

THE HOUSE OF REPRESENTATIVES  
Thursday, February 28, 2008

House Bill No. 2760

HOUSE BILL NO. 2760 - By: COX of the House.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 887.13 and 887.17, as last amended by Section 1, Chapter 84, O.S.L. 2005 (59 O.S. Supp. 2007, Section 887.17), which relate to the Physical Therapy Practice Act; expanding referral list; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 887.13, is amended to read  
2 as follows:

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

8 1. Practiced physical therapy other than under the referral of a physician, surgeon,  
9 dentist, chiropractor or podiatrist duly licensed to practice medicine or surgery, a  
10 physician assistant, or in the case of practice as a physical therapist assistant, has  
11 practiced other than under the direction of a licensed physical therapist;

- 1           2. Treated or attempted to treat ailments or other health conditions of human  
2 beings other than by physical therapy as authorized by the Physical Therapy Practice  
3 Act;
- 4           3. Failed to refer patients to other health care providers if symptoms are known to  
5 be present for which physical therapy treatment is inadvisable or if symptoms indicate  
6 conditions for which treatment is outside the standards of practice as specified in the  
7 rules and regulations promulgated by the Board pursuant to the provisions of the  
8 Physical Therapy Practice Act;
- 9           4. Used drugs, narcotics, medication, or intoxicating liquors to an extent which  
10 affects the professional competency of the applicant or licensee;
- 11           5. Been convicted of a felony or of a crime involving moral turpitude;
- 12           6. Obtained or attempted to obtain a license as a physical therapist or physical  
13 therapist assistant by fraud or deception;
- 14           7. Been grossly negligent in the practice of physical therapy or in acting as a  
15 physical therapist assistant;
- 16           8. Been adjudged mentally incompetent by a court of competent jurisdiction and  
17 has not subsequently been lawfully declared sane;
- 18           9. Been guilty of conduct unbecoming a person licensed as a physical therapist or  
19 physical therapist assistant or guilty of conduct detrimental to the best interests of the  
20 public or ~~his~~ the profession;
- 21           10. Been guilty of any act in conflict with the ethics of the profession of physical  
22 therapy; or

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

2 SECTION 2. AMENDATORY 59 O.S. 2001, Section 887.17, as last amended by  
3 Section 1, Chapter 84, O.S.L. 2005 (59 O.S. Supp. 2007, Section 887.17), is amended to  
4 read as follows:

5 Section 887.17 A. 1. Any person licensed under this act as a physical therapist or  
6 physical therapist assistant shall treat human ailments by physical therapy only under  
7 the referral of a person licensed as a physician or surgeon with unlimited license, or the  
8 physician assistant of the person so licensed, and Doctors of Dentistry, Chiropractic and  
9 Podiatry, with those referrals being limited to their respective areas of training and  
10 practice; provided, however, a physical therapist may provide services within the scope of  
11 physical therapy practice without a physician referral to children who receive physical  
12 therapy services pursuant to the Individuals with Disabilities Education Improvement  
13 Act of 2004, as may be amended, and the Rehabilitation Act of 1973, Section 504, as may  
14 be amended. Provided further, a plan of care developed by a person authorized to  
15 provide services within the scope of the Physical Therapy Practice Act shall be deemed to  
16 be a prescription for purposes of providing services pursuant to the provisions of the  
17 Individuals with Disabilities Education Improvement Act of 2004, as may be amended,  
18 and Section 504 of the Rehabilitation Act of 1973, as may be amended.

19 2. Nothing in this act shall prevent a physical therapist from performing screening  
20 and educational procedures within the scope of physical therapy practice without a  
21 physician referral.

1           3. Nothing in this act shall be construed as authorization for a physical therapist or  
2 physical therapist assistant to practice any branch of the healing art.

3           4. Any person violating the provisions of this act shall be guilty of a misdemeanor  
4 as per Section 887.16 of this title.

5           B. 1. The provisions of this act are not intended to limit the activities of persons  
6 legitimately engaged in the nontherapeutic administration of baths, massage, and  
7 normal exercise.

8           2. This act shall not prohibit students who are enrolled in schools of physical  
9 therapy approved by the State Board of Medical Licensure and Supervision from  
10 performing such work as is incidental to their course of study; nor shall it prevent any  
11 student in any recognized school of the healing art in carrying out prescribed courses of  
12 study; provided such school is a recognized institution by the statutes of Oklahoma, and  
13 its practitioners are duly licensed as prescribed by law.

14           3. Nothing in this act shall apply to any person employed by an agency, bureau, or  
15 division of the federal government while in the discharge of official duties, however, if  
16 such individual engages in the practice of physical therapy outside the line of official  
17 duty, the individual must be licensed as herein provided.

18           SECTION 3. It being immediately necessary for the preservation of the public  
19 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
20 this act shall take effect and be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-27-08 - DO  
22 PASS.