "OT", "OTR", "OTD", "OT/L", "OTR/L", or  
18                  "OTD/L", or any other words, letters, abbreviations, or insignia  
19                  indicating or implying that the person is an occupational  
20                  therapist unless the person is appropriately licensed as an  
21                  occupational therapist under this chapter.

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1           (d) Effective January 1, 2017, except as otherwise  
2 provided in this chapter, no person shall engage in the practice  
3 of occupational therapy or represent the person's self as able  
4 to practice as an occupational therapy assistant in the State  
5 unless:

6           (1) The practice is done under the supervision of and in  
7 partnership with an occupational therapist who is  
8 licensed to practice occupational therapy in the  
9 State; and

10          (2) The person possesses a valid license issued pursuant  
11 to this chapter to practice occupational therapy as an  
12 occupational therapy assistant.

13          (e) No person shall use the title "occupational therapy  
14 assistant licensed", "licensed occupational therapy assistant",  
15 the letters "OTA/L" or "COTA/L", or any other words, letters,  
16 abbreviations, or insignia indicating or implying that the  
17 person is an occupational therapy assistant unless that person  
18 is appropriately licensed as an occupational therapy assistant  
19 under this chapter.

20          (f) A licensed occupational therapist employed by or  
21 contracted with the department of education shall not be  
22 required to obtain a physician's referral when providing


.B. NO.          

1 occupational therapy services to students of the department of  
2 education."

3         SECTION 3. Section 457G-1, Hawaii Revised Statutes, is  
4 amended by adding a new definition to be appropriately inserted  
5 and to read as follows:

6         "For the purposes of section 457G-1.5 (f), "occupational  
7 therapy services" means the therapeutic use of everyday life  
8 activities with students for the purpose of participation in  
9 roles and situations in school, home, and community settings.

10 These services include, but are not limited to:

- 11         (1) Evaluating students' needs and developing  
12             individualized treatment plans;
- 13         (2) Providing interventions to improve students' fine  
14             motor skills, gross motor skills, sensory processing,  
15             visual-motor integration, and cognitive skills;
- 16         (3) Adapting classroom environments and materials to  
17             facilitate students' participation in school  
18             activities;
- 19         (4) Training teachers and parents on strategies to support  
20              students' occupational needs;
- 21         (5) Recommending assistive technology devices and adaptive  
22             equipment; and

.B.NO.          

1       (6) Diagnosing occupational therapy conditions within the  
2       scope of their practice as defined in section 457G  
3       1.5"

4       SECTION 4. Section 461J-2, Hawaii Revised Statutes, is  
5 amended to read as follows:

6       "**§461J-2 Practice of physical therapy;**

7 **qualifications.** (a) No person shall practice physical therapy  
8 gratuitously or for pay, offer to practice physical therapy,  
9 offer physical therapy or physical therapy services, or  
10 represent, advertise, or announce, either publicly or privately,  
11 that the person is a physical therapist or physiotherapist,  
12 unless the person is appropriately licensed under this chapter.

13       (b) No person shall use, in connection with the person's  
14 name or business, the words "licensed physical therapist",  
15 "physical therapist", or "physiotherapist", or the letters  
16 "RPT", "LPT", "DPT", "PT", or any other words, letters,  
17 abbreviations, or insignia indicating or implying that the  
18 person is a physical therapist, unless the person is  
19 appropriately licensed as a physical therapist under this  
20 chapter.

21       (c) No person shall use the title "physical therapist  
22 assistant", the letters "PTA", or any other words,

.B. NO.          

1 abbreviations, or insignia in connection with that person's name  
2 to indicate or imply, directly or indirectly, that the person is  
3 a physical therapist assistant unless that person is  
4 appropriately licensed as a physical therapist assistant under  
5 this chapter.

6         (d) No person shall practice as a physical therapist or as  
7 a physical therapist assistant, except as licensed pursuant to  
8 this chapter and under the administrative rules determined by  
9 the board in accordance with chapter 91.

