



HAWAII MEDICAL ASSOCIATION
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Wednesday, February 3, 2010, 2:00 p.m., Conference Room 325

To: COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Robert N. Herkes, Chair
Rep. Glenn Wakai, Vice Chair

From: Hawaii Medical Association
Gary A. Okamoto, MD, Legislative Co-Chair
Linda Rasmussen, MD, Legislative Co-Chair
April Donahue, Executive Director
Lauren Zirbel, Government Affairs
Dick Botti, Government Affairs

Re: HB2029 RELATING TO PROFESSIONS AND OCCUPATIONS

In Opposition

Chairs & Committee Members:

Hawaii Medical Association respectfully opposes HB2029.

This legislation, which removes licensure for occupational therapists (OTs), could disrupt care for patients. It is important that physicians can refer patients to an OT for continued therapy. As an integral part of the health care team in the current system, insurers can cover occupational therapy services, which the proposed legislation could prevent. Additionally, in the current system we can be assured that an OT is licensed and meets requirements. Should the OT statute be repealed, there will be no regulation and minimum requirements for these providers.

Thank you for the opportunity to testify.

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February 3, 2010

Via email to CPCtestimony@Capitol.hawaii.gov

Representative Glenn Wakai
Vice Chair, Committee on Consumer Protection & Commerce
Hawaii State Capitol, Room 316
415 South Beretania Street
Honolulu, Hawaii 96813

RE: HB 2029 – Repeal of Section 457G – Occupational Therapy Practice

Dear Representative Wakai:

The American Occupational Therapy Association is the national membership organization representing the professional interests of more than 140,000 occupational therapists, occupational therapy assistants and students. AOTA believes that the profession of occupational therapy should be regulated in all states to protect consumers from unqualified practitioners and to provide a legal framework for practitioners to provide occupational therapy services. **The purpose of this letter is to request that language to repeal Hawaii's regulation of occupational therapists be removed from HB 2029.**

Occupational therapy practitioners provide important health and rehabilitation services to people of all ages who, because of illness, injury, developmental or psychological impairment, need specialized intervention to regain, develop or build skills necessary for independent functioning. They work with consumers with a broad range of health problems including stroke, spinal cord injuries, cancer, congenital conditions, fractures, hand injuries, neuro/muscular disorder (muscular dystrophy, multiple sclerosis), cardiopulmonary disease, and Alzheimer's disease in practice settings including hospitals, nursing facilities, home health agencies, outpatient rehabilitation clinics, psychiatric facilities and schools.

Occupational therapists are licensed in 48 states, the District of Columbia and Puerto Rico. Colorado and Hawaii have registration laws for occupational therapists.

The goals of state regulation for occupational therapists include the following:

- Protect consumers of the OT services from unskilled or improperly trained practitioners by assuring minimum standards for practice are met.
- Prevent unqualified and unethical individuals from practicing occupational therapy or referring to themselves as occupational therapists.
- Establish a legal definition for occupational therapy within state law.

- Mandate minimum requirements to provide occupational therapy in public and private agencies throughout a state.
- Monitor and discipline incompetent, fraudulent, and negligent behavior.

AOTA respectfully requests that Hawaii continue regulation of occupational therapists by deleting language from HB 2029 that would repeal Section 457G of the Hawaii Revised Statutes. Please contact me at 301/652-6611 ext 2019 or via email at cwillmarth@aota.org if you have questions or need additional information.

Sincerely,



Charles Willmarth
Director, State Affairs and Reimbursement & Regulatory Affairs

cc: Avis Sakata, OTR
President, Occupational Therapy Association of Hawaii

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Date: 02/03/10

TO: Representative Robert Herkes, Chair
Representative Glenn Wakai, Vice Chair

RE: **OPPOSITION to HB 2029, Relating to Professions and Occupations**

Hearing Date: Wednesday February 3, 2010

Dear Representative Herkes and Members of the Consumer Protection Committee:

My name is Jill Taosaka and I am writing in **opposition to HB 2029 which would repeal the state regulatory process and oversight of Occupational Therapy Practice Act (HRS Chapter 457G)**.

I have been an Occupational Therapist for 23 years, 22 of these years at Kapi'olani Medical Center for Women and Children, as part of the Rehabilitation Services Department. I have worked with clients of all ages, the youngest being a severely premature infant born at 24 weeks gestation (full term is considered 40 weeks). I have also worked with infants and toddlers who were exposed to crystal methamphetamine, marijuana, heroin, cocaine, and alcohol while in-utero. Other clients with whom I have worked include adults and children who had sustained spinal cord and head injuries, suffered 3rd degree burns over 40-60% of their bodies, and children with progressive neurological conditions, including brain tumors and severe seizure disorders. I have worked with clients of all ages who had developmental delays in fine motor, gross motor, and self help skills, impacting their abilities to function independently in their classrooms, home, or community settings. I have also worked with preschool, school-aged children and adults in a psychiatric day program as well as in a locked unit psychiatric ward. I have also spent a considerable portion of my occupational therapy career providing consultation services for adult day health programs serving adults with developmental delays.

The educational and clinical training required to become an occupational therapist includes completion of university level courses which include growth and development, dissection anatomy, physiology, neuroanatomy, neurophysiology, and psychosocial dysfunctions. Successful completion of these university courses is followed by successful completion of a minimum of 6 months of clinical internship and successful completion of a national board exam.

It is my hope that from these examples of my past education and employment history, you can see that Occupational Therapy is a science-driven, evidenced-based profession.

Hawaii is only one of two states that lags behind the rest of the nation, in that Hawaii does not require full licensure of its occupational therapists. This bill will lead to further deregulation and lack of government oversight. There is the potential for occupational therapists who have been censored in other states to practice in Hawaii and in the worst

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case scenario, an individual could set up his/her own practice and claim that they provide Occupational Therapy services, when in fact he/she may not have the professional qualifications which would definitely lead to consumer harm.

I am opposed to HB 2029 for the following reasons:

1. It is critical that our healthcare profession be regulated and have professional oversight of its members for the protection of consumers.
2. Major insurance carriers such as HMSA and Hawaii State Workers Compensation system only recognize services carried out by licensed and/or registered professionals. Deregulation of occupational therapy services in the state of Hawai'i will limit access to care and, for those unable to pay for out of pocket costs, deny this access to care that could result in major disability, loss of employability of not just the patient but other family members caring for the individual.

In closing, I urge you and your committee to reconsider your proposed actions on HB 2029 and respectfully hope that **you will not repeal Occupational Therapy (HRS Chapter 457G) in your bill.**

Sincerely,

Jill C. Taosaka, Registered Occupational Therapist
Kapi'olani Early Intervention Services Central Program
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