

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 368

By: Long

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 1991, Section 731.7, as amended by Section 3, Chapter 90, O.S.L. 1997, 887.2, and 887.13 (59 O.S. Supp. 1998, Section 731.7), which relate to spinal manipulation, Physical Therapy Practice Act definitions, and refusal, suspension, or revocation of license; requiring certain persons have certain instruction and training in spinal joint mobilization; requiring certain persons have certain instruction and training in spinal manipulation; adding definition; modifying definitions; making certain act a misdemeanor; providing penalties; making each violation a separate and distinct offense; deleting obsolete language; changing certain criteria pursuant to which certain board may take certain actions regarding certain license; eliminating gender preference; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 731.7, as amended by Section 3, Chapter 90, O.S.L. 1997 (59 O.S. Supp. 1998, Section 731.7), is amended to read as follows:

Section 731.7 A. 1. No person shall perform or authorize spinal joint mobilization in this state except a physician who has successfully completed at an accredited college or school where spinal joint mobilization is a primary method of treatment:

a. a minimum of four hundred (400) hours of classroom instruction in spinal joint mobilization, and

b. a minimum of eight hundred (800) hours of supervised clinical training in spinal joint mobilization.

2. No person shall perform or authorize spinal manipulation in this state until first being adequately trained in this procedure

through formal education at an accredited college or school except a physician who has successfully completed at an accredited college or school where spinal manipulation is a primary method of treatment:

- a. a minimum of four hundred (400) hours of classroom instruction in spinal manipulation, and
- b. a minimum of eight hundred (800) hours of supervised clinical training in spinal manipulation.

B. As used in this section, ~~"spinal:~~

1. "Spinal joint mobilization" means movement applied singularly or repetitively within or at the physiological range of motion of a spinal joint, without imparting a thrust or impulse, with the goal of restoring joint mobility; and

2. "Spinal manipulation" means a manual procedure that involves a directed thrust to move a spinal joint past the physiological range of motion, without exceeding the anatomical limit.

C. Any person who violates the provisions of subsection A of this section shall, upon conviction, be deemed guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00), or by imprisonment in the county jail for not less than five (5) days nor more than thirty (30) days, or by both such fine and imprisonment. Each violation shall be a separate and distinct offense.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 887.2, is amended to read as follows:

Section 887.2 As used in the Physical Therapy Practice Act:

1. "Physical therapy" means the use of selected knowledge and skills in planning, organizing and directing programs for the care of individuals whose ability to function is impaired or threatened by disease or injury, encompassing preventive measures, screening, tests in aid of diagnosis by a licensed doctor of medicine ~~osteopathy and surgery,~~ osteopathic medicine, chiropractic,

dentistry, or ~~pediatry~~ podiatric medicine and evaluation and ~~invasive or~~ noninvasive procedures with emphasis on the skeletal system, neuromuscular and cardiopulmonary function, as it relates to physical therapy. Physical therapy includes screening or evaluations performed to determine the degree of impairment of relevant aspects such as, but not limited to, nerve and muscle function including transcutaneous bioelectrical potentials, motor development, functional capacity and respiratory or circulatory efficiency. Physical therapy also includes physical therapy treatment performed upon referral by a licensed doctor of medicine ~~osteopathy and surgery,~~ osteopathic medicine, dentistry, chiropractic or ~~pediatry~~ podiatric medicine including, ~~but not limited to,~~ exercises for increasing or restoring strength, endurance, coordination and range of motion, stimuli to facilitate motor activity and learning, instruction in activities of daily living and the use of assistive devices and the application of physical agents to relieve pain or alter physiological status. The use of roentgen rays and radium for diagnostic or therapeutic purposes, ~~the use of electricity for surgical purposes, including cauterization and colonic irrigations~~ the performance of spinal joint mobilization, and the performance of spinal manipulation are not authorized under the term "physical therapy" as used in this chapter;

2. "Physical therapist assistant" means a person who assists in the practice of physical therapy subject to the direction and supervision of a licensed physical therapist, who meets all the educational requirements, and who is licensed pursuant to the provisions of the Physical Therapy Practice Act;

3. "Licensed physical therapist" means a person who is licensed as required in the Physical Therapy Practice Act and who regularly practices physical therapy;

4. "Board" means the State Board of Medical Licensure and Supervision; and

5. "Committee" means the Physical Therapy Committee.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 887.13, is amended to read as follows:

Section 887.13 The ~~Board~~ State Board of Medical Licensure and Supervision may refuse to issue or renew, or may suspend or revoke a license to any person, after notice and hearing in accordance with rules ~~and regulations~~ promulgated pursuant to the Physical Therapy Practice Act and the provisions of the Administrative Procedures Act ~~of the Oklahoma Statutes~~ who has:

1. Practiced physical therapy other than under the referral of a ~~physician, surgeon, dentist, chiropractor or podiatrist duly licensed to practice medicine or surgery~~ licensed doctor of medicine and surgery, osteopathic medicine, chiropractic, dentistry, or podiatric medicine, or in the case of practice as a physical therapist assistant, has practiced other than under the direction of a licensed physical therapist;

2. Treated or attempted to treat ailments or other health conditions of human beings other than by physical therapy as authorized by the Physical Therapy Practice Act;

3. Failed to refer patients to other health care providers if symptoms are known to be present for which physical therapy treatment is inadvisable or if symptoms indicate conditions for which treatment is outside the standards of practice as specified in the rules ~~and regulations~~ promulgated by the Board pursuant to the provisions of the Physical Therapy Practice Act;

4. Used drugs, narcotics, medication, or intoxicating liquors to an extent which affects the professional competency of the applicant or licensee;

5. Been convicted of a felony or of a crime involving moral turpitude;

6. Obtained or attempted to obtain a license as a physical therapist or physical therapist assistant by fraud or deception;

7. Been grossly negligent in the practice of physical therapy or in acting as a physical therapist assistant;

8. Been adjudged mentally incompetent by a court of competent jurisdiction and has not subsequently been lawfully declared sane;

9. Been guilty of conduct unbecoming a person licensed as a physical therapist or physical therapist assistant or guilty of conduct detrimental to the best interests of the public or ~~his~~ the profession of physical therapy;

10. Been guilty of any act in conflict with the ethics of the profession of physical therapy; or

11. Had his or her license suspended or revoked in another state.

SECTION 4. This act shall become effective November 1, 1999.

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