

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 32

By: Robinson

AS INTRODUCED

An Act relating to mental health, motor vehicles, and professions and occupations; amending 43A O.S. 1991, Section 5-206, as last amended by Section 1, Chapter 144, O.S.L. 1998 (43A O.S. Supp. 2000, Section 5-206), 47 O.S. 1991, Section 15-112, as last amended by Section 7, Chapter 189, O.S.L. 2000 (47 O.S. Supp. 2000, Section 15-112), and 59 O.S. 1991, Section 887.2, which relate to licensed mental health definitions, handicapped placard issuance, and Physical Therapy Practice Act; changing and adding definitions; updating references, and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 1991, Section 5-206, as last amended by Section 1, Chapter 144, O.S.L. 1998 (43A O.S. Supp. 2000, Section 5-206), is amended to read as follows:

Section 5-206. As used in Sections 5-206 through 5-212 of this title:

1. "Licensed mental health professional" means:
 - a. a psychiatrist who is a diplomate of the American Board of Psychiatry and Neurology,
 - b. a licensed clinical psychologist,
 - c. a licensed professional counselor as defined in Section 1902 of Title 59 of the Oklahoma Statutes,
 - d. a person licensed as a licensed clinical social worker pursuant to Section 1250 et seq. of Title 59 of the Oklahoma Statutes,

- e. a licensed marital and family therapist as defined in Section 1925.2 of Title 59 of the Oklahoma Statutes,
~~or~~
- f. a licensed Doctor of Medicine or Doctor of Osteopathy who has received specific training for and is experienced in performing mental health therapeutic, diagnostic, or counseling functions or a qualified examiner as defined in Section 1-103 of this title, or
- g. a person licensed as a physician assistant pursuant to Section 519 et seq. of Title 59 of the Oklahoma Statutes;

2. "Immediate likelihood of serious harm to self or others"

means:

- a. a substantial risk of physical harm to oneself as manifested by evidence of serious threats of or attempts at suicide or other self-infliction of bodily harm, or
- b. a substantial risk of physical harm to another person or persons as manifested by evidence of violent behavior directed toward another person or persons, or
- c. having placed another person or persons in a reasonable fear of violent behavior directed towards them or serious physical harm to them as manifested by serious threats, or
- d. a reasonable certainty that without immediate treatment severe impairment or injury will result to the person alleged to be a person requiring treatment as manifested by the inability of the person to avoid or protect self from such impairment or injury;

3. "Evaluation" means the examination of a person who appears to be a mentally ill person, an alcohol-dependent person, or a drug-dependent person by two licensed mental health professionals, at

least one of whom is a psychiatrist who is a diplomate of the American Board of Psychiatry and Neurology, a licensed clinical psychologist, or a licensed Doctor of Medicine or Doctor of Osteopathy who has received specific training for and is experienced in performing mental health therapeutic, diagnostic, or counseling functions, for the purpose of:

- a. determining if a petition requesting involuntary commitment or treatment is warranted, or
- b. completing a certificate of evaluation pursuant to Section 5-414 of this title, or
- c. both subparagraphs a and b of this paragraph;

4. "Emergency examination" means the examination of a person who appears to be a mentally ill person, an alcohol-dependent person, or drug-dependent person and a person requiring treatment, and whose condition is such that it appears that emergency detention may be warranted, by a licensed mental health professional to determine if emergency detention of the person is warranted;

5. "Emergency detention" means the detention of a person who appears to be mentally ill, alcohol-dependent, or drug-dependent and a person requiring treatment in a facility approved by the Commissioner of Mental Health and Substance Abuse Services as appropriate for such detention after the completion of an emergency examination and a determination by a licensed mental health professional that emergency detention is warranted. No person shall be detained in emergency detention more than seventy-two (72) hours, excluding weekends and holidays, except upon a court order authorizing detention beyond a seventy-two-hour period or pending the hearing on a petition requesting involuntary commitment or treatment as provided by Section 5-206 et seq. of this ~~act~~ title;

6. "Protective custody" means the taking into protective custody and detention of a person pursuant to the provisions of Section 5-208 of this title until such time as an emergency

examination is completed and a determination is made as to whether or not emergency detention is warranted; and

7. "Prehearing detention" means the court-ordered detention of a person who is alleged to be mentally ill, alcohol-dependent, or drug-dependent in a facility approved by the Commissioner as appropriate for such detention, pending a hearing on a petition requesting involuntary commitment or treatment as provided by Section 5-415 or 9-102 of this title.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 15-112, as last amended by Section 7, Chapter 189, O.S.L. 2000 (47 O.S. Supp. 2000, Section 15-112), is amended to read as follows:

