

05/12/2014 01:39:06 PM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB1020**

By: Hulbert of the House and David of the Senate

Title: Professions and occupations; permitting individuals to access physical therapy without certain referral; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

HB1020 CCR (A)  
**HOUSE CONFEREES**

Cox, Doug  M.P. Derby, David

Echols, Jon \_\_\_\_\_ Enns, John

Grau, Randy \_\_\_\_\_ Hamilton, Rebecca

Hulbert, Arthur  McDaniel, Jeannie

Mulready, Glen  Ritze, Mike

Shelton, Mike 

\_\_\_\_\_

\_\_\_\_\_

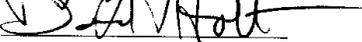




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HB1020 CCR A

**SENATE CONFEREES**

David   
Crain \_\_\_\_\_  
Stanislowski   
Holt   
Shumate \_\_\_\_\_  
Ballenger 

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_



1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1020

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

7 and

8 David of the Senate  
9  
10

11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to professions and occupations;  
13 amending 59 O.S. 2011, Sections 887.2, as amended by  
14 Section 1, Chapter 29, O.S.L. 2012, 887.13 and  
15 887.17, as amended by Section 2, Chapter 29, O.S.L.  
16 2012 (59 O.S. Supp. 2012, Sections 887.2 and 887.17),  
17 which relate to the Physical Therapy Practice Act;  
18 modifying certain definition; permitting individuals  
19 to access physical therapy without certain referral  
20 for certain time period; and providing an effective  
21 date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2011, Section 887.2, as  
24 amended by Section 1, Chapter 29, O.S.L. 2012 (59 O.S. Supp. 2013,  
Section 887.2), is amended to read as follows:

Section 887.2 As used in the Physical Therapy Practice Act:

1        1. "Physical therapy" means the care and services provided by  
2 or under the direction and supervision of a physical therapist who  
3 is licensed pursuant to the Physical Therapy Practice Act;

4        2. "Practice of physical therapy" means the use of selected  
5 knowledge and skills in planning, organizing and directing programs  
6 for the care of individuals whose ability to function is impaired or  
7 threatened by disease or injury, encompassing preventive measures,  
8 screening, tests in aid of diagnosis by a licensed doctor of  
9 medicine, osteopathy, chiropractic, dentistry or podiatry, or a  
10 physician assistant, and evaluation and invasive or noninvasive  
11 procedures with emphasis on the skeletal system, neuromuscular and  
12 cardiopulmonary function, as it relates to physical therapy.

13 Physical therapy includes screening or evaluations performed to  
14 determine the degree of impairment of relevant aspects such as, but  
15 not limited to, nerve and muscle function including transcutaneous  
16 bioelectrical potentials, motor development, functional capacity and  
17 respiratory or circulatory efficiency. Physical therapy also  
18 includes physical therapy treatment performed ~~upon referral by a~~  
19 ~~licensed doctor of medicine, osteopathy, dentistry, chiropractic or~~  
20 ~~podiatry, or a physician assistant~~ including, but not limited to,  
21 exercises for increasing or restoring strength, endurance,  
22 coordination and range of motion, stimuli to facilitate motor  
23 activity and learning, instruction in activities of daily living and  
24 the use of assistive devices and the application of physical agents

1 to relieve pain or alter physiological status. The use of roentgen  
2 rays and radium for diagnostic or therapeutic purposes, the use of  
3 electricity for surgical purposes, including cauterization and  
4 colonic irrigations are not authorized under the term "physical  
5 therapy" as used in this chapter;

6 3. "Physical therapist assistant" means a person who assists in  
7 the practice of physical therapy subject to the direction and  
8 supervision of a licensed physical therapist, who meets all the  
9 educational requirements, and who is licensed pursuant to the  
10 provisions of the Physical Therapy Practice Act;

11 4. "Licensed physical therapist" means a person who is licensed  
12 as required in the Physical Therapy Practice Act and who regularly  
13 practices physical therapy;

14 5. "Board" means the State Board of Medical Licensure and  
15 Supervision; and

16 6. "Committee" means the Physical Therapy Committee.

