

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL 178

By: Hobson

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 887.1, 887.2, 887.3, 887.4 as amended by Section 1, Chapter 126, O.S.L. 1997, 887.5, 887.6, as amended by Section 2, Chapter 126, O.S.L. 1997, 887.7, 887.8, 887.9, 887.10, 887.12, as amended by Section 3, Chapter 126, O.S.L. 1997, 887.13, 887.14, 887.17, and 887.18 (59 O.S. Supp. 2000, Sections 887.4, 887.6, and 887.12), which relate to the Physical Therapy Practice Act; correcting and clarifying references; stating findings of the Legislature; adding and changing definitions; making language gender-neutral; providing for construction of act; stating exemptions to license requirement; abolishing committee advisory to State Board of Medical Licensure and Supervision; creating, pursuant to Sunset Law, Oklahoma Board of Physical Therapy Licensure and Supervision; providing for number of members, method of appointment, Senate confirmation, qualifications, length of regular and initial terms, filling of vacancies, grounds for disqualification, removal, and limitation on successive terms and time served; deleting powers and duty of abolished Committee; providing for frequency and conduct of board meetings; requiring records; providing for quorum; providing for election of board officers and terms thereof; applying Administrative Procedures Act requirements to rule-making authority; providing board shall set requirements for licensure, evaluate and examine applicants, and license those qualified; deleting requirement for reporting possible misdemeanor violations of act to district attorneys or Attorney General; specifying information to be listed; authorizing making of contracts; authorizing employment of personnel, including attorneys; requiring publications and reports; authorizing contracting for services; authorizing travel reimbursement; requiring disciplinary actions be reported to national database; providing for license application; deleting testing directive; authorizing use of nationally recognized examination; deleting requirement for recognition of armed forces education; clarifying documentation requirement; requiring licensee report changes in personal information within specified period; providing for deficiency notice and appeal process; establishing examination frequency requirements; specifying content of examination; specifying retesting requirements; authorizing issuance of license without examination; authorizing issuance of interim permits;

providing for license expiration, revocation, and renewal and reinstatement requirements; stating therapist performance and documentation requirements; authorizing limited use of assisting personnel; restating, clarifying, and further specifying grounds for refusal to issue, renew, suspend, or revoke license or permit; authorizing investigations; authorizing application for injunctive relief; authorizing imposition of penalties; providing for confidentiality of information; providing for hearings; providing board be represented by legal counsel; stating public duty; providing immunity from civil liability; providing for identification and fine for misrepresentation; modifying exceptions to referral requirement; increasing fees; making fees nonrefundable; creating revolving fund; providing for disclosure of compensation for referrals or financial interest in products endorsed or recommended; requiring patients be informed of rights; authorizing board to substitute participation in substance-abuse recovery program in lieu of other disciplinary action; providing for written agreements; deleting obsolete language; clarifying references; repealing 59 O.S. 1991, Sections 887.15 and 887.16, which relate to misrepresentation and penalties; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 887.1, is amended to read as follows:

Section 887.1 ~~This act~~ A. Sections 887.1 through 887.21 of this title shall be known and may be cited as the "Physical Therapy Practice Act".

B. The Legislature finds that in order to protect and provide for the public health, safety, and welfare of the citizens of Oklahoma, administrative control, supervision, licensure, and regulation of the practice of physical therapy is necessary.

C. The Legislature further finds that only individuals who meet and maintain prescribed standards of competence and conduct may engage in the practice of physical therapy as authorized by the Physical Therapy Practice Act.

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. "Adequate patient records" means legible records that contain at a minimum sufficient information to identify the patient, an evaluation of objective findings, a diagnosis, the plan of care, the treatment record, a discharge plan, and clear identification of all parties who made entries to the record;

2. "Assistive personnel" means either a physical therapist assistant or a physical therapy aide;

3. "Board" means the Oklahoma Board of Physical Therapy Licensure and Supervision;

4. "Consultation by means of telecommunication" means the rendering of professional or expert opinion or advice by a physical therapist to another physical therapist or health care provider via telecommunications or computer technology at a different location. It includes the transfer of data or exchange of information by means of audio, video, or data communications. The physical therapist may use available technology as a vehicle for providing only services that are legally authorized. Written consent or verbal consent shall be obtained from the patient prior to such consultation. In the event verbal consent is obtained, written verification of the verbal consent shall be obtained within seventy-two (72) hours of the consultation. All records used or resulting from a consultation by means of telecommunications shall be considered a part of the medical records of the patient and are therefore subject to all applicable confidentiality requirements;

5. "General supervision" means responsible supervision and control of the work of the physical therapist assistant by the supervising physical therapist who is:

- a. regularly and routinely on site,
- b. when not on site, is on call and readily available physically or through direct telecommunication for consultation;

6. "Jurisdiction of the United States" means any state, territory, or the District of Columbia that licenses physical therapists;

7. "On-site supervision" means the supervising physical therapist is:

- a. continuously present in the department or facility where treatment services are provided,
- b. immediately available to the person being supervised at all times, and
- c. continuously involved in appropriate aspects of each treatment session in which assistive personnel are involved in components of the care provided;

8. "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, chiropractic, dentistry, or podiatry 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, dentistry, chiropractic or podiatry 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 are not authorized under the term "physical therapy" as used in this chapter~~ the care and services provided by a physical therapist or under the direction and supervision of a physical therapist;

~~2. 9. "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~~ to practice physical therapy;

~~3. 10. "Licensed physical Physical therapist assistant" means a person who is licensed as required in the Physical Therapy Practice Act and who regularly practices physical therapy pursuant to the provisions of the Physical Therapy Practice Act who assists the physical therapist in selected components of physical therapy~~ intervention;

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

~~5. "Committee" means the Physical Therapy Committee.~~

~~11. "Physical therapy aide" or "physical therapy technician" means a person trained under the direction of a physical therapist, who performs designated and supervised routine tasks related to physical therapy as defined by the Board;~~

~~12. "Practice of physical therapy" means:~~

- ~~a. examining, evaluating, and testing individuals with mechanical, physiological, or developmental impairments, functional limitations, disabilities, or other movement-related conditions in order to determine a diagnosis, prognosis, or plan of~~

therapeutic intervention, and to assess the ongoing effects of intervention,

b. alleviating physiological or developmental impairments and functional limitations by designing, implementing, and modifying therapeutic interventions that include, but are not limited to:

(1) therapeutic exercise,

(2) functional training in mobility,

(3) home, community, or work reintegration,

(4) manual therapy including soft tissue and joint mobilization and manipulation,

