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THE STATE SENATE
Wednesday, February 18, 2004

Senate Bill No. 1255

SENATE BILL NO. 1255 - By: ROBINSON of the Senate and VAUGHN of the House.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 887.13 and 887.17, as amended by Section 1, Chapter 135, O.S.L. 2003, (59 O.S. Supp. 2003, Section 887.13), which relate to the Physical Therapy Practice Act; clarifying language; making physician assistants subject to refusal, suspension or revocation of certain licenses; making language gender neutral; allowing certain referrals by certain physician assistants; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, 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, a physician assistant or, in the case of practice as a physical therapist assistant, has

1 practiced other than under the direction of a licensed physical
2 therapist;

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

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

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

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

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

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

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

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

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

7 11. Had ~~his~~ a license suspended or revoked in another state.

8 SECTION 2. AMENDATORY 59 O.S. 2001, Section 887.17, as
9 amended by Section 1, Chapter 135, O.S.L. 2003 (59 O.S. Supp. 2003,
10 Section 887.17), is amended to read as follows:

11 Section 887.17 Any person licensed under this act as a physical
12 therapist or physical therapist assistant shall treat human ailments
13 by physical therapy only under the referral of a person licensed as
14 a physician or surgeon with unlimited license, or the physician
15 assistant of the person so licensed, and Doctors of Dentistry,
16 Chiropractic and Podiatry, with those referrals being limited to
17 their respective areas of training and practice; provided, however,
18 a physical therapist may provide services within the scope of
19 physical therapy practice without a physician referral to children
20 who receive physical therapy services pursuant to the Individuals
21 with Disabilities Education Act, Amendment of 1997 (P.L. 105-17) and
22 the Rehabilitation Act of 1973, Section 504. Nothing in this act
23 shall prevent a physical therapist from performing screening and

1 educational procedures within the scope of physical therapy practice
2 without a physician referral. Nothing in this act shall be
3 construed as authorization for a physical therapist or physical
4 therapist assistant to practice any branch of the healing arts. Any
5 person violating the provisions of this act shall be guilty of a
6 misdemeanor as per Section 887.16 of this title.

7 The provisions of this act are not intended to limit the
8 activities of persons legitimately engaged in the nontherapeutic
9 administration of baths, massage, and normal exercise. This act
10 shall not prohibit students who are enrolled in schools of physical
11 therapy approved by the State Board of Medical Licensure and
12 Supervision from performing such work as is incidental to their
13 course of study; nor shall it prevent any student in any recognized
14 school of the healing arts in carrying out prescribed courses of
15 study; provided such school is a recognized institution by the
16 statutes of Oklahoma, and its practitioners are duly licensed as
17 prescribed by law. Nothing in this act shall apply to any person
18 employed by an agency, bureau, or division of the federal government
19 while in the discharge of official duties, however, if such
20 individual engages in the practice of physical therapy outside the
21 line of official duty, the individual must be licensed as herein
22 provided.

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.
5 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 2-12-04 -
6 DO PASS, As Coauthored.