



GOV. MSG. NO. 1135

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 22, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

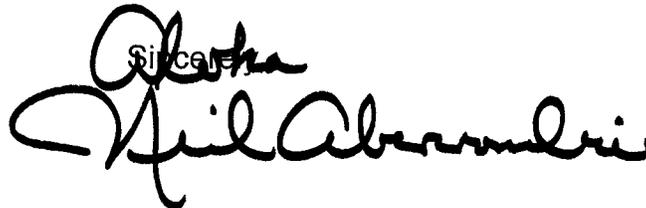
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 22, 2013, the following bill was signed into law:

SB1075

RELATING TO PHYSICAL THERAPY
ACT 035 (13)



NEIL ABERCROMBIE
Governor, State of Hawaii

JAN 24 2013

A BILL FOR AN ACT

RELATING TO PHYSICAL THERAPY.

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

1 SECTION 1. Chapter 461J, Hawaii Revised Statutes, is
2 amended by adding seven new sections to be appropriately
3 designated and to read as follows:

4 "§461J- Continuing competence. (a) Beginning with the
5 December 31, 2016, renewal, each licensed physical therapist
6 shall be required to obtain at least thirty units of approved
7 continuing competence units in each two-year license renewal
8 period, where one continuing competence unit is equivalent to at
9 least fifty minutes of classroom or hands on instruction.

10 (b) For first-time license renewals, if the initial
11 license was issued less than twelve months prior to the renewal
12 date, no continuing competence units will be required for the
13 first renewal period. If the initial license was issued more
14 than twelve months prior to the renewal date, the licensee shall
15 be required to obtain fifteen units of approved continuing
16 competence units for the first renewal period.

17 (c) At the time of renewal, each licensee shall submit
18 evidence of completing the required continuing competence units

1 to the board or agency designated by the board. Failure to
2 present evidence of compliance at the time of renewal shall
3 constitute a forfeiture of the license, which may be restored
4 only upon written application and payment to the board of a
5 restoration fee and proof of compliance with continued
6 competence requirements.

7 (d) The board may randomly audit a licensee's continuing
8 competence units, and may establish guidelines for random audits
9 in rules adopted in accordance with chapter 91.

10 §461J- Content standards of continuing competence. (a)
11 Continuing competence units shall be obtained in subjects
12 related to either the professional practice of physical therapy
13 or patient/client management.

14 (b) The "professional practice of physical therapy"
15 includes but is not limited to professional accountability,
16 professional behavior, and professional development.

17 (c) "Patient/client management" includes but is not
18 limited to examination, evaluation, diagnosis, and prognosis;
19 plan of care; implementation; education; and discharge.

20 §461J- Continuing competence subject matter requirements
21 and other limitations. For each renewal period, a licensee's
22 continuing competence units shall include the following:

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1 (1) Two units in ethics, laws, and rules (jurisprudence),
2 or some combination thereof; and

3 (2) Four units in life support for health care
4 professionals; provided that such training shall be
5 comparable to, or more advanced than, the American
6 Heart Association's basic life support health care
7 provider course.

8 **§461J- Authorized providers of continuing competence**
9 **units.** Continuing competence units shall be obtained from a
10 provider or agency approved by the board, including but not
11 limited to:

12 (1) Continuing education courses, including home and self
13 study courses, obtained from an agency recognized by
14 the board;

15 (2) College coursework from an educational institution
16 accredited by the United States Department of
17 Education or other agency recognized by the board; and

18 (3) Other competence related activities approved by the
19 board or an agency recognized by the board.

20 **§461J- Exemption from continuing competence**

21 **requirements.** (a) Prior to the expiration of a renewal period,
22 a licensee may submit a written request to the board for an

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1 exemption from the continuing competence requirements in this
2 chapter.