(5) therapeutic massage,

(6) assistive and adaptive protective and supportive devices and equipment,

(7) airway clearance techniques,

(8) debridement and wound care,

(9) physical agents or modalities,

(10) mechanical and electro-therapeutic modalities, and

(11) patient-related instructions,

c. reducing the risk of injury, physiological or developmental impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and quality of life in all age populations, and

d. engaging in administration, consultation, education and research;

13. "Restricted license" means a license on which the Board places conditions as to scope of practice, place of practice, supervision of practice, duration of licensed status, or type or condition of patient or client to whom the licensee may provide services; and

14. "Testing" means methods and techniques used to gather data about the patient, including electrodiagnostic and electrophysiologic tests and measures.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 887.3, is amended to read as follows:

Section 887.3 A. No person shall designate himself or herself as a physical therapist or physical therapist assistant, nor practice, nor ~~hold himself out~~ represent to the public as being able to practice physical therapy in this state, unless licensed in accordance with the provisions of the Physical Therapy Practice Act. ~~The Physical Therapy Practice Act shall not prohibit or prevent any person licensed in the healing arts in this state from engaging in the practice for which he is duly licensed.~~

B. The provisions of the Physical Therapy Practice Act shall not be construed to prevent any person licensed in any of the healing arts pursuant to any other licensing law of this state from engaging in the practice for which that person is duly licensed. Provided however, that person shall not represent, imply, or claim to be a physical therapist or to be an authorized provider of physical therapy.

C. The following persons shall not be required to have a license pursuant to the provisions of the Physical Therapy Practice Act pursuant to the conditions specified:

1. A person who is pursuing a course of study leading to a degree as a physical therapist or physical therapist assistant in a professional education program approved by the Board and is satisfying the supervised clinical education requirements while subject to on-site supervision of a licensed physical therapist;

2. Any person employed by an agency, bureau, or division of the federal government while in the discharge of official duties; provided, however, if the individual engages in the provision of physical therapy services outside the line of official duty, that

individual must be licensed pursuant to the provisions of the Physical Therapy Practice Act;

3. A person who is licensed as a physical therapist or as a physical therapist assistant in another jurisdiction of the United States or is credentialed as a physical therapist in another country if that person is performing physical therapy in connection with teaching or participating in an education seminar in this state for not more than sixty (60) days in a calendar year; or

4. A person who is licensed as a physical therapist in another jurisdiction of the United States if that person is providing consultation by means of telecommunication to a physical therapist licensed in this state.

D. The provisions of the Physical Therapy Practice Act shall be liberally construed in order to promote the public interest and to accomplish the purposes stated in the Physical Therapy Practice Act.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 887.4, as amended by Section 1, Chapter 126, O.S.L. 1997 (59 O.S. Supp. 2000, Section 887.4), is amended to read as follows:

Section 887.4 A. ~~There is hereby established a~~ The Physical Therapy Committee ~~to assist the State Board of Medical Licensure and Supervision in conducting examinations for applicants and to advise the Board on all matters pertaining to the licensure, education, and continuing education of physical therapists and physical therapist assistants and the practice of physical therapy~~ is hereby abolished.

B. ~~1. The Physical Therapy Committee shall consist of five (5) members who shall be appointed by the State Board of Medical Licensure and Supervision as follows~~ There is hereby created the Oklahoma Board of Physical Therapy Licensure and Supervision in place of the Physical Therapy Committee. The Board shall continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law.

C. The Board shall consist of seven (7) members who shall serve four-year terms and shall be appointed by the Governor and confirmed by the Senate. The membership shall be as follows:

~~a. three members shall be licensed,~~

1. Five (5) members shall be physical therapists possessing unrestricted licenses to practice physical therapy, who are residents of and who have been practicing in this state for not less than five (5) years immediately prior to their appointments;

~~b. one~~

2. One member shall be a licensed physical therapist assistant, and who is resident of this state, possesses an unrestricted license as a physical therapist assistant in this state and has been working in this state for not less than five (5) years immediately prior to the appointment; and

~~c. one~~

3. One member shall be a lay person public member who shall be a resident of this state with an interest in consumer rights who is not affiliated with, nor has a financial interest in, any health care profession or health care organization.

~~2. Except for the lay appointee, each appointee shall be selected from a list of three persons submitted for each vacancy by the Oklahoma Chapter of the American Physical Therapy Association~~

D. The Governor may make these appointments from a list of at least three (3) names submitted by the Oklahoma Physical Therapy Association or from a list submitted by any physical therapist or physical therapist assistant licensed in this state.

~~a.~~

E. Members serving on the Committee on the effective date of this act October 1, 2001, may continue serving be appointed by the Governor to serve in positions on the Board until the date of expiration of their terms of office and may be reappointed if eligible pursuant to the provisions of this act. Members of the

~~original Physical Therapy Committee shall have been appointed for staggered terms of one (1), two (2), and three (3) years, respectively. Terms of office of each appointed member shall expire July 1 of that year in which they expire regardless of the calendar date when such appointments were made. Subsequent appointments shall be made for a term of three (3) years or until their successors are appointed and qualified as members of the Physical Therapy Committee.~~

~~b. The lay member and physical therapist assistant member initially appointed to fill the two new positions created pursuant to this act shall be appointed for staggered terms of office which will expire July 1, 1998, and July 1, 1999. Thereafter, members appointed to these positions shall serve for terms of three (3) years or until their successors are appointed and qualified.~~

~~e.~~

F. Vacancies occurring because of death, resignation, removal, or expiration of a term shall be filled by the Board Governor in the same manner as the original appointment. Members filling the remainder of a term shall assume office immediately upon appointment by the Governor and shall serve on an interim basis with full authority until confirmation or denial of confirmation by the Senate.

1. A member of the Board shall become disqualified from serving if that member:

- a. is a licensee of the Board and has had the license or permit revoked or suspended,
- b. has moved from this state,
- c. has been convicted, pled guilty or nolo contendere to a felony pursuant to the laws of any jurisdiction of the United States,

- d. has become medically incapacitated as determined in writing by a licensed physician upon request by the Board, or
- e. has been absent from three (3) meetings, or is absent for significant portions of three (3) meetings as determined by the Board during any twelve-month period, unless such absence is determined to be unavoidable in the opinion of a majority of the remaining members;

2. Removal pursuant to the provisions of this section shall be accomplished by a majority vote of the remaining members. Upon said vote, a written notification shall be sent to the Governor setting out the dates of absences or other grounds for removal and the fact of the disqualification of the member. Upon receipt of the written notification, the Governor shall appoint another member in the manner provided for appointments to the Board.