10         (e) Notwithstanding subsection (a), a licensed physical  
11 therapist employed by or contracted with the department of  
12 education shall be able to diagnose and refer for services not  
13 be required to obtain a physician's referral when providing  
14 physical therapy services to students of the department of  
15 education without obtaining a physicians diagnosis and  
16 referral."

17         SECTION 5. Section 461J-1, Hawaii Revised Statutes, is  
18 amended by adding a new definition to be appropriately inserted  
19 and to read as follows:

20         "For the purposes of section 461J-2 (e), "physical therapy  
21 services" includes the following:

**.B. NO.**           

- 1       (1) Assessing students' physical abilities and  
2           limitations;
- 3       (2) Developing and implementing individualized treatment  
4           plans to address students' physical therapy needs;
- 5       (3) Providing interventions to improve students' strength,  
6           flexibility, range of motion, balance, coordination,  
7           and mobility;
- 8       (4) Adapting physical education activities and school  
9           environments to meet the needs of students with  
10          physical disabilities;
- 11       (5) Educating teachers, parents, and students on proper  
12          body mechanics and injury prevention;
- 13       (6) Recommending adaptive equipment to facilitate  
14          students' participation in school activities; and
- 15       (7) Diagnosing physical therapy conditions within the  
16          scope of their practice as defined in section 461J-2."

17       SECTION 6. Section 468E-8, Hawaii Revised Statutes, is  
18       amended to read as follows:

19       "**§468E-8 License.** (a) After December 31, 1988, no person  
20       shall engage in the practice of speech pathology or audiology  
21       unless the person is licensed in accordance with this chapter or  
22       as otherwise provided in this chapter.



**.B. NO.**           

1           (b) All speech pathologists and audiologists employed by a  
2 county or state government shall comply with the license  
3 requirements of this chapter by December 31, 1984; provided  
4 that:

5           (1) Any person engaged in the practice of speech pathology  
6 or audiology on or before October 1, 1981, as an  
7 employee of or under contract to a county or state  
8 government agency shall be deemed in compliance with  
9 the licensure requirements without the necessity of  
10 holding an ASHA certificate and may continue to  
11 practice speech pathology or audiology, as the case  
12 may be, for as long as the person remains continuously  
13 employed in any county or state government agency for  
14 that purpose; and

15           (2) The records of the board of speech pathology and  
16 audiology shall distinguish between those employees  
17 practicing speech pathology and audiology who are  
18 licensed in accordance with this chapter, and those  
19 who are deemed to be in compliance with the licensure  
20 requirements in accordance with this subsection.

21           (c) A person certified by ASHA or licensed under the laws  
22 of another state or the District of Columbia as a speech

.B. NO.          

1 pathologist or audiologist who has applied for a license in this  
2 State may perform speech pathology or audiology services in this  
3 State for a period not to exceed ninety days from the time of  
4 submitting the person's application.

5       (d) Notwithstanding subsection (a), a licensed speech  
6 pathologist employed by or contracted with the department of  
7 education shall ~~not be required to obtain a physician's referral~~  
8 be able to diagnose and refer for services when providing  
9 speech-language pathology services to students of the department  
10 of education without obtaining a physicians diagnosis and  
11 referral."

12       SECTION 7. Section 468E-3, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14       "(a) A person represents oneself to be a speech  
15 pathologist when the person:

16       (1) Holds oneself out to the public by any title or  
17 description of services incorporating the words  
18 "speech pathologist", "speech pathology", "speech  
19 therapy", "speech correction", "speech correctionist",  
20 "speech therapist", "speech clinic", "speech  
21 clinician", "language pathologist", "language  
22 pathology", "logopedics", "logopedist",

.B. NO.          

1           "communicology", "communicologist", "asphasiologist",  
2           "voice therapy", "voice therapist", "voice pathology",  
3           or "voice pathologist", "language therapist", or  
4           "phoniatriest", or any similar titles;

5           (2) Purports to treat stuttering, stammering, or other  
6           disorders of speech;

7           (3) Is employed as a faculty member in speech pathology;

8           (4) Is employed as a speech pathologist by the State or  
9           any county agency[-]; or

10          (5) Diagnoses speech pathology conditions within the scope  
11          of their practice as defined in section 468E-3."

