

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 1020

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

6 and

7 David of the Senate

8
9
10 COMMITTEE SUBSTITUTE

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

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

21 SECTION 1. AMENDATORY 59 O.S. 2011, Section 887.13, is
22 amended to read as follows:

23 Section 887.13 The State Board of Medical Licensure and
24 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

1 Practice Act and the provisions of the Administrative Procedures Act
2 of the Oklahoma Statutes who has:

3 1. Practiced physical therapy other than under the referral of
4 a physician, surgeon, dentist, chiropractor or podiatrist duly
5 licensed to practice medicine or surgery or in a manner not in
6 compliance with the provisions of Section 2 of this act, a physician
7 assistant, or in the case of practice as a physical therapist
8 assistant, has practiced other than under the direction of a
9 licensed physical therapist;

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

13 3. Failed to refer patients to other health care providers if
14 symptoms are known to be present for which physical therapy
15 treatment is inadvisable or if symptoms indicate conditions for
16 which treatment is outside the standards of practice as specified in
17 the rules and regulations promulgated by the Board pursuant to the
18 provisions of the Physical Therapy Practice Act;

19 4. Used drugs, narcotics, medication, or intoxicating liquors
20 to an extent which affects the professional competency of the
21 applicant or licensee;

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

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

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

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

7 9. Been guilty of conduct unbecoming a person licensed as a
8 physical therapist or physical therapist assistant or guilty of
9 conduct detrimental to the best interests of the public or the
10 profession;

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

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

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

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

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

- 3 a. has been licensed to practice physical therapy in this
4 state for at least one year, and
- 5 b. notifies the referring physician or surgeon of the
6 therapy not later than the fifth business day after
7 the date such therapy has begun, and
- 8 c. begins any episode of treatment before the first
9 anniversary of the referral by the referring physician
10 or surgeon, and
- 11 d. for physical therapy episodes subsequent to the
12 episode which was initiated by the referral, treats
13 the patient for no more than twenty (20) treatment
14 sessions or thirty (30) consecutive calendar days,
15 whichever occurs first, and
- 16 e. satisfies any other requirement set by the State Board
17 of Medical Licensure and Supervision.

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

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

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

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

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

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

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

4 ~~2.~~ 5. Nothing in the Physical Therapy Practice Act shall
5 prevent a physical therapist from performing screening and
6 educational procedures within the scope of physical therapy practice
7 without a physician referral.

8 ~~3.~~ 6. Nothing in the Physical Therapy Practice Act shall
9 prevent a physical therapist from performing services that are
10 provided for the purpose of fitness, wellness, or prevention that is
11 not related to the treatment of an injury or ailment.

12 ~~4.~~ 7. Nothing in the Physical Therapy Practice Act shall be
13 construed as authorization for a physical therapist or physical
14 therapist assistant to practice any branch of the healing art.

15 ~~5.~~ 8. Any person violating the provisions of the Physical
16 Therapy Practice Act shall be guilty of a misdemeanor as per Section
17 887.16 of this title.

18 B. 1. The provisions of the Physical Therapy Practice Act are
19 not intended to limit the activities of persons legitimately engaged
20 in the nontherapeutic administration of baths, massage, and normal
21 exercise.

22 2. The Physical Therapy Practice Act shall not prohibit
23 students who are enrolled in schools of physical therapy approved by
24 the State Board of Medical Licensure and Supervision from performing

1 such work as is incidental to their course of study; nor shall it
2 prevent any student in any recognized school of the healing art in
3 carrying out prescribed courses of study; provided such school is a
4 recognized institution by the statutes of Oklahoma, and its
5 practitioners are duly licensed as prescribed by law.

6 3. Nothing in the Physical Therapy Practice Act shall apply to
7 any person employed by an agency, bureau, or division of the federal
8 government while in the discharge of official duties; 7 however, if
9 such individual engages in the practice of physical therapy outside
10 the line of official duty, the individual must be licensed as herein
11 provided.

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

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