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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 pathology  
3 laws is necessary to promote a more cost effective model for  
4 delivering therapeutic services to students in the department of  
5 education. Currently, the department of education is unable to  
6 claim reimbursement unless licensed occupational therapists,  
7 physical therapists, and speech pathologists employed by or  
8 contracted with the department of education obtain a  
9 prescription from a physician or other authorized health care  
10 provider before providing services to students. This  
11 requirement creates barriers that hinder the department of  
12 education's ability to be reimbursed for the 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



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

3       Moreover, the legislature also finds that expanding the  
4 scopes of practice for licensed occupational therapists,  
5 physical therapists, and speech pathologists may facilitate the  
6 department of education's ability to obtain reimbursement. By  
7 allowing occupational therapy, physical therapy, and speech  
8 therapy services to be provided after a diagnosis of a medical  
9 condition by these providers without a physician's diagnosis,  
10 the department of education can more effectively bill for these  
11 services, generating additional funding to support and enhance  
12 therapeutic resources for students.

13       The purpose of this Act is to expand the scopes of practice  
14 for occupational therapists, physical therapists, and speech  
15 pathologists employed by or contracted with the department of  
16 education to diagnose students with a medical condition and  
17 treat them, thereby streamlining service delivery.

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



1 everyday life activities with individuals or groups for the  
2 purpose of participation in roles and situations in home,  
3 school, workplace, community, and other settings. It includes:

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

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

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

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



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



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



- 1 (F) Care coordination, case management, and  
2 transition services;
- 3 (G) Consultative services to groups, programs,  
4 organizations, or communities;
- 5 (H) Modification of environments, such as home, work,  
6 school, or community, and adaptation of  
7 processes, including the application of ergonomic  
8 principles;
- 9 (I) Assessment, design, fabrication, application,  
10 fitting, and training in seating and positioning;  
11 assistive technology; adaptive devices; orthotic  
12 devices; and training in the use of prosthetic  
13 devices;
- 14 (J) Assessment, recommendation, and training in  
15 techniques to enhance functional mobility,  
16 including management of wheelchairs and other  
17 mobility devices;
- 18 (K) Low vision rehabilitation;
- 19 (L) Driver rehabilitation and community mobility;
- 20 (M) Management of feeding, eating, and swallowing to  
21 enable eating and feeding performance;



1           (N) Application of physical agent modalities and use  
2           of a range of specific therapeutic procedures,  
3           such as wound care management, interventions to  
4           enhance sensory-perceptual and cognitive  
5           processing, and manual therapy, to enhance  
6           performance skills; and

7           (O) Facilitating the occupational performance of  
8           groups, populations, or organizations through the  
9           modification of environments and the adaptation  
10          of processes.

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

17          (c) No person shall use, in connection with the person's  
18          name or business, the words "occupational therapist licensed",  
19          "registered occupational therapist", "licensed occupational  
20          therapist", "occupational therapist", or "doctor of occupational  
21          therapy", or the letters "OT", "OTR", "OTD", "OT/L", "OTR/L", or



1 "OTD/L", or any other words, letters, abbreviations, or insignia  
2 indicating or implying that the person is an occupational  
3 therapist unless the person is appropriately licensed as an  
4 occupational therapist under this chapter.

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

10 (1) The practice is done under the supervision of and in  
11 partnership with an occupational therapist who is  
12 licensed to practice occupational therapy in the  
13 State; and

14 (2) The person possesses a valid license issued pursuant  
15 to this chapter to practice occupational therapy as an  
16 occupational therapy assistant.

17 (e) No person shall use the title "occupational therapy  
18 assistant licensed", "licensed occupational therapy assistant",  
19 the letters "OTA/L" or "COTA/L", or any other words, letters,  
20 abbreviations, or insignia indicating or implying that the  
21 person is an occupational therapy assistant unless that person



1 is appropriately licensed as an occupational therapy assistant  
2 under this chapter.

3 (f) A licensed occupational therapist employed by or  
4 contracted with the department of education may diagnose medical  
5 conditions that can be treated by occupational therapy services  
6 when providing occupational therapy services to students of the  
7 department of education in an educational setting.

