

ACT 100

H.B. NO. 1099

A Bill for an Act Relating to Occupational Therapists.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that full-scale regulation of occupational therapy is not warranted. The practice poses little risk of serious harm to consumers. In Hawaii, there has been no documented evidence of actual harm. Furthermore, adequate private protections for consumers are already in place. Occupational therapists work under orders from the patient's physician and are employed by knowledgeable health care providers. The American Occupational Therapy Association and the National Board for Certification in Occupational Therapy help ensure competent practice. Criminal laws provide additional protection.

The legislature further finds that the State should minimize its allocation of general fund resources to regulate occupational therapy practice, because the benefits of continued regulation are so uncertain and possibly duplicative.

The purpose of this Act is to amend chapter 457G, Hawaii Revised Statutes, the regulatory scheme for occupational therapists and occupational therapy assistants, to institute a simple registration system for occupational therapists.

SECTION 2. Section 457G-1, Hawaii Revised Statutes, is amended to read as follows:

“[[§457G-1]] Practice of occupational therapy; qualifications[.]; registration. (a) No person shall represent, advertise, or announce oneself, either publicly or privately, as an occupational therapist [or as an occupational therapy assistant], nor use, in connection with the person's name or place of business, the words “occupational therapist”, [“occupational therapy assistant”,] “certified occupational therapist”, [“certified occupational therapist assistant”,] “occupational therapist registered”, or the letters “OT”, [“OTA”,] “COT”, [“COTA”,] or “OTR”, or any other words, letters, abbreviations, or insignia indicating or implying that such person is an occupational therapist [or an occupational therapy assistant] unless such person registers the person's name and business address biennially with the department of commerce and consumer affairs in a manner established by rules adopted pursuant to chapter 91, and meets the qualifications of section 457G-2.

(b) The department shall maintain and biennially update a list of the names and business addresses of the occupational therapists who are registered under subsection (a).

ACT 100

(c) Nothing in this chapter shall be construed to apply to occupational therapy assistants.”

SECTION 3. Section 26H-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Chapter 467E (Social Workers) shall be repealed on December 31, 2000[.], and chapter 457G (Occupational Therapy Practice) shall be repealed on December 31, 2003.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect on January 1, 1999.

(Approved June 3, 1998.)