~~3. Each member of the Committee shall be a resident of this state. The physical therapist and physical therapist assistant members shall be licensed pursuant to the Physical Therapy Practice Act for at least three (3) years prior to appointment to the Committee. The lay member shall not be a physical therapist or a licensed health care professional or be related by adoption, blood, or marriage within the third degree of consanguinity to a physical therapist or a licensed health care professional.~~ The Governor may, after a hearing conducted in accordance with the provisions of the Administrative Procedures Act, remove any member of the Board for misconduct regarding responsibilities and duties of the Board, incompetence, or neglect of duty. Removal pursuant to the provisions of this subsection shall occur upon the Governor filing a written statement of findings after the hearing as to the reasons and basis for removal of the member with the Secretary of the Board and the Secretary of State.

G. The terms of the initial appointments shall be as follows:

1. For the physical therapist members:

Position 1 shall serve until July 1, 2002,

Position 2 shall serve until July 1, 2003,

Position 3 shall serve until July 1, 2004,

Position 4 shall serve until July 1, 2005, and

Position 5 shall serve until July 1, 2005.

Thereafter members appointed to each position shall serve a four-year term;

2. The first term of the physical therapist assistant member shall expire on July 1, 2005. Thereafter, the member appointed to this position shall serve a four-year term; and

3. The public member shall serve co-terminus with the Governor.

H. No Board member shall serve more than two successive four-year terms nor more than ten (10) consecutive years.

4. I. Members of the ~~Committee shall~~ Board may be reimbursed for all ~~actual and necessary~~ expenses incurred in the performance of duties required by the Physical Therapy Practice Act in accordance with the provisions of the State Travel Reimbursement Act.

~~C. The Committee shall have the power and duty to:~~

~~1. Assist in selecting and conducting examinations for licensure, and in determining which applicants successfully passed such examination;~~

~~2. Advise the Board on all matters pertaining to the licensure, education, and continuing education requirements for, and practice of physical therapy in this state;~~

~~3. Maintain a current list of approved schools of physical therapy and physical therapist assistants; and~~

~~4. Assist and advise in all hearings involving physical therapists or physical therapist assistants who are deemed to be in violation of the Physical Therapy Practice Act.~~

J. The Board shall meet at least once each quarter.

1. All meetings shall be held in compliance with the requirements of the Oklahoma Open Meeting Act. The Board shall keep a permanent record of its meetings;

2. A majority of Board members shall constitute a quorum for the transaction of official business; and

3. The Board shall elect officers from its membership as deemed necessary for the operations of the Board. Terms for the elected officers shall be one (1) year.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 887.5, is amended to read as follows:

Section 887.5 ~~The State Oklahoma Board of Medical Examiners~~ Physical Therapy Licensure and Supervision shall have the power and duty to:

1. Promulgate the rules ~~and regulations~~ necessary for the performance of its duties pursuant to the provisions of the Physical Therapy Practice Act in accordance with the provisions of the Administrative Procedures Act;

2. ~~Determine, as recommended by the Committee,~~ Evaluate the qualifications of applicants for licensure, conduct all examinations, ~~and determine which applicants successfully passed such~~ for physical therapists and physical therapist assistants and establish the passing scores for these examinations;

3. Issue ~~a license~~ licenses or permits to ~~each applicant who passes the examination in accordance with standards promulgated by the Board pursuant to the Physical Therapy Practice Act, and who is otherwise in compliance with the Physical Therapy Practice Act. A license shall also be issued to persons who qualify for such license pursuant to the provisions of Sections 887.9 and 887.10 of this title. Said licenses shall be subject to annual renewal as provided~~ persons who meet the requirements specified by the Physical Therapy Practice Act;

4. Make such investigations and inspections as are necessary to ensure compliance with the Physical Therapy Practice Act and the rules ~~and regulations~~ of the Board promulgated pursuant to the act;

5. ~~Conduct~~ and conduct hearings as required by the provisions of the Administrative Procedures Act, ~~Section 301 et seq. of Title 75 of the Oklahoma Statutes;~~

6. ~~Report to the district attorney having jurisdiction or the Attorney General any act committed by any person which may constitute a misdemeanor pursuant to the provisions of the Physical Therapy Practice Act;~~

7. 5. Initiate prosecution and civil proceedings to assist the Board in assuring compliance with the provisions of the Physical Therapy Practice Act;

8. 6. Suspend, revoke or deny the license of any physical therapist ~~and~~ or physical therapist assistant for violation of any provisions of the Physical Therapy Practice Act or rules ~~and regulations~~ promulgated ~~by the Board~~ pursuant to ~~this~~ the act;

9. 7. Maintain a ~~record~~ current listing of the name, current business address, residential address, telephone number, and license number of each physical therapist and physical therapist assistant licensed in this state;

10. ~~Compile a list of physical therapists and physical therapist assistants licensed to practice in this state. Said~~ Subject to any restrictions imposed by law, the list shall be available to any person upon application to the Board and the payment of such fee as determined by the Board for the reasonable expense thereof pursuant to the provisions of the Physical Therapy Practice Act; and of providing the information;

11. 8. Make such expenditures, enter into contracts, and employ such personnel as it may deem necessary for the administration and implementation of the provisions of the Physical Therapy Practice Act including the authority to hire all necessary personnel, at

salaries to be fixed by the Board, including attorneys to represent the Board and to assist authorized state and county officers in enforcing the provisions of the Physical Therapy Practice Act;

9. Publish, at least annually, Board rulings, opinions, and interpretations of statutes or rules. The Board shall also file an annual report of its activities including all final disciplinary actions taken against licensees with the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate;

10. The Board is specifically authorized to contract with state agencies or other bodies to obtain services at a rate set by the Board. The Board is authorized to pay the travel expenses of board employees and members in accordance with the State Travel Reimbursement Act; and

11. Report final disciplinary action taken against a licensee to a national disciplinary database recognized by the Board or as required by law in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996, (Public Law 104-191).