8 For the purposes of this subsection, "occupational therapy  
9 services" means the therapeutic use of everyday life activities  
10 with students for the purpose of participation in roles and  
11 situations in school, home, and community settings.

12 "Occupational therapy services" include but are not limited to:

- 13 (1) Evaluating students' needs and developing  
14 individualized treatment plans;  
15 (2) Providing interventions to improve students' fine  
16 motor skills, gross motor skills, sensory processing,  
17 visual-motor integration, and cognitive skills;  
18 (3) Adapting classroom environments and materials to  
19 facilitate students' participation in school  
20 activities;



- 1        (4) Training teachers and parents on strategies to support
- 2        students' occupational needs;
- 3        (5) Recommending assistive technology devices and adaptive
- 4        equipment; and
- 5        (6) Diagnosing medical conditions that can be treated by
- 6        occupational therapy."

7        SECTION 3. Section 461J-2, Hawaii Revised Statutes, is  
 8 amended to read as follows:

9        **"§461J-2 Practice of physical therapy; qualifications.**

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

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



1 appropriately licensed as a physical therapist under this  
2 chapter.

3 (c) No person shall use the title "physical therapist  
4 assistant", the letters "PTA", or any other words,  
5 abbreviations, or insignia in connection with that person's name  
6 to indicate or imply, directly or indirectly, that the person is  
7 a physical therapist assistant unless that person is  
8 appropriately licensed as a physical therapist assistant under  
9 this chapter.

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

14 (e) A licensed physical therapist employed by or  
15 contracted with the department of education may diagnose medical  
16 conditions that can be treated by physical therapy services when  
17 providing physical therapy services to students of the  
18 department of education in an educational setting.

19 For the purposes of this subsection, "physical therapy  
20 services" includes the following:



- 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 medical conditions that can be treated by
- 16       physical therapy."

17       SECTION 4. Section 468E-3, Hawaii Revised Statutes, is  
 18 amended to read as follows:

19       **"§468E-3 Practice as speech pathologist or audiologist;**  
 20 **title or description of services.** (a) A person represents  
 21 oneself to be a speech pathologist when the person:



- 1 (1) Holds oneself out to the public by any title or  
2 description of services incorporating the words  
3 "speech pathologist", "speech pathology", "speech  
4 therapy", "speech correction", "speech correctionist",  
5 "speech therapist", "speech clinic", "speech  
6 clinician", "language pathologist", "language  
7 pathology", "logopedics", "logopedist",  
8 "communicology", "communicologist", "asphasiologist",  
9 "voice therapy", "voice therapist", "voice pathology",  
10 or "voice pathologist", "language therapist", or  
11 "phoniatriest", or any similar titles;
- 12 (2) Purports to treat stuttering, stammering, or other  
13 disorders of speech;
- 14 (3) Is employed as a faculty member in speech pathology;  
15 or
- 16 (4) Is employed as a speech pathologist by the State or  
17 any county agency.
- 18 (b) A licensed speech pathologist employed by or  
19 contracted with the department of education may diagnose medical  
20 conditions that can be treated by speech pathology services when



1 providing speech pathology services to students of the  
2 department of education in an educational setting.

3 [~~(b)~~] (c) A person represents oneself to be an audiologist  
4 when the person:

5 (1) Holds oneself out to the public by any title or  
6 description of services incorporating the terms  
7 "audiology", "audiologist", "audiological", "hearing  
8 clinic", "hearing clinician", "hearing therapist", or  
9 any similar titles;

10 (2) Is employed as a faculty member in audiology; or

11 (3) Is employed as an audiologist by the State or any  
12 county agency."

13 SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Education; Occupational Therapists; Physical Therapists; Speech Pathologists; Diagnosis; Treatment

**Description:**

Expands the scopes of practice for occupational therapists, physical therapists, and speech pathologists employed by or contracted with the Department of Education to diagnose students with a medical condition in an educational setting and treat the students. Effective 7/1/3000. (HD1)

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