

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1778

By: David

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6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Section 887.13, which relates
9 to suspension of licenses; removing restriction on
10 practice of physical therapy by certain persons
11 without certain referral; amending 59 O.S. 2011,
12 Section 887.17, as amended by Section 2, Chapter 29,
13 O.S.L. 2012 (59 O.S. Supp. 2013, Section 887.17),
14 which relates to referrals by physicians; permitting
15 individuals to access physical therapy without
16 certain referral under certain conditions; deleting
17 certain construction; requiring physical therapists
18 to issue certain notification; requiring referral to
19 physician under certain circumstances; and providing
20 an effective date.

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

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

24 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 1. ~~Practiced physical therapy other than under the referral of~~
2 ~~a physician, surgeon, dentist, chiropractor or podiatrist duly~~
3 ~~licensed to practice medicine or surgery, a physician assistant, or~~
4 ~~in~~ In the case of practice as a physical therapist assistant, has
5 practiced other than under the direction of a licensed physical
6 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 2. AMENDATORY 59 O.S. 2011, Section 887.17, as
11 amended by Section 2, Chapter 29, O.S.L. 2012 (59 O.S. Supp. 2013,
12 Section 887.17), is amended to read as follows:

13 Section 887.17. A. 1. Any person licensed under the Physical
14 Therapy Practice Act as a physical therapist or physical therapist
15 assistant shall be able to treat human ailments ~~by physical therapy~~
16 ~~only under the referral of a person licensed as a physician or~~
17 ~~surgeon with unlimited license, or the physician assistant of the~~
18 ~~person so licensed, and Doctors of Dentistry, Chiropractic and~~
19 ~~Podiatry, with those referrals being limited to their respective~~
20 ~~areas of training and practice; provided, however, a without a~~
21 referral; provided that such physical therapist possesses a Doctor
22 of Physical Therapy (DPT) degree or has five (5) years of experience
23 in the practice of physical therapy. A physical therapist may
24 provide services within the scope of physical therapy practice

1 without a physician referral to children who receive physical
2 therapy services pursuant to the Individuals with Disabilities
3 Education Improvement Act of 2004, as may be amended, and the
4 Rehabilitation Act of 1973, Section 504, as may be amended.

5 Provided further, a plan of care developed by a person authorized to
6 provide services within the scope of the Physical Therapy Practice
7 Act shall be deemed to be a prescription for purposes of providing
8 services pursuant to the provisions of the Individuals with
9 Disabilities Education Improvement Act of 2004, as may be amended,
10 and Section 504 of the Rehabilitation Act of 1973, as may be
11 amended.

12 2. Nothing in the Physical Therapy Practice Act shall prevent a
13 physical therapist from performing screening and educational
14 procedures within the scope of physical therapy practice without a
15 physician referral.

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

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

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

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

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

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

22 4. Physical therapists authorized to practice without a
23 physician referral pursuant to the provisions of subsection A of
24 this section shall inform the patient's primary care physician

1 within five (5) days of an initial evaluation and diagnosis for a
2 medical condition treatable by physical therapy. Physical
3 therapists shall refer patients to a physician for continued care
4 if, after sixty (60) days of the initial diagnosis, the patient's
5 ailment has not improved and the patient requires additional medical
6 attention.

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

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