17 SECTION 2. AMENDATORY 59 O.S. 2011, Section 887.13, is  
18 amended to read as follows:

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

- 1        1. Practiced physical therapy for workers compensation claims  
2 other than under the referral of a physician, surgeon, dentist,  
3 chiropractor or podiatrist duly licensed to practice medicine or  
4 surgery, a physician assistant, or in the case of practice as a  
5 physical therapist assistant, has practiced other than under the  
6 direction of a licensed physical therapist;
- 7        2. Treated or attempted to treat ailments or other health  
8 conditions of human beings other than by physical therapy as  
9 authorized by the Physical Therapy Practice Act;
- 10       3. Failed to refer patients to other health care providers if  
11 symptoms are known to be present for which physical therapy  
12 treatment is inadvisable or if symptoms indicate conditions for  
13 which treatment is outside the standards of practice as specified in  
14 the rules and regulations promulgated by the Board pursuant to the  
15 provisions of the Physical Therapy Practice Act;
- 16       4. Used drugs, narcotics, medication, or intoxicating liquors  
17 to an extent which affects the professional competency of the  
18 applicant or licensee;
- 19       5. Been convicted of a felony or of a crime involving moral  
20 turpitude;
- 21       6. Obtained or attempted to obtain a license as a physical  
22 therapist or physical therapist assistant by fraud or deception;
- 23       7. Been grossly negligent in the practice of physical therapy  
24 or in acting as a physical therapist assistant;

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

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

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

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

10 SECTION 3. AMENDATORY 59 O.S. 2011, Section 887.17, as  
11 amended by Section 2, Chapter 29, O.S.L. 2012 (59 O.S. Supp. 2012,  
12 Section 887.17), is amended to read as follows:

13 Section 887.17 A. 1. Any Except for workers compensation  
14 claims, any person licensed under the Physical Therapy Practice Act  
15 as a physical therapist or physical therapist assistant shall be  
16 able to evaluate and treat human ailments by physical therapy on a  
17 patient without a referral from a licensed health care practitioner  
18 for a period not to exceed thirty (30) days. Treatment may be  
19 provided by a physical therapist assistant under the supervision of  
20 a physical therapist. Any treatment provided beyond the thirty-day  
21 period shall be only under the referral of a person licensed as a  
22 physician or surgeon with unlimited license, or the physician  
23 assistant of the person so licensed, and Doctors of Dentistry,  
24 Chiropractic and Podiatry, with those referrals being limited to

1 their respective areas of training and practice; ~~provided, however,~~  
2 ~~a.~~

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

15 ~~2.~~ 3. Nothing in the Physical Therapy Practice Act shall  
16 prevent a physical therapist from performing screening and  
17 educational procedures within the scope of physical therapy practice  
18 without a physician referral.

19 ~~3.~~ 4. Nothing in the Physical Therapy Practice Act shall  
20 prevent a physical therapist from performing services that are  
21 provided for the purpose of fitness, wellness, or prevention that is  
22 not related to the treatment of an injury or ailment.

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1       ~~4.~~ 5. Nothing in the Physical Therapy Practice Act shall be  
2 construed as authorization for a physical therapist or physical  
3 therapist assistant to practice any branch of the healing art.

4       ~~5.~~ 6. Any person violating the provisions of the Physical  
5 Therapy Practice Act shall be guilty of a misdemeanor as per Section  
6 887.16 of this title.

7       B. 1. The provisions of the Physical Therapy Practice Act are  
8 not intended to limit the activities of persons legitimately engaged  
9 in the nontherapeutic administration of baths, massage, and normal  
10 exercise.

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

19       3. Nothing in the Physical Therapy Practice Act shall apply to  
20 any person employed by an agency, bureau, or division of the federal  
21 government while in the discharge of official duties~~;~~; however, if  
22 such individual engages in the practice of physical therapy outside  
23 the line of official duty, the individual must be licensed as herein  
24 provided.

1 SECTION 4. This act shall become effective November 1, 2014.

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