
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



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

(2) Methods or approaches selected to direct the process of interventions, including:

(A) Establishment, remediation, or restoration of a skill or ability that has not yet developed, is impaired, or is in decline;

(B) Compensation, modification, or adaptation of activity or environment to enhance performance or prevent injuries, disorders, or other conditions;

(C) Retention and enhancement of skills or abilities without which performance in everyday life activities would decline;

(D) Promotion of health and wellness, including the use of self-management strategies, to enable or enhance performance in everyday life activities; and

(E) Prevention of barriers to performance and participation, including injury and disability 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



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

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

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

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

(e) No person shall use the title "occupational therapy assistant licensed", "licensed occupational therapy assistant", the letters "OTA/L" or "COTA/L", or any other words, letters, abbreviations, or insignia indicating or implying that the 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) Holds oneself out to the public by any title or description of services incorporating the words "speech pathologist", "speech pathology", "speech therapy", "speech correction", "speech correctionist", "speech therapist", "speech clinic", "speech clinician", "language pathologist", "language pathology", "logopedics", "logopedist", "communicology", "communicologist", "asphasiologist", "voice therapy", "voice therapist", "voice pathology", or "voice pathologist", "language therapist", or "phoniatrist", or any similar titles;

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

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

(4) Is employed as a speech pathologist by the State or any county agency.

(b) A licensed speech pathologist employed by or contracted with the department of education may diagnose medical 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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