SECTION 6. AMENDATORY 59 O.S. 1991, Section 887.6, as amended by Section 2, Chapter 126, O.S.L. 1997 (59 O.S. Supp. 2000, Section 887.6), is amended to read as follows:

Section 887.6 A. ~~Except as~~ Unless specifically otherwise provided by law, any person seeking to be eligible for licensure ~~as a physical therapist or physical therapist assistant~~ pursuant to the provisions of the Physical Therapy Practice Act ~~an applicant~~ shall:

1. Be of good moral character; ~~and~~

2. ~~Pass~~ File a complete application on a form and in a manner prescribed by the Oklahoma Board of Physical Therapy Licensure and Supervision; and

3. Have passed an examination based on standards promulgated by the ~~State Board of Medical Licensure and Supervision~~ pursuant to the

~~Physical Therapy Practice Act which shall include a written examination testing the knowledge of the applicant on:~~

- ~~a. the basic and clinical sciences as they relate to physical therapy theory and physical therapy procedures, and~~
- ~~b. such other subjects as the Board may deem necessary to test the applicant's fitness to practice physical therapy or as a physical therapist assistant.~~

~~Examinations shall be held within this state at least once per year, at such time and place as the Board shall determine. The Board may make use of all or any part of an examination prepared by a nationally recognized physical therapy professional organization or a professional testing or grading organization as it deems appropriate.~~

~~B. 1. In addition to the requirements provided by subsection A of this section, and except as provided in paragraph 2 of this subsection or subsection D of this section, an An applicant for a license to practice as a physical therapist shall ~~have graduated from a school of~~ be a graduate of a physical therapy education program approved by a national accrediting body which has been recognized by the Board.~~

~~2. An applicant for a license to practice as a physical therapist who has been educated through a program or school of physical therapy which is or has been sponsored by a branch of the armed forces of the United States may be licensed as a physical therapist if the Board determines that the education of the applicant is substantially equivalent to, or exceeds, the requirements of accredited educational programs.~~

~~C. 1. In addition to the requirements provided by subsection A of this section, and except as provided in paragraph 2 of this subsection, an applicant for a license to practice as a physical~~

therapist assistant shall have graduated from an approved program for physical therapist assistants consisting of at least a two-year program approved by a national accrediting body which has been recognized by the Board. An approved course of study shall include such elementary and intermediate courses in the anatomical, biological, and physical sciences as may be determined by the Board.

~~2. An applicant for a license to practice as a physical therapist assistant who has been educated through a program for physical therapist assistants which is or has been sponsored by a branch of the armed forces of the United States may be licensed as a physical therapist assistant if the Board determines that the education of the applicant is substantially equivalent to, or exceeds, the requirements of accredited educational programs.~~

D. ~~1. Except as otherwise provided by paragraph 2 of this subsection,~~ In addition to the requirements of subsection A of this section, an applicant for licensure as a physical therapist who has been educated in physical therapy outside the United States shall meet the following qualifications:

- ~~a. be of good moral character,~~
- ~~b. have completed the application process,~~
- ~~c. provide~~

1. Provide satisfactory evidence that ~~their~~ the applicant's education is substantially equivalent to the requirements of physical therapists educated in accredited educational programs as determined by the Board. If the Board determines that a foreign-educated applicant's education is not substantially equivalent, it may require completion of additional course work before proceeding with the application process~~;~~;

- ~~d. provide~~

2. Provide written proof that the school of physical therapy education is recognized by ~~its own~~ the ministry of education, or

other appropriate governmental agency of the country in which the professional education occurred;

~~e. provide~~

3. Provide written proof of authorization to practice as a physical therapist without limitations in the country where the professional education occurred~~;~~i

~~f. provide~~

4. Provide proof of legal authorization to reside and seek employment in the United States or its territories~~;~~i

~~g. have~~

5. Have their educational credentials evaluated by a Board-approved credential evaluation agency~~;~~i

~~h. have~~

6. Have passed the Board-approved English proficiency examinations if their native language is not English~~;~~i and

~~i. have~~

7. Have participated in an interim supervised clinical practice period prior to licensure, which may be waived at the discretion of the Board, if:

~~(1)~~ the applicant for licensure is able to verify the successful completion of one (1) year of clinical practice in any jurisdiction of the United States ~~or the District of Columbia,~~ or

~~(2)~~ the applicant is able to document exceptional expertise acceptable to the Board in the fields of research, education, or clinical practice~~;~~ and

~~j. have successfully passed the national examination approved by the Board.~~

~~2. E.~~ If the foreign-educated physical therapist applicant is a graduate of a ~~CAPTE-accredited~~ physical therapy education program approved by a national accrediting body which has been recognized by the Board, requirements in ~~subparagraphs e, d, g~~ paragraphs 1, 2, 5

and ~~± 7 of paragraph 1~~ of ~~this~~ subsection D of this section may be waived.

~~E. F.~~ When a foreign-educated applicant satisfies the qualifications for licensure set forth in subparagraphs a 1 through ~~h 6 of paragraph 1~~ of subsection D of this section, but prior to licensure the Board shall issue an interim permit to the applicant for the purpose of participating in a supervised clinical practice period. The time period of an interim permit shall not be less than ninety (90) days nor more than six (6) months. An interim permit holder, to the satisfaction of the Board, shall complete a period of clinical practice under the continuous and immediate supervision of a physical therapist who holds an unrestricted license issued pursuant to the Physical Therapy Practice Act in a facility approved by the Board.

G. A licensee shall report any name change, business address change, or home address change to the Board within thirty (30) days after the date of the change.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 887.7, is amended to read as follows:

Section 887.7 ~~Any person intending~~ A. An applicant for a license to practice as a physical therapist or physical therapist assistant in this state shall ~~apply to the Board in writing. Such application shall be~~ file a complete application on a form and in a manner prescribed by the Board and ~~shall request such information from the applicant as will indicate to the Board the applicant's qualifications to take the required examination or otherwise comply with the provisions of the Physical Therapy Practice Act.~~

B. An application ~~to the Board to practice~~ for licensure as a physical therapist or as a physical therapist assistant shall be accompanied by a fee as ~~required by the provisions of~~ prescribed in the Physical Therapy Practice Act. ~~Said~~ The fee shall not be refundable.

C. An applicant shall be notified in writing of any deficiencies in the application. An applicant who disagrees with the identified deficiencies may appeal that determination in the same manner as other orders of the Board can be appealed as provided in the Administrative Procedures Act and the rules of the Board.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 887.8, is amended to read as follows:

Section 887.8 A. Examinations shall be conducted at least quarterly at a time and place prescribed by the Oklahoma Board of Physical Therapy Licensure and Supervision. The Board shall determine the passing score.

B. An applicant may take the examination for licensure as a physical therapist after the application process has been completed. The examination shall test entry-level competence related to physical therapy theory, examination and evaluation, diagnosis, prognosis, treatment intervention, prevention, and consultation.

C. An applicant may take the examination for licensure as a physical therapist assistant after the application process has been completed. The examination shall test for requisite knowledge and skills in the technical application of physical therapy services.

