

STAND. COM. REP. NO. 486

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 323
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 323 entitled:

"A BILL FOR AN ACT RELATING TO THE OCCUPATIONAL THERAPY
LICENSURE COMPACT,"

begs leave to report as follows:

The purpose and intent of this measure is to adopt the Occupational Therapy Licensure Compact.

Your Committee received testimony in support of this measure from the United States Department of Defense, Hawaii Medical Service Association, and Hawaii Association of Health Plans. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Grassroot Institute of Hawaii, Hawaii Association for Justice, and one individual.

Your Committee finds that there is a shortage of behavioral health care providers in the State, particularly in rural and underserved communities. Despite this shortage, the State does not recognize out-of-state licenses, including those for the practice of occupational therapy, requiring out-of-state licensees to undergo an often redundant application process that delays qualified therapists and therapy assistants from providing care. To eliminate this redundancy and increase access to occupational



therapy services, this measure adopts the Occupational Therapy Licensure Compact.

Your Committee notes the concerns raised by the Department of Commerce and Consumer Affairs that the State does not require continuing education for occupational therapists, a condition for licensure renewal under the Occupational Therapy Licensure Compact. Further, the complexity of the Compact's licensure process in comparison to the State's may delay, rather than expedite, licensing in the State. Your Committee also notes, per testimony submitted by the Hawaii Association for Justice, that this measure, as currently written, grants broad immunity to officers or employees rendering aid pursuant to the Occupational Therapy Compact and leaves no legal recourse for individuals who may be harmed. Accordingly, your Committee respectfully requests your Committees on Commerce and Consumer Protection and Ways and Means to consider these issues, should they choose to deliberate on this measure.

Your Committee has amended this measure by:

- (1) Inserting language requiring the Department of Commerce and Consumer Affairs to adopt rules to implement and administer the Occupational Therapy Licensure Compact;
- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 323, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 323, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* <i>SB 323</i>	Committee Referral: <i>HHS, CPN/NAM</i>	Date: <i>2/10/23</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton			✓	
TOTAL	<i>4</i>		<i>1</i>	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes