

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 110

PHYSICAL THERAPY

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SUBCHAPTER 1

GENERAL PROVISIONS

§16-110-1 Objective. The objective of this chapter is to establish licensing requirements for physical therapists in the interest of safeguarding life and health. [Eff 6/5/87; comp 12/4/92; comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §461J-5)

§16-110-2 Definitions. As used in this chapter:

"APTA" means American Physical Therapy Association.

"Department" means the department of commerce and consumer affairs.

"Direct supervision" means the supervisor is on the premises, is quickly and easily available, and has examined the patient at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

"Director" means the director of the department of commerce and consumer affairs or the director's departmental representative.

"Evaluation" means performing tests and measurements of:

- (1) Muscle strength, force, endurance, and tone;
- (2) Joint motion, mobility, and stability;
- (3) Reflexes and automatic reaction;
- (4) Movement skill and accuracy;

- (5) Sensation and perception;
- (6) Peripheral nerve integrity;
- (7) Locomotor skill, stability, and endurance;
- (8) Activities of daily living;
- (9) Cardiac, pulmonary, and vascular functions;
- (10) Fit, function, and comfort of prosthetic, orthotic, and other assistive devices;
- (11) Posture and body mechanics;
- (12) Limb length, circumference, and volume;
- (13) Thoracic excursion and breathing patterns;
- (14) Vital signs;
- (15) Nature and locus of pain and conditions under which pain varies;
- (16) Photosensitivity; and
- (17) Home, community, and work physical environments.

"Federation of State Boards of Physical Therapy" is the not-for-profit organization established on February 12, 1987, under the laws of the State of Alabama.

"Supervisor" means the licensed physical therapist.

"Supportive personnel" includes, but is not limited to, individuals who have received an associate degree as a physical therapist assistant from an accredited school, individuals who have graduated from an accredited school of physical therapy but who have not been licensed to practice physical therapy in this State, and individuals who have received on-the-job training from a physical therapist.

"Treatment" means to implement and manage a specific and comprehensive plan which includes the application of physical agents, but is not limited to:

- (1) Air;
- (2) Sound;
- (3) Compression;
- (4) Light;
- (5) Mechanical stimulation;
- (6) Biofeedback;
- (7) Positioning;
- (8) Therapeutic heat and cold;
- (9) Therapeutic exercise;
- (10) Gait training;
- (11) Activities of daily living and functional training;
- (12) Therapeutic electric current;
- (13) Therapeutic massage;
- (14) Ultrasound;
- (15) Behavior modification;
- (16) Traction;

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- (17) Hydrotherapy;
- (18) Pulmonary therapy;
- (19) Wound care and external dressings;
- (20) Orthoses and external supports;
- (21) Assistive/adaptive devices;
- (22) Therapeutic equipment;
- (23) Neurodevelopmental activities;
- (24) Mobilization and manipulation;
- (25) Posture training;
- (26) Prosthetic management; and
- (27) Cardiopulmonary rehabilitation. [Eff 6/5/87; am and comp 12/4/92; am and comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §§461J-1, 461J-3)

§16-110-3 When referrals required. (a) Treatment of a person by a licensed physical therapist is prohibited unless the person has been referred to the licensed physical therapist for treatment by a physician licensed pursuant to chapter 453, HRS; osteopathic physician licensed pursuant to chapter 460, HRS; dentist licensed pursuant to chapter 448, HRS; chiropractor licensed pursuant to chapter 442, HRS; naturopath licensed pursuant to chapter 455, HRS; optometrist licensed pursuant to chapter 459, HRS; or podiatrist licensed pursuant to chapter 463E, HRS.

(b) A licensed physical therapist may perform evaluation of any person without a referral. [Eff 6/5/87; comp 12/4/92; comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §461J-2)

§16-110-4 Supportive personnel; supervision. (a) Supervision of supportive personnel requires that the supervisor perform the following activities:

- (1) Provide initial evaluation of the patient;
- (2) Develop a written treatment plan and program, including long and short-term goals;
- (3) Assess the training, education, experience, and competence of supportive personnel to perform assigned tasks;
- (4) Select and delegate appropriate portions of the treatment plan and program;
- (5) Direct and supervise supportive personnel in delegated functions;
- (6) Reevaluate the patient and adjust the treatment plan as acceptable physical therapy practice requires, consistent with the delegated health care task;

- (7) Provide discharge planning.
- (b) The supervision of supportive personnel shall be by a licensed physical therapist and the policies of utilization of supportive personnel as defined by APTA shall be evidence as to what constitutes acceptable physical therapy practice. [Eff and comp 12/4/92; comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §461J-3)

## SUBCHAPTER 2

### APPLICATIONS

- §16-110-10 Application for licensure. (a) Any person applying for a permanent license, a license by examination waiver, or a temporary license to practice physical therapy shall apply on a form or forms prescribed by the board.
- (b) The proper documentation and fee shall accompany the application forms. [Eff 6/5/87; am and comp 12/4/92; comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §§461J-5, 461J-6, 461J-7, 461J-9, 461J-10)

## SUBCHAPTER 3

### PERMANENT LICENSE

- §16-110-20 Requirements for permanent license. (a) A person desiring a permanent license to practice as a physical therapist in the State shall submit an application for the license on forms provided by the department not less than sixty days before the examination date.
- (b) An applicant for a license to practice as a physical therapist shall provide the director with:
- (1) A certified transcript indicating graduation from, or successful completion of, a physical therapy program which at the time of graduation, or successful completion, was accredited by an agency recognized by either the United States Department of Education or the Council on Postsecondary Accreditation; or
  - (2) In the case of a foreign-trained person, a certified credentials evaluation indicating successful completion of program or programs, including education and training, equivalent to programs in the United States accredited pursuant to paragraph (1). Such an evaluation shall be performed by a credentials evaluation agency approved by the board.

- (3) If the school is in a country, state, or province where the official language is other than English, applicants shall be required to document English proficiency by taking and passing the General Education Development (GED), the Test of Adult Basic Education (TABE), the Test of English as a Foreign Language (TOEFL), the California Achievement Test (CAT), or by other methods as determined by the board. The applicant shall demonstrate proficiency of at least the twelfth grade level on the TABE or on the CAT, or achieve the minimum score of 500 on the TOEFL.

(c) Each applicant shall be required to take the standardized physical therapist licensing examination administered by the board's designated licensing examination service. The passing score for each administration of the licensing examination shall be the criterion-referenced passing score recommended by the Federation of State Boards of Physical Therapy. This passing score shall be set to equal a scaled score of 600 based on a scale ranging from 200 to 800. Each applicant shall ensure that after each administration of the licensing examination the licensing examination service reports directly to the department the applicant's scaled score on the licensing examination and the passing score for the examination as defined in this subsection. After each administration of the licensing examination any applicant who fails to achieve a passing score as described above on the licensing examination shall be entitled to re-take the examination. For an applicant who was initially licensed by taking the examination prior to November 1994, the passing score shall be that number of correctly answered questions on the licensing examination which statistically represents one standard deviation below the national mean at the time the applicant sat for the standardized physical therapist examination.

(d) An applicant may submit a letter of completion from the appropriate college authority which states that the student is in the final year of their physical therapy program and shall have completed the physical therapy program which at the time of graduation was accredited by an agency recognized by either the United States Department of Education or the Council on Postsecondary Accreditation, by the examination date to be accepted in lieu of the final transcript. However, the license shall not be issued, even if the applicant has passed the licensing examination for physical therapists until the final transcript is filed showing graduation from the physical therapy program. [Eff 6/5/87; am and comp 12/4/92; am and comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §§461J-2, 461J-6)

#### SUBCHAPTER 4

#### LICENSE BY EXAMINATION WAIVER

§16-110-30 Requirements for examination waiver for those with licenses from another state of the United States. The board may waive the examination requirement and issue a permanent license provided the applicant submits the following:

- (1) A copy of the licensing examination scores, which shall be sent directly from the testing agency to the board;
- (2) A letter from the state board of physical therapy which granted the applicant licensure verifying the applicant passed the required licensing examination, and that the applicant's license in that state is in full force and effect, whether the applicant's license has ever been revoked or suspended, or whether other disciplinary action has ever been taken against the applicant; and
- (3) The documents required by section 16-110-20(b). [Eff 6/5/87; am and comp 12/4/92; comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §461J-7)

## SUBCHAPTER 5

### TEMPORARY LICENSES

§16-110-40 Requirements for temporary licenses for applicants who have not passed the physical therapist examination. (a) The board may issue temporary licenses to persons who meet the educational requirements but who have not yet passed the physical therapist licensing examination.

(b) An applicant for a temporary license educated and trained in the United States shall provide the board with:

- (1) A certified transcript indicating graduation from a school of physical therapy which at the time of graduation was accredited by an agency recognized by either the United States Department of Education or the Council on Postsecondary Accreditation; and
- (2) Evidence that the applicant has submitted an application to take the next scheduled examination to the board or has taken the examination and is awaiting the results of the examination.

(c) A foreign-trained applicant for a temporary license shall provide the board with:

- (1) A credentials evaluation indicating successful completion of education that has been determined to be equivalent to entry level physical therapy education in the United States;
- (2) If the school is in a country, state, or province where the official language is other than English, applicants shall be required to

document English proficiency by taking and passing the General Education Development (GED), the Test of Adult Basic Education (TABE), the Test of English as a Foreign Language (TOEFL), the California Achievement Test (CAT), or by other methods as determined by the board. The applicant shall demonstrate proficiency of at least the twelfth grade level on the TABE or on the CAT, or achieve the minimum score of 500 on the TOEFL; and

(3) Evidence that the applicant has submitted an application to take the next scheduled examination to the board or has taken the examination and is awaiting the results of the examination. [Eff 6/5/87; am and comp 12/4/92; am and comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §461J-9)

§16-110-41 Requirements for temporary licenses for applicants who have already passed the physical therapist licensing examination. (a) The board may issue a temporary license to an applicant who submits evidence satisfactory to the board that the applicant has scored equal to or higher than the established passing score of the examination administered by a testing agency selected by the board.

(b) An applicant for a temporary license under this provision shall provide the board with:

- (1) A copy of the applicant's passing score from the examination. The score shall be sent directly to the board from the testing agency; and
- (2) Evidence that the applicant has requested the state board of physical therapy in the state where the applicant holds or has held a license to send to the Hawaii board a letter of verification as described in section 16-110-30; and
- (3) Evidence that the applicant has requested that the documents required in section 16-110-20(b) be sent to the board. [Eff and comp 12/4/92; comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §461J-9)

§16-110-42 General requirements for all temporary licenses.

(a) Applicants for temporary licensure shall submit an application to the board on forms provided by the board.

(b) Applicants for temporary licensure shall submit to the board a notarized letter from a physical therapist holding a current permanent Hawaii physical therapist license verifying:



- (1) That the physical therapist holding the permanent license shall provide direct supervision of the applicant; and
- (2) That the board shall be advised by the supervisor through certified mail of severance of the supervisory relationship within forty-eight hours of the severance.
- (c) The board may issue a temporary license for not longer than one year, provided that the temporary license shall expire upon:
  - (1) Severance of the supervisory relationship between the applicant and the supervisor verifying the supervision of the applicant;
  - (2) The applicant's failure to pass the physical therapy licensing examination; or
  - (3) Determination by the board that the applicant's qualifications for licensure are not as represented by the applicant at the time of application.
- (d) An applicant may request a change in supervising physical therapists provided that a written request to do so is submitted to the board for approval. The request shall include the reason or reasons for the change, the date of the change, and a letter from the new supervising physical therapist. The maximum duration of an applicant's temporary license shall not exceed one year. [Eff and comp 12/4/92; am and comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §461J-9)

## SUBCHAPTER 6

### PROFESSIONAL MISCONDUCT

§16-110-50 Professional misconduct, gross carelessness, manifest incapacity defined. For purposes of section 461J-12(8), HRS, "professional misconduct, gross carelessness, or manifest incapacity in the practice of physical therapy" includes, but shall not be limited to:

- (1) Administering treatments or evaluation in a negligent manner;
- (2) Falsifying or otherwise altering patient records;
- (3) Misappropriating drugs, money, supplies, or equipment;
  
- (4) Aiding or abetting, or both, the practice of physical therapy by any person not licensed to practice as defined by chapter 461J, HRS;
- (5) Accepting fees for services not provided;
- (6) Improper delegation or supervision of supportive personnel; and

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- (7) Practicing physical therapy outside the scope of this chapter. [Eff 6/5/87; am and comp 12/4/92; am and comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §461J-12)

SUBCHAPTER 7

PRACTICE AND PROCEDURE

§16-110-60 Administrative practice and procedure. The rules of practice and procedure for physical therapists shall be as provided in chapter 16-201, the rules of practice and procedure of the department of commerce and consumer affairs, as adopted and as may subsequently be amended, which are incorporated by reference and made a part of this chapter. [Eff 6/5/87; comp 12/4/92; am and comp 10/13/94] (Auth: HRS §§91-2, 461J-5) (Imp: HRS §§91-2, 461J-5)

SUBCHAPTER 8

ORAL TESTIMONY

§16-110-70 Oral testimony. (a) The board shall accept oral testimony on any item which is on the agenda, provided that the testimony shall be subject to the following conditions:

- (1) Each person seeking to present oral testimony is requested to notify the board not later than forty-eight hours before the meeting, and at that time, to state the item on which testimony is to be presented;
- (2) The board may request that any person providing oral testimony submit the remarks, or a summary of the remarks, in writing to the board;
- (3) The board may rearrange the items on the agenda for the purpose of providing for the most efficient and convenient presentation of oral testimony;

- (4) Persons presenting oral testimony at the beginning of the testimony shall identify themselves and the organization, if any, that they represent;
  - (5) The board may limit oral testimony to a specified time period but in no case shall the period be less than five minutes, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
  - (6) The board may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious to the agenda item on which it is presented.
- (b) Nothing in this section shall require the board to hear or receive any oral or documentary evidence from a person on any matter which is the subject of another proceeding pending subject to the hearings relief, declaratory relief, or rule relief provisions of chapter 16-201.
- (c) Nothing in this section shall prevent the board from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the board on any particular matter on the board's agenda. [Eff 6/5/87; am and comp 12/4/92; am and comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §92-3)

## SUBCHAPTER 9

### FEES

§16-110-80 Fees. The board adopts the physical therapy fee schedule contained in chapter 16-53. All licensees shall pay to the department the fees required by chapter 16-53 and chapter 461J, HRS, in the amounts stated in chapter 16-53. [Eff and comp 12/4/92; comp 10/13/94] (Auth: HRS §461J-5) (Imp: HRS §436B-15)

Amendments to and compilation of Chapter 16-110, Hawaii Administrative Rules, on the Summary page dated July 26, 1994, were adopted on July 26, 1994, following a public hearing held on July 26, 1994, after public notices were given in the Honolulu Star-Bulletin, The Honolulu Advertiser, West Hawaii Today, Hawaii Tribune-Herald, Maui News and the Kauai Times on June 19, 1994.

They shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Craig B. Nagata

CRAIG B. NAGATA, Chairperson  
Board of Physical Therapy

APPROVED AS TO FORM:      Date 9/27/94

/s/ Deborah Day Emerson

Deputy Attorney General

APPROVED:      Date 9/29/94

/s/ Clifford K. Higa

CLIFFORD K. HIGA, Director  
Commerce and Consumer Affairs

APPROVED:      Date 10/3/94

/s/ John Waihee

JOHN WAIHEE  
Governor  
State of Hawaii

October 3, 1994

Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendments and Compilation of Chapter 16-110  
Hawaii Administrative Rules

July 26, 1994

SUMMARY

1. §16-110-2 is amended.
2. §16-110-20 is amended.
3. §16-110-40 is amended.
4. §16-110-42 is amended.
5. §16-110-50 is amended.
6. §16-110-60 is amended.
7. §16-110-70 is amended.
8. Chapter 110 is compiled.