D. The Board shall issue an appropriate license to each applicant who successfully passes the examination in accordance with standards promulgated by the Board and who otherwise complies with the provisions of the Physical Therapy Practice Act.

E. Any applicant who fails to pass the examination ~~may request to retake the examination in accordance with standards established by the Board~~ the first time it is taken, may retake the examination one additional time within six (6) months of the first failure; provided:

1. Before the Board may approve an applicant for subsequent testing beyond two attempts, an applicant shall re-apply for licensure; and

2. The applicant shall demonstrate evidence satisfactory to the Board of having successfully completed additional clinical training or course work, or both, as determined by the Board.

In the event an applicant fails to pass the examination after two (2) attempts, the applicant may not practice and is no longer eligible for an interim permit.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 887.9, is amended to read as follows:

~~Section 887.9 Upon payment to the Board of a fee as provided by the Physical Therapy Practice Act, and submission of a written application on forms provided by the Board, the~~ The Board may issue a license without examination to ~~any person who is licensed or otherwise registered as a physical therapist by another state or any territory of the United States which has substantially the same standards for licensure as are required by this state pursuant to the provisions of the Physical Therapy Practice Act~~ a physical therapist or physical therapist assistant who has a valid unrestricted license from another jurisdiction of the United States if, at the time the license was granted from the other jurisdiction, that person met substantially equivalent requirements prescribed in Section 887.6 of this title.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 887.10, is amended to read as follows:

Section 887.10 A. ~~Upon proper application to the Board, and payment of the fee required by the provisions of the Physical Therapy Practice Act, the Board shall issue without examination a temporary permit to practice physical therapy or to practice as a physical therapist assistant in this state for a period of not to exceed one (1) year to any person who meets the qualifications required for applicants to take the examination and who submits satisfactory evidence to the Board that such applicant is in this state on a temporary basis to assist in a case of medical emergency~~

~~or to engage in a special physical therapy project. The Board may shorten the term of the temporary permit for less than one (1) year~~  
an interim permit to a foreign-educated applicant for a license to practice as a physical therapist who satisfies the applicable requirements of Section 887.6 of this title for the purpose of participating in a supervised clinical practice period prior to the applicant being approved to take the examination. An applicant who has previously failed the examination in another jurisdiction of the United States is not eligible for an interim permit until the applicant passes the examination in this state or in another jurisdiction of the United States.

B. Upon proper application and payment of fees, the Oklahoma Board of Physical Therapy Licensure and Supervision may issue a ~~temporary permit to a person who has applied for a license pursuant to the provisions of Section 887.7 of this title, and who is eligible to take the examination pursuant to the provisions of the Physical Therapy Practice Act. Such temporary permit shall be available to an applicant only with respect to his first application for licensure~~ an interim permit to a person educated in a jurisdiction in the United States who has applied for a license pursuant to the applicable provisions of Section 887.6 of this title, and who is eligible to take the examination. An interim permit shall be available to an applicant only with respect to the first application for licensure. Such permit shall expire ~~upon~~ when ~~notice that the applicant has or has not passed the examination~~ when the results of the examination are made available to the Board and the applicant.

C. An interim permit shall be for not less than ninety (90) days nor more than six (6) months.

D. If an applicant fails to pass the examination on his first attempt, the Board may extend the initial permit not to exceed an additional six-month period.

E. An interim permit holder shall perform physical-therapy-related duties only under the continuous and direct on-site supervision of a physical therapist who holds an unrestricted license in this state.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 887.12, as amended by Section 3, Chapter 126, O.S.L. 1997 (59 O.S. Supp. 2000, Section 887.12), is amended to read as follows:

Section 887.12 A. ~~1.~~ Except as otherwise provided by the Physical Therapy Practice Act, all licenses shall expire on January 31 of each year.

B. A license may be renewed during the month of January of each year upon:

~~a.~~

1. Submission of a completed application~~;~~

~~b. evidence~~

2. Evidence of satisfactory completion of a program of continuing education or of alternative competency requirements, as required by the State Oklahoma Board of ~~Medical~~ Physical Therapy Licensure and Supervision pursuant to subsection B of this section~~;~~ and

~~c. payment~~

3. Payment of fees.

~~2.~~ C. A licensee who fails to renew the license on or before the expiration date shall not be eligible to practice as a physical therapist or work as a physical therapist assistant in this state.

D. Applications for renewal of licensure shall be sent by the Board to all licensed physical therapists and physical therapist assistants at ~~their~~ the last-known address. ~~Failure to renew a license~~ A license which is not renewed within three (3) months after notification shall effect a forfeiture of the license granted pursuant to the provisions of the Physical Therapy Practice Act. ~~Upon recommendation of the Board, a lapsed license may be revived~~

~~upon the payment of all unpaid registration fees and pursuant to such rules as may be promulgated by the Board expire.~~

~~3. A physical therapist or physical therapist assistant who fails to apply for a renewal of a license for five (5) years may renew the license by complying with the provisions of the Physical Therapy Practice Act relating to the issuance of an original license.~~

~~B.~~ E. For physical therapists and physical therapist assistants, the Board shall establish by rule the requirements for either or both of the following:

1. A program of continuing education; ~~and~~ or
2. Alternative requirements to establish continuing competence to practice.

The Board shall also establish by rule the minimum hours of continuing education needed to satisfy these requirements. In establishing these requirements, the Board shall consider any existing programs of continuing education currently being offered to licensed physical therapists or physical therapist assistants.

F. The Board may reinstate a lapsed license upon completion of an application on forms prescribed by the Board, payment of a renewal fee, and reinstatement fee. If a license has been expired for more than twelve (12) months, that person shall file an application on forms provided by the Board, pay all applicable fees and submit documentation of continuing competence to the Board.

Physical therapists and physical therapist assistants may be required to meet one or more of the following requirements:

1. Make a personal appearance before the Board;
2. Work under the direct supervision of a physical therapist licensed pursuant to this statute for at least twenty-two (22) days in any one calendar month for each year the license was lapsed, not to exceed twelve (12) months. The applicant must obtain

authorization from the Board before beginning the period of supervised practice;

3. Participate in continuing education activities directed towards maintaining or improving clinical knowledge and skills; or

4. Achieve a passing score on an examination approved by the Board.

G. 1. Any person, whose license has been revoked or suspended, may request reinstatement after the expiration of twenty-four (24) months from the date of revocation. The burden of proof of correction of the problem or conditions that contributed to revocations rests with the applicant. The Board has the right to reconsider and, in its discretion and for such causes and reasons deemed sufficient and for the best interest of the citizens of this state, has the authority to reinstate the license of the applicant.

2. Any person whose license is on probation may request lifting of that probation. The burden of proof that all terms of the probation have been satisfied rests with licensee.

3. Persons who entered Agreements of Voluntary Submittal may ask for reconsideration of the terms and termination after a period of twenty-four (24) months.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 887.12-A of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Each physical therapist is responsible for managing all aspects of the physical therapy care of each patient of that physical therapist. The physical therapist shall perform and document:

1. The initial evaluation for each patient;

2. A periodic re-evaluation of each patient; and

3. A written discharge plan for each patient or approve the plan when provided by a physical therapist assistant.

B. Each physical therapist is responsible for verifying, through written documentation, the education and training of all assistive personnel to determine the qualifications of the assistive personnel to perform specific designated tasks.

C. For each treatment provided, a physical therapist shall provide all therapeutic interventions that require the expertise of a physical therapist and shall determine the use of assistive personnel who provide services which are safe, effective, and efficient for each patient.

D. A physical therapist shall refer a patient or client to appropriate health care practitioners if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice or when physical therapy is contraindicated.

E. A physical therapist shall adhere to the recognized standards of ethics and standards of practice of the physical therapy profession and as further established by rule.

F. A physical therapist assistant shall work only under the general supervision of a physical therapist. A physical therapist assistant may document care provided without the co-signature of the supervising physical therapist.

G. A physical therapist may concurrently utilize not more than three assistive personnel. In addition, a physical therapist may supervise one additional person who is either a licensee under restricted license or interim permit holder.

H. A physical therapist may use physical therapy aides for designated routine tasks. The physical therapist or the physical therapy assistant shall be on-site and immediately available to direct and supervise the tasks.

I. The responsibility of a physical therapist for patient care management shall include oversight of all documentation for services rendered to each patient, including awareness of fees charged.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 887.13, is amended to read as follows:

Section 887.13 The Oklahoma Board of Physical Therapy Licensure and Supervision may refuse to issue or renew, or may suspend or revoke a license ~~to~~ or permit of 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 or as authorized by Section 887.17 of this title or offered to practice beyond the scope of the practice of physical therapy or in the case of ~~practice as an~~ individual who has practiced 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~~ Practiced as a physical therapist or worked as a physical therapist assistant when physical or mental abilities are impaired by the use of controlled substances or other habit-forming drugs, narcotics, medication, or intoxicating liquors to an extent which affects the professional competency of the applicant or licensee chemicals, or alcohol;

~~5.~~ 3. Engaged in sexual misconduct. For the purpose of this paragraph sexual misconduct includes:

- a. engaging in or soliciting sexual relationships, whether consensual or non-consensual, while a physical therapist or physical therapist assistant and patient relationship exists,
- b. making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature while practicing physical therapy,
- c. intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards;

4. Been convicted of, or pled guilty or nolo contendere to, a felony or of a crime involving moral turpitude in any jurisdiction of the United States or another country;

~~6.~~ 5. Obtained or attempted to obtain a license as a physical therapist or physical therapist assistant or permit by fraud or deception misrepresentation;

6. Cheated or attempted to subvert the licensing examinations;

~~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 profession;~~

~~10. Been guilty of any act in conflict with~~ 8. Failed to adhere to the recognized standards of the ethics of the profession of physical therapy; or

11. 9. Had ~~his~~ a license suspended or revoked in another state, or had any other disciplinary action taken, or an application for licensure refused, by the proper authorities in any jurisdiction of the United States or another country;

10. Violated any provision of the Physical Therapy Practice Act, rules, or written order of the Board;

11. Engaged, as a physical therapist, in the performance of substandard care due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established;

12. Engaged, as a physical therapist assistant, in the performance of substandard care, including exceeding the authority to perform components of intervention elected by the supervising licensee regardless of whether actual injury to the patient is established;

13. Charged an unreasonable fee for services performed;

14. Charged a fee for services not performed;

15. Directly or indirectly requested, received or participated in the dividing, transferring, rebating, or refunding of an unearned fee, or profited by means of a credit or other valuable consideration such as an unearned commission, discount, or gratuity in connection with the furnishing of physical therapy services.

Nothing in this paragraph shall prohibit the member of any regularly and properly organized business entity recognized by law and comprising licensed health care professionals from dividing fees received for professional services among themselves as they determine necessary to defray their joint operating expense;

16. Failed to provide necessary ongoing physical therapy treatment when a therapist-patient relationship has been established which relationship can be severed by either party's providing a reasonable period of notice is granted;

17. Promoted an unnecessary device, treatment intervention or service for the financial gain of the practitioner;

18. Made an advertisement, statement, or representation which is untrue or improbable and calculated by the licensee to deceive, defraud, or mislead the patients or the public;

19. Aided or abetted a person who is not licensed in this state and who directly or indirectly performs activities requiring a license or permit;

20. Failed to report to the Board any act or omission of a licensee, permit holder, applicant, or any other person which violates applicable provisions of the Physical Therapy Practice Act;

21. Interfered with an investigation or disciplinary proceeding by willful misrepresentation of facts or by the use of threats or harassment against any patient or witness to discourage or prevent the person from providing evidence in a disciplinary proceeding or any legal action;

22. Failed to maintain patient confidentiality without prior written consent of the patient or unless otherwise required by law;

23. Failed to maintain adequate patient records;

24. Failed to supervise assistive personnel in accordance with the Physical Therapy Practice Act and rules adopted and promulgated pursuant thereto; or

25. Provided treatment intervention unwarranted by the condition of the patient, or continued treatment beyond the point of reasonable benefit, including but not limited to participating in underutilization or overutilization of physical therapy services for personal or institutional financial gain.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 887.13-A of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Board of Physical Therapy Licensure and Supervision may make such investigations as are necessary to

determine if a person is engaged in activities in violation of the Physical Therapy Practice Act. If an investigation indicates that a person may be practicing physical therapy unlawfully, the Board shall inform the person of the alleged violation. The Board may refer the matter for prosecution regardless of whether the person ceases the unlawful practice of physical therapy.

B. The Board, through the Office of the Attorney General or the appropriate district attorney, may apply for injunctive relief in any court of competent jurisdiction to enjoin any person from committing any act in violation of the Physical Therapy Practice Act. Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies available.

C. If the Board finds that a complaint or an investigation is not of sufficient seriousness to merit disciplinary action, it may take any of the following actions:

1. Dismiss the complaint;

2. Issue a confidential advisory letter which shall advise the accused that, while there is insufficient evidence to support disciplinary action, the Board believes that the licensee should modify or eliminate certain conduct or practices; or

3. Refer the complaint to other entities such as Boards, law enforcement agencies or professional organizations when the Board lacks jurisdiction.

D. The Board is authorized to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a licensee has committed any of the acts or occurrences set forth in Section 887.13 of Title 59 of the Oklahoma Statutes:

1. Reject an application for a license or renewal of a license;

2. Suspension of a license for a period prescribed by the Board;

3. Revocation of a license;

4. A censure or reprimand;

5. Probation for a period of time and under such terms and conditions as deemed appropriate by the Board;

6. Restriction of the practice of a licensee under such terms and conditions deemed appropriate by the Board;

7. Payment of costs associated with an investigation and disciplinary proceeding;

8. Accept a voluntary submittal to jurisdiction or a voluntary surrendering of a license or both; or

9. Assess a fine not to exceed Ten Thousand Dollars (\$10,000.00) for each separate offense.

E. The Board may, by rule, establish guidelines for the disposition of disciplinary cases. The guidelines may include, but are not limited to:

1. Periods of suspension, probation, or supervision;

2. Terms and conditions of probations; and

3. Terms and conditions for the reinstatement of a license.

F. Board investigators shall investigate complaints pursuant to the authority of the Board. During the conduct of any investigation, the investigative staff shall take proper and necessary acts to insure the confidentiality of investigative files, in accordance with the Oklahoma Open Records Act. Particular care shall be exerted to protect patient confidentiality.

G. A person who aids or requires another person to directly or indirectly violate the Physical Therapy Practice Act or Board rules shall, in addition to penalties elsewhere provided, be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00) for the first violation and not more than Five Thousand Dollars (\$5,000.00) for each subsequent violation.

H. A licensee against whom a penalty is imposed by an order of the Board pursuant to the provisions of this section shall have the

right to seek a judicial review of such order pursuant to the provisions of the Administrative Procedures Act.

I. All monies, excluding costs, collected from civil penalties authorized in this section, such penalties being enforceable in the district courts of this state, shall be deposited with the State Treasurer to be paid into the General Revenue Fund of this state.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 887.13-B of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Board of Physical Therapy Licensure and Supervision shall conduct hearings when it believes a licensee or other individual or entity has violated any of the provisions of the Physical Therapy Practice Act or rules promulgated thereunder wherever or whenever appropriate for the exercise of authority granted to the Board either on its own motion or on the complaint of any person or entity. Proceedings shall be conducted in accordance with the provisions of the Administrative Procedures Act. The Board shall have all powers granted to administrative agencies for the conduct of individual proceedings, and judicial review thereof shall be in accordance with the provisions of such general laws relating to administrative procedure.

B. At all hearings, the Attorney General of this state, or an Assistant Attorney General, shall represent the Board. If the Attorney General is unable or declines to provide the Board with counsel, the Board is authorized to employ other legal counsel to represent it at a hearing. The counsel who presents the evidence supporting the complaint shall not be the counsel who advises the Board.

C. All decisions of the Board at such hearings shall be by majority vote of the Board members present at the hearing.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 887.13-C of Title 59, unless there is created a duplication in numbering, reads as follows:

A. In order to protect the public, any person or entity, public or private, which has knowledge of a possible violation of the provisions of the Physical Therapy Practice Act, is charged with the duty of reporting the facts surrounding the possible violation to the Oklahoma Board of Physical Therapy Licensure and Supervision.

B. A person is immune from civil liability for providing information in good faith to the Board pursuant to the provisions of subsection A of this section.

C. The Board shall not disclose the identity of a person who provides information unless such information is essential to proceedings conducted pursuant to Section 887.20 of Title 59 of the Oklahoma Statutes or unless required by a court of law.

SECTION 17. AMENDATORY 59 O.S. 1991, Section 887.14, is amended to read as follows:

Section 887.14 ~~Any person holding a license pursuant to the provisions of the Physical Therapy Practice Act as a physical therapist may~~ A. Physical Therapists shall use the title "Physical Therapist", "Registered Physical Therapist", or "Licensed Physical Therapist", or the letters "P.T.", "R.P.T.", or "L.P.T.", as authorized by the license obtained from the Board in connection with the name or place of business to denote licensure pursuant to the provisions of the Physical Therapy Practice Act.

B. No person or business entity, its employees, agent, or representative shall use in connection with the name of a person, activity, or business, the words "physical therapy", "physical therapist", "physiotherapy", "physiotherapist", or "registered physical therapist", the letters "PT", "LPT", "RPT", "MPT", "DPT", or any other words, abbreviations, or insignia to indicate or imply, directly or indirectly, that physical therapy is provided, including

the billing of services labeled as physical therapy unless such services are provided by or under the direction of a physical therapist.

C. Physical therapist assistants shall use the letters "PTA", to denote licensure pursuant to the provisions of the Physical Therapy Practice Act.

D. A person shall not use the title "physical therapist assistant", the letters "PTA", "RPTA", "LPTA" or any other words, abbreviations, or insignia in connection with that person's name to indicate or imply, directly or indirectly, that the person is a physical therapist assistant unless that person is licensed as a physical therapist assistant pursuant to the Physical Therapy Practice Act.

E. No person shall practice or in any manner represent, imply, or claim to practice physical therapy or use any word or designation that implies that the person is a physical therapist unless that person is licensed pursuant to the Physical Therapy Practice Act. A person who engages in any activity requiring a license or uses any word, title, letter, or any description of services that incorporates one of more of the terms, designations or abbreviations in violation of Section 887.22 of this title which implies that the person is licensed to engage in the practice of physical therapy shall be subject to disciplinary action or fine as provided by the Physical Therapy Practice Act.

F. A person who violates the provisions of this section shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00).

SECTION 18. AMENDATORY 59 O.S. 1991, Section 887.17, is amended to read as follows:

Section 887.17 A. Any person licensed under ~~this act~~ the Physical Therapy Practice Act as a physical therapist or physical therapist assistant shall treat human ailments by physical therapy

only under the referral of a person licensed as a physician or surgeon with unlimited license ~~and, or~~ Doctors of Dentistry, Chiropractic and or Podiatry, or Physician Assistants, with those referrals being limited to their respective areas of training and practice. Nothing in ~~this act~~ the Physical Therapy Practice Act shall prevent a physical therapist from performing screening and educational procedures within the scope of physical therapy practice without a physician referral. A physical therapist may provide services within the scope of physical therapy practice without a physician referral to:

1. Patients or clients for physical therapy evaluation;
2. Employees solely for the purpose of evaluation and consultation related to workplace ergonomics;
3. Employees and patients or clients for the delivery of first aid services;
4. Children in school-based or other federally-mandated physical therapy services;
5. The public for the purpose of health promotion and education; or
6. The public for the purpose of wellness, fitness, and health screenings.