Section 15-112. A. As used in this section:

1. "Physician" means any person holding a valid license to practice medicine and surgery, osteopathic medicine, chiropractic, podiatric medicine, or optometry, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes; ~~and~~

2. "Physician assistant" means any person holding a valid license as a physician assistant, pursuant to the state licensing provisions of Title 59 of the Oklahoma Statutes; and

3. "Physical disability" means an illness, disease, injury or condition by reason of which a person:

- a. cannot walk two hundred (200) feet without stopping to rest,
- b. cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair or other assistance device,
- c. is restricted to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest,
- d. must use portable oxygen,

- e. has functional limitations which are classified in severity as Class III or Class IV according to standards set by the American Heart Association,
- f. is severely limited in the person's ability to walk due to an arthritic, neurological or orthopedic condition,
- g. is certified legally blind, or
- h. is missing one or more limbs.

B. 1. The Department of Public Safety shall issue a detachable placard indicating physical disability to any person who submits an application on a form furnished by the Department and certified by a physician or physician assistant, attesting that the applicant has a physical disability. The attestation of the physician or physician assistant shall denote "temporary" as the type of placard requested and shall indicate an expiration date which the physician or physician assistant estimates to be the date of termination of such physical disability; however, if the physician or physician assistant certifies that the physical disability is permanent, the physician or physician assistant shall denote "five-year" as the type of placard requested.

2. The person to whom such placard is issued shall be entitled to the special parking privileges provided for in Section 15-111 of this title; provided, however, the placard is properly displayed on the parked vehicle.

C. Any placard issued by the Department of Public Safety shall remain valid until:

- 1. The placard expires;
- 2. The person to whom the placard was issued requests a replacement placard; or
- 3. The placard is no longer needed by the person to whom ~~such~~ the placard was issued for the disability for which the placard was

originally issued, whereupon such placard shall be returned to the Department.

D. 1. A five-year placard shall expire five (5) years from the last day of the month in which the placard was issued. Upon the expiration of a five-year placard, the person to whom such placard was issued may obtain a subsequent placard by reapplying to the Department, in the same manner as provided in subsection B of this section.

2. A temporary placard shall indicate the expiration date which the physician or physician assistant certifying the physical disability estimates to be the date of termination of such physical disability, which shall not be later than six (6) months from the date of issuance and upon which date such placard shall expire and shall be returned to the Department; provided, however, nothing in this paragraph shall be construed to prevent the holder from applying for another placard, as provided for in this section.

3. In the event that a placard is lost or destroyed, the person to whom such placard was issued may apply in writing to the Department for a replacement placard, which the Department shall issue with the same expiration date as the original placard.

4. On and after January 1, 1998, all placards issued prior to October 31, 1990, shall expire on the last day of the month in which the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

5. On and after January 1, 2000, all placards issued between November 1, 1990, and June 30, 1995, shall expire on the last day of the birth month of the person to whom the placard was issued, and the person to whom such placard was issued may follow the procedure provided for in subsection B of this section to obtain a second or subsequent placard.

E. A physician or physician assistant may sign an application certifying that a person has a physical disability, as provided in subsection B of this section, only if care and treatment of the illness, disease, injury or condition causing the physical disability of such person falls within the authorized scope of practice of the physician or physician assistant.

F. The Department shall recognize handicap and disability stickers issued by the Department of Veterans Affairs and federal military bases in the same manner as the placard issued by the Department as provided for in this section. For purposes of this section and other sections of law relating to the physical disability placard, the term "physical disability placard" shall include those handicap and disability stickers issued by the Department of Veterans Affairs and federal military bases.

G. The Department shall have the power to formulate, adopt and promulgate rules as may be necessary to implement and administer the provisions of this section, including, but not limited to, prescribing the manner in which the placard is to be displayed on a motor vehicle.

H. The Commissioner of Public Safety is hereby authorized to enter into reciprocity agreements with other states for the purpose of recognizing parking placards or license plates indicating physical disability issued by those states.

I. The Department shall charge and the applicant shall pay to the Department a fee of One Dollar (\$1.00) for each placard issued. The fee shall be deposited in the Department of Public Safety Revolving Fund, created pursuant to Section 6-117 of this title.

SECTION 3. 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, chiropractic, dentistry, or podiatry or physician assistant 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 or physician assistant 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;

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 4. This act shall become effective November 1, 2001.

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