

EHB 2760

THE STATE SENATE
Monday, March 31, 2008

ENGROSSED

House Bill No. 2760

ENGROSSED HOUSE BILL NO. 2760 - By: Cox and Billy of the House and Crutchfield of the Senate.

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:

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

Section 887.13 The 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 last amended by Section 1, Chapter 84, O.S.L. 2005 (59 O.S. Supp.
10 2007, Section 887.17), is amended to read as follows:

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

1 person authorized to provide services within the scope of the
2 Physical Therapy Practice Act shall be deemed to be a prescription
3 for purposes of providing services pursuant to the provisions of the
4 Individuals with Disabilities Education Improvement Act of 2004, as
5 may be amended, and Section 504 of the Rehabilitation Act of 1973,
6 as may be amended.

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

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

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

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

18 2. This act shall not prohibit students who are enrolled in
19 schools of physical therapy approved by the State Board of Medical
20 Licensure and Supervision from performing such work as is incidental
21 to their course of study; nor shall it prevent any student in any
22 recognized school of the healing art in carrying out prescribed
23 courses of study; provided such school is a recognized institution

1 by the statutes of Oklahoma, and its practitioners are duly licensed
2 as prescribed by law.

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
13 3-27-08 - DO PASS.