

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1038 By: Haste and David of the
Senate
3
4 and
5 Dollens of the House
6

7 An Act relating to occupational therapy; amending 59
8 O.S. 2011, Section 888.3, which relates to
9 definitions used in the Occupational Therapy Practice
10 Act; adding and amending certain definitions;
11 amending 59 O.S. 2011, Section 888.5, which relates
12 to practices, services and activities not prohibited;
13 replacing certifying body; amending 59 O.S. 2011,
14 Section 888.6, which relates to application for
15 license; modifying certain licensure requirements;
16 replacing accrediting body; updating statutory
17 references; amending 59 O.S. 2011, Section 888.7,
18 which relates to examination; transferring certain
19 duties to National Board for Certification in
20 Occupational Therapy; making language gender neutral;
21 amending 59 O.S. 2011, Section 888.11, which relates
22 to fees; deleting fee limits; and providing an
23 effective date.
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18 AUTHOR: Add the following House Coauthor: Mize

19 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
20 and replace with:

21 "An Act relating to occupational therapy; amending 59
22 O.S. 2011, Section 888.3, which relates to
23 definitions used in the Occupational Therapy
24 Practice Act; adding and amending certain
definitions; amending 59 O.S. 2011, Section 888.5,
which relates to practices, services and activities
not prohibited; replacing certifying body; amending

1 59 O.S. 2011, Section 888.6, which relates to
2 application for license; modifying certain licensure
3 requirements; replacing accrediting body; updating
4 statutory references; amending 59 O.S. 2011, Section
5 888.7, which relates to examination; transferring
6 certain duties to National Board for Certification
7 in Occupational Therapy; making language gender
8 neutral; amending 59 O.S. 2011, Section 888.11,
9 which relates to fees; deleting fee limits; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 59 O.S. 2011, Section 888.3, is
13 amended to read as follows:

14 Section 888.3 As used in ~~this act~~ the Occupational Therapy
15 Practice Act:

16 1. "Occupational therapy" is a health profession for which
17 practitioners provide assessment, treatment, and consultation
18 through the use of purposeful activity with individuals who are
19 limited by or at risk of physical illness or injury, psycho-social
20 dysfunction, developmental or learning disabilities, poverty and
21 cultural differences or the aging process, in order to maximize
22 independence, prevent disability, and maintain health. Specific
23 occupational therapy services include but are not limited to the use
24 of media and methods such as instruction in daily living skills and
cognitive retraining, facilitating self-maintenance, work and
leisure skills, using standardized or adapted techniques, designing,

1 fabricating, and applying selected orthotic equipment or selective
2 adaptive equipment with instructions, using therapeutically applied
3 creative activities, exercise, and other media to enhance and
4 restore functional performance, to administer and interpret tests
5 which may include sensorimotor evaluation, psycho-social
6 assessments, standardized or nonstandardized tests, to improve
7 developmental skills, perceptual and motor skills, and sensory
8 integrative function, and to adapt the environment for the
9 handicapped. These services are provided individually, in groups,
10 via telehealth or through social systems;

11 2. "Occupational therapist" means a person licensed to practice
12 occupational therapy pursuant to the provisions of ~~this act~~ the
13 Occupational Therapy Practice Act;

14 3. "Occupational therapy assistant" means a person licensed to
15 provide occupational therapy treatment under the general supervision
16 of a licensed occupational therapist;

17 4. "Occupational therapy aide" means a person who assists in
18 the practice of occupational therapy and whose activities require an
19 understanding of occupational therapy, but do not require the
20 technical or professional training of an occupational therapist or
21 occupational therapy assistant;

22 5. "Board" means the State Board of Medical Licensure and
23 Supervision;

24

1 6. "Person" means any individual, partnership, unincorporated
2 organization, or corporate body, except only an individual may be
3 licensed pursuant to the provisions of ~~this act~~ the Occupational
4 Therapy Practice Act; and

5 7. "Committee" means the Oklahoma Occupational Therapy Advisory
6 Committee;

7 8. "Telehealth" means the use of electronic information and
8 telecommunications technologies to support and promote access to
9 clinical health care, patient and professional health-related
10 education, public health and health administration; and

11 9. "Telerehabilitation" or "teletherapy" means the delivery of
12 rehabilitation and habilitation services via information and
13 communication technologies (ICT), also commonly referred to as
14 "telehealth" technologies.

15 SECTION 2. AMENDATORY 59 O.S. 2011, Section 888.5, is
16 amended to read as follows:

17 Section 888.5 Nothing in ~~this act~~ the Occupational Therapy
18 Practice Act shall be construed to prevent or restrict the practice,
19 services, or activities of:

20 1. Any persons of other licensed professions or personnel
21 supervised by licensed professions in this state from performing
22 work incidental to the practice of their profession or occupation,
23 if that person does not represent himself as an occupational
24 therapist or occupational therapy assistant;

1 2. Any person employed as an occupational therapist or
2 occupational therapy assistant by the Government of the United
3 States if such person provides occupational therapy solely under the
4 direction or control of the organization by which he or she is
5 employed;

6 3. Any person pursuing a course of study leading to a degree or
7 certificate in occupational therapy at an accredited educational
8 program if such activities and services constitute a part of a
9 supervised course of study, if such a person is designated by a
10 title which clearly indicates his status as a student or trainee;

11 4. Any person fulfilling the supervised field work experience
12 requirements of ~~Section 6 of this act~~ Section 888.6 of this title,
13 if such activities and services constitute a part of the experience
14 necessary to meet the requirements of that section;

15 5. Any person performing occupational therapy services in this
16 state, if services are performed for no more than ninety (90) days
17 in a calendar year in association with an occupational therapist
18 licensed pursuant to the provisions of this act, if:

19 a. such person is licensed according to the laws of
20 another state which has licensure requirements equal
21 to or surpassing the requirements of ~~this act~~ the
22 Occupational Therapy Practice Act, or

23 b. such person is certified as an occupational therapist
24 registered (O.T.R.) or a certified occupational

1 therapy assistant (C.O.T.A.), by the ~~American~~
2 ~~Occupational Therapy Association~~ National Board for
3 Certification in Occupational Therapy;

4 6. Any person employed or working under the direct supervision
5 of an occupational therapist as an occupational therapy aide; or

6 7. A certified recreational therapist in the area of play and
7 leisure.

