STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1020

By: Hulbert, Roberts (Sean), Cleveland, Pittman and Kirby of the House

and

David of the Senate

COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 887.13 and 887.17, as amended by Section 2, Chapter 29, O.S.L. 2012 (59 O.S. Supp. 2013, Section 887.17), which relate to the Physical Therapy Practice Act; permitting individuals to access physical therapy without certain referral under certain circumstances; providing standards for direct access to physical therapy; providing definitions; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, 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 <u>or in a manner not in compliance with the provisions of Section 2 of this act</u>, a physician assistant, or in the case of practice 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 drugs, narcotics, medication, or intoxicating liquors to an extent which affects the professional competency of the applicant or licensee;

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

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

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 the profession;

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

11. Had a license suspended or revoked in another state.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 887.17, as amended by Section 2, Chapter 29, O.S.L. 2012 (59 O.S. Supp. 2013, Section 887.17), is amended to read as follows:

Section 887.17 A. 1. Any person licensed under the Physical Therapy Practice Act as a physical therapist or physical therapist assistant shall <u>be able to</u> treat human ailments ~~by physical therapy only under the referral of a person licensed as a physician or surgeon with unlimited license, or the physician assistant of the person so licensed, and Doctors of Dentistry, Chiropractic and Podiatry, with those referrals being limited to their respective~~

~~areas of training and practice; provided, however, a~~ subject to a prior referral if the physical therapist:

a. has been licensed to practice physical therapy in this state for at least one year, and

b. notifies the referring physician or surgeon of the therapy not later than the fifth business day after the date such therapy has begun, and

c. begins any episode of treatment before the first anniversary of the referral by the referring physician or surgeon, and

d. for physical therapy episodes subsequent to the episode which was initiated by the referral, treats the patient for no more than twenty (20) treatment sessions or thirty (30) consecutive calendar days, whichever occurs first, and

e. satisfies any other requirement set by the State Board of Medical Licensure and Supervision.

2. A physical therapist shall confer with the referring physician or surgeon before the physical therapist may continue treatment that exceeds treatment authorized by subparagraph d of this subsection.

3. A physical therapist may, in an emergency circumstance including a minor emergency, provide emergency medical care to a person to the best of the therapist's ability without a referral

from a referring physician or surgeon. A physical therapist may provide physical assessments or instructions to an asymptomatic person without a referral from a physician or surgeon. For the purposes of this paragraph:

a. "emergency circumstance" means an instance in which emergency medical care is necessary, and

b. "emergency medical care" means a bona fide emergency service provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the patient's health, serious dysfunction of a bodily organ or part, or serious impairment to bodily functions.

4. A physical therapist may provide services within the scope of physical therapy practice without a physician referral to children who receive physical therapy services pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as may be amended, and the Rehabilitation Act of 1973, Section 504, as may be amended. Provided further, a plan of care developed by a person authorized to provide services within the scope of the Physical Therapy Practice Act shall be deemed to be a prescription for purposes of providing services pursuant to the provisions of the

Individuals with Disabilities Education Improvement Act of 2004, as may be amended, and Section 504 of the Rehabilitation Act of 1973, as may be amended.

~~2.~~ 5. Nothing in 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.

~~3.~~ 6. Nothing in the Physical Therapy Practice Act shall prevent a physical therapist from performing services that are provided for the purpose of fitness, wellness, or prevention that is not related to the treatment of an injury or ailment.

~~4.~~ 7. Nothing in 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 art.

~~5.~~ 8. Any person violating the provisions of the Physical Therapy Practice Act shall be guilty of a misdemeanor as per Section 887.16 of this title.

B. 1. The provisions of 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.

2. The Physical Therapy Practice Act shall not prohibit students who are enrolled in schools of physical therapy approved by the State Board of Medical 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 art in 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.

3. Nothing in 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, the individual must be licensed as herein provided.

SECTION 3. This act shall become effective November 1, 2014.

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