12          SECTION 8. Section 468E-4, Hawaii Revised Statutes, is  
13          amended to read as follows:

14          "**§468E-4 Persons and practices not affected.** Nothing in  
15          this chapter shall be construed as preventing or restricting:

16          (1) A physician or surgeon from engaging in the practice  
17          of medicine in this State; or

18          (2) A licensed hearing aid dealer from engaging in the  
19          practices of fitting and selling hearing aids in this  
20          State; or

.B. NO.          

- 1           (3) Any person licensed in this State by any other law  
2                    from engaging in the profession or occupation for  
3                    which the person is licensed; or
- 4           (4) Any person employed by any federal government  
5                    agency as a speech pathologist or audiologist  
6                    from performing that person's duties as an employee of  
7                    the agency if the person must qualify for employment  
8                    under government certification or under civil service  
9                    regulations; provided that this section is applicable  
10                  only when the person is performing duties as a federal  
11                  employee. However, such person, without obtaining a  
12                  license under this chapter, may consult with or  
13                  disseminate the person's research findings and other  
14                  scientific information to speech pathologists and  
15                  audiologists outside the jurisdiction of the  
16                  organization by which the person is employed. Such  
17                  person may additionally elect to be subject to this  
18                  chapter; or
- 19          (5) The activities and services of persons pursuing a  
20                  course of study leading to a degree in speech  
21                  pathology at a college or university, if such  
22                  activities and services constitute a part of a

.B. NO.          

1 supervised course of study and such person is  
2 designated "speech pathology intern", "speech  
3 pathology trainee", or by other such titles clearly  
4 indicating the training status appropriate to the  
5 person's level of training; or  
6 (6) The activities and services of a person pursuing a  
7 course of study leading to a degree in audiology at a  
8 college or university, if such activities and services  
9 constitute a part of a supervised course of study and  
10 such person is designated "audiology intern",  
11 "audiology trainee", or by any other such titles  
12 clearly indicating the training status appropriate to  
13 the person's level of training; or  
14 (7) The activities and services of a person fulfilling the  
15 clinical experience requirements or the clinical  
16 fellowship year leading to the ASHA certificate of  
17 clinical competence; or  
18 (8) The performance of speech pathology or audiology  
19 services in this State by any person not a resident of  
20 this State who is not licensed under this chapter, if  
21 such services are performed for no more than five  
22 working days in any calendar year and in cooperation

.B. NO.          

1           with a speech pathologist or audiologist licensed  
2           under this chapter, and if such person meets the  
3           qualifications and requirements for application for  
4           licensure described in section 468E-5. However, a  
5           person not a resident of this State who is not  
6           licensed under this chapter, but who is licensed under  
7           the law of another state which has established  
8           licensure requirements at least equivalent to those  
9           established by section 468E-5, or who is the holder of  
10          the ASHA certificate of clinical competence in speech  
11          pathology or audiology or its equivalent, may offer  
12          speech pathology or audiology services in this State  
13          for no more than thirty working days in any calendar  
14          year, if such services are performed in cooperation  
15          with a speech pathologist or audiologist licensed  
16          under this chapter[+]; or

17          (9) The provision of speech-language pathology services to  
18          students of the department of education by a licensed  
19          speech pathologist employed by or contracted with the  
20          department of education, pursuant to section 468E-8."



# \_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

DOE; DCCA; DHS; Physician's referral

**Description:** Removes the physician referral requirement and allows occupational therapists, physical therapists and speech-language pathologists working for or contracted by the Department of Education to diagnose within their scope of practice.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



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

**2025 MEETING SCHEDULE**

Board meetings from 9 a.m. to 1 p.m. (approximately)

<b>Meeting Date</b>	<b>Day</b>	<b>Conference Room</b>
January 17 @ 1pm	Friday	Queen Liliuokalani
March 11	Tuesday	King Kalakaua
May 13	Tuesday	King Kalakaua
July 8	Tuesday	King Kalakaua
September 9	Tuesday	King Kalakaua
November 4	Tuesday	King Kalakaua