3 (b) The request for an exemption shall include the
4 following information:

5 (1) Evidence that, during the two-year period prior to the
6 expiration of the license, the licensee was residing
7 in another country for one year or longer, reasonably
8 preventing completion of the continuing competence
9 requirements;

10 (2) Evidence that, during the two-year period prior to the
11 expiration of the license, the licensee was ill or
12 disabled for one year or longer as documented by a
13 licensed physician, surgeon, or clinical psychologist,
14 preventing completion of the continuing competence
15 requirements; or

16 (3) Evidence that, during the two-year period prior to the
17 expiration of the license, a dependent family member
18 of the licensee was ill or disabled for one year or
19 longer as documented by a licensed physician, surgeon,
20 or clinical psychologist, preventing completion of the
21 continuing competence requirements.

1 (c) The above exemptions shall not be granted for more
2 than one renewal period. In the event a licensee cannot
3 complete the continuing competence requirements during the two-
4 year period after receiving an exemption, the licensee may only
5 renew the license on an inactive status.

6 (d) When a licensee is absent from the State because of
7 military service for a period of one year or longer during the
8 two-year renewal period, preventing completion of the continuing
9 competence requirement, the board may provide an exemption from
10 the continuing competence requirement for more than one renewal
11 period.

12 §461J- Inactive status. (a) A licensee may apply in
13 writing to have the licensee's license placed on inactive
14 status. While on inactive status, the licensee shall not engage
15 in the practice of physical therapy.

16 (b) A license on inactive status shall be renewed during
17 the same time period as active licenses. While on inactive
18 status, the licensee shall not be required to comply with the
19 continuing competence requirements in this chapter.

20 (c) To reactivate a license on inactive status, the
21 licensee shall:

22 (1) Pay the renewal and any applicable fees;

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1 and
2 (2) Have obtained continuing competence units equivalent
3 to that required for a single renewal period of an
4 active license within the last two years prior to
5 applying to restore the license to active status.

6 (d) The inactive status of any licensee shall not deprive
7 the board of its authority to institute or continue any
8 disciplinary or enforcement action against the licensee.

9 §461J- Record keeping for continuing competence. (a)
10 Each licensee shall keep and maintain records showing that each
11 course or activity for which credit is claimed has been
12 completed.

13 (b) These records shall reflect the title of the course or
14 activity, the date taken or completed, and the record of
15 participation.

16 (c) Each licensee shall retain such documentation for a
17 period of seven years after the course or activity concludes.

18 (d) Each licensee shall provide copies of such
19 documentation to the board or its designee within fourteen
20 calendar days after being requested to provide such
21 documentation."

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1 SECTION 2. Section 461J-1, Hawaii Revised Statutes, is
2 amended by adding three new definitions to be appropriately
3 inserted and to read as follows:

4 "Competence" is the application of knowledge, skills, and
5 behaviors required to function effectively, safely, ethically,
6 and legally within the context of the individual's role and
7 environment.

8 "Continuing competence" is the lifelong process of
9 maintaining and documenting competence through ongoing
10 self-assessment, development, and implementation of a personal
11 learning plan, and subsequent reassessment.

12 "Unit" is a relative value assigned to continuing
13 competence activities in which one continuing competence unit is
14 equivalent to at least fifty minutes of classroom or hands on
15 instruction."

16 SECTION 3. Section 461J-10, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+]§461J-10[+] **Biennial renewal; failure to renew. (a)**
19 The biennial renewal fee shall be paid to the department of
20 commerce and consumer affairs on or before December 31 of each
21 even-numbered year. Failure, neglect, or refusal of any

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1 licensee to pay the biennial renewal fee on or before such date
2 shall constitute a forfeiture of the license.

3 (b) A forfeited license may be restored upon written
4 application within one year from the date of forfeiture,
5 provision of proof of completion of the required continuing
6 competence units, and the payment of the delinquent fee plus an
7 amount equal to fifty per cent of the delinquent fee."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act, upon its approval, shall take effect
11 on December 31, 2016.

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APPROVED this 22 day of APR, 2013



GOVERNOR OF THE STATE OF HAWAII