B. Nothing in ~~this act~~ the Physical Therapy Practice Act shall be construed as authorization for a physical therapist or physical therapist assistant to practice any branch of the healing arts. Any person violating the provisions of ~~this act~~ the Physical Therapy Practice Act shall be guilty of a misdemeanor as per Section 887.16 of this title.

C. The provisions of ~~this act~~ the Physical Therapy Practice Act are not intended to limit the activities of persons legitimately engaged in the nontherapeutic administration of baths, massage, and normal exercise. ~~This act~~ The Physical Therapy Practice Act shall not prohibit students who are enrolled in schools of physical

therapy approved by the Oklahoma Board of Physical Therapy Licensure and Supervision from performing such work as is incidental to their course of study; nor shall it prevent any student in any recognized school of the healing arts ~~in~~ from carrying out prescribed courses of study; provided such school is a recognized institution by the statutes of Oklahoma, and its practitioners are duly licensed as prescribed by law. Nothing in ~~this act~~ the Physical Therapy Practice Act shall apply to any person employed by an agency, bureau, or division of the federal government while in the discharge of official duties; ~~;~~ ; however, if such individual engages in the practice of physical therapy outside the line of official duty, he or she must be licensed as ~~herein~~ provided by the Physical Therapy Practice Act.

SECTION 19. AMENDATORY 59 O.S. 1991, Section 887.18, is amended to read as follows:

Section 887.18 A. The Board shall prescribe and publish, in the manner established by its rules ~~and regulations~~, fees in the amounts determined by the Board but not exceeding the following maximum amounts unless cost justification is present:

Physical Therapist <del>Examination</del> <u>examination</u>	
<u>processing fee plus actual cost of</u>	
<u>examination</u> .....	<del>\$150.00</del>
	<u>\$200.00</u>
Physical Therapist Assistant <del>Examination</del>	
<u>examination processing fee plus actual</u>	
<u>cost of examination</u> .....	<del>\$100.00</del>
	<u>\$150.00</u>
Physical Therapist <del>License and renewal</del>	
<del>thereof</del> <u>license</u> .....	<del>\$50.00</del>
	<u>\$75.00</u>
Physical Therapist Assistant <del>License and</del>	
<del>renewal thereof</del> <u>license</u> .....	<del>\$35.00</del>

	<u>\$75.00</u>
<u>Annual Physical Therapist license renewal</u> .....	<u>\$100.00</u>
<u>Annual Physical Therapist Assistant license</u>	
<u>renewal</u> .....	<u>\$75.00</u>
Temporary <del>Permit</del> <u>permit</u> .....	<u>\$25.00</u>
	<u>\$50.00</u>
<u>Interim permit</u> .....	<u>\$25.00</u>
<u>Late fee</u> .....	<u>\$25.00</u>
<u>Reinstatement fee</u> .....	<u>\$150.00</u>
<u>Duplication or modification of license</u> .....	<u>\$50.00</u>
<u>Certification of scores</u> .....	<u>\$50.00</u>
<u>Written verification of license</u> .....	<u>\$30.00</u>
<u>Duplication of proof of renewal of license</u> .....	<u>\$10.00</u>
<u>Duplication of public records</u> .....	<u>\$0.25</u>
	<u>per page</u>
<u>Transcript of public records</u> .....	<u>\$1.50</u>
	<u>per page</u>
<u>Returned check processing fee</u> .....	<u>\$10.00</u>
<u>Monthly probation supervising fee</u> .....	<u>\$300.00</u>

B. All fees shall be received by the Board prior to processing a request. All fees are non refundable.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 887.19 of Title 59, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Physical Therapy Licensure and Supervision to be designated the "Physical Therapy Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received under the Physical Therapy Practice Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Board of Physical Therapy Licensure and Supervision for

implementation, administration, and enforcement of provisions of the Physical Therapy Practice Act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 887.20 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. If a referring practitioner is deriving direct or indirect compensation from a referral to physical therapy, the physical therapist shall disclose this information in writing to the patient prior to the initial evaluation.

B. A physical therapist shall disclose in writing to a patient any financial interest in products that the physical therapist endorses and recommends to the patient at the time of such endorsement or recommendation.

C. A physical therapist shall inform each patient that the patient has freedom of choice in services and products.

D. Information relating to the physical therapist-patient relationship is confidential and shall not be communicated to a third party who is not involved in the care of that patient without the prior written consent of the patient. A physical therapist shall divulge to the Oklahoma Board of Physical Therapy Licensure and Supervision information it requires in connection with any investigation, public hearing or other proceedings. The physical therapist-patient privilege does not extend to cases in which the physical therapist has a duty to report information as required by law.

E. Any person may submit a complaint regarding any licensee, or any other person potentially in violation of the Physical Therapy Practice Act.

F. The Board shall keep all information relating to the receiving and investigation of complaints filed against licensees or certificate holders confidential until the information becomes public record or as required by law. Patient records, including clinical records, files, and other reports or oral statements relating to diagnostic findings or treatment of patients, any information from which a patient or the patient's family might be identified, or information received and records or reports kept by the Board as a result of an investigation made pursuant to the chapter shall not be available to the public and shall be kept confidential by the Board.

G. Each licensee shall display a copy of the licensee's license and current renewal verification in a location accessible to public view at each place of practice of the licensee.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 887.21 of Title 59, unless there is created a duplication in numbering, reads as follows:

In lieu of a disciplinary proceeding prescribed by this statute, the Oklahoma Board of Physical Therapy Licensure and Supervision may permit a licensee to actively participate in a Board-approved substance abuse recovery program if:

1. The Board has evidence that the licensee is impaired;
2. The licensee has not been convicted of a felony relating to a controlled substance in a court of law in any jurisdiction of United States;
3. The licensee enters into a written agreement with the Board for a restricted license and complies with all the terms of the agreement, including making satisfactory progress in the program and adhering to any limitations on the license to practice imposed by the Board to protect the public. Failure to enter into such an agreement shall activate an immediate investigation and disciplinary proceeding by the Board; and

4. As part of the agreement established between the licensee and the Board, the licensee shall sign a waiver allowing the substance abuse program to release information to the Board if the licensee does not comply with the requirement of this section or is unable to practice or work with reasonable skill or safety.

SECTION 23. REPEALER 59 O.S. 1991, Sections 887.15 and 887.16, are hereby repealed.

SECTION 24. This act shall become effective November 1, 2001.

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