8 SECTION 3. AMENDATORY 59 O.S. 2011, Section 888.6, is
9 amended to read as follows:

10 Section 888.6 An applicant applying for a license as an
11 occupational therapist or as an occupational therapy assistant shall
12 file written application on forms provided by the Board, as
13 recommended by the Committee, showing to the satisfaction of the
14 Board that ~~he~~ the applicant meets the following requirements:

15 1. Residence: Applicants need not be a resident of this state;

16 2. Character: Applicants shall ~~be of good moral character~~ meet
17 the standards of the Code of Ethics and licensure rules adopted by
18 the Board to safeguard the public;

19 3. Education: Applicants shall present evidence satisfactory
20 to the Board of having successfully completed the academic
21 requirements of an educational program in occupational therapy
22 recognized by the Board, with concentration in biological or
23 physical science, psychology and sociology, and with education in
24 selected manual skills. For an occupational therapist the

1 educational program shall be accredited by the ~~Committee on Allied~~
2 ~~Health Education and Accreditation/American Medical Association in~~
3 ~~collaboration with the American Occupational Therapy Association~~
4 Accreditation Council for Occupational Therapy Education (ACOTE).

5 For an occupational therapy assistant, such a program shall be
6 approved by ~~the American Occupational Therapy Association~~ ACOTE;

7 4. Experience: Applicants shall submit to the Board evidence
8 of having successfully completed a period of supervised field work
9 experience at a recognized educational institution or a training
10 program approved by the educational institution where he or she met
11 the academic requirements. For an occupational therapist, a minimum
12 of six (6) months of supervised field work experience is required.
13 For an occupational therapy assistant, a minimum of two (2) months
14 of supervised field work experience is required;

15 5. Examination: Applicants shall submit to the Board evidence
16 of having successfully completed an examination as provided for in
17 ~~Section 7 of this act~~ Section 888.7 of this title.

18 SECTION 4. AMENDATORY 59 O.S. 2011, Section 888.7, is
19 amended to read as follows:

20 Section 888.7 A. A person applying for a license shall
21 demonstrate his or her eligibility in accordance with the
22 requirements of ~~Section 6 of this act~~ Section 888.6 of this title
23 and shall make application for examination upon a form in such a
24 manner as the ~~Board~~ National Board for Certification in Occupational

1 Therapy (NBCOT) shall prescribe. A person who fails the examination
2 may make reapplication for reexamination accompanied by the
3 prescribed fee.

4 B. Each applicant for licensure pursuant to the provisions of
5 ~~this act~~ the Occupational Therapy Practice Act shall be examined by
6 ~~written examination to test his~~ on the applicant's knowledge of the
7 basic and clinical sciences relating to occupational therapy and
8 occupational theory and practice, including the application of
9 professional skills and judgment in the utilization of occupational
10 therapy techniques and methods and such other subjects as the Board
11 may deem useful to determine the applicant's fitness to practice.
12 The Board shall approve an examination and establish standards for
13 acceptable practice. NBCOT shall be the approved provider for the
14 examination according to national standards for entry-level
15 practice.

16 C. Applicants for licensure shall be examined at a time and
17 place as ~~the Board~~ NBCOT may determine. Applicants must pass the
18 examination by a score determined by ~~the Board~~ NBCOT. Examinations
19 shall be given at least two times each year at such places as ~~the~~
20 ~~Board~~ NBCOT may determine.

21 D. In case of failure of any examination the applicant shall
22 have the privilege of a second examination on payment of the regular
23 fees. In case of a second failure, the applicant shall be eligible
24 for the third examination, but shall, in addition to the

1 requirements for previous examinations have to wait a specific
2 period as determined by ~~the Board~~ NBCOT, not to exceed one (1) year,
3 before reexamination. The waiting period may include completion of
4 academic or clinical work as prescribed by rules promulgated by the
5 Board. A temporary license may be issued pursuant to the provisions
6 of ~~Section 8 of this act~~ Section 888.8 of this title. Further
7 testing shall be at the discretion of the Board and NBCOT
8 guidelines.

9 E. Applicants shall be given their examination scores in
10 accordance with such rules and regulations as ~~the Board~~ NBCOT may
11 establish.

12 SECTION 5. AMENDATORY 59 O.S. 2011, Section 888.11, is
13 amended to read as follows:

14 Section 888.11 The Board shall prescribe and publish, in the
15 manner established by its rules and regulations, fees in the amounts
16 determined by the Board for the following:

- 17 1. Initial license fee ~~not exceeding Fifty Dollars (\$50.00);~~
- 18 2. Renewal of license fee ~~not exceeding Twenty Dollars~~
19 ~~(\$20.00); and~~
- 20 3. Late renewal fee ~~not exceeding Twenty Dollars (\$20.00).~~

21 SECTION 6. This act shall become effective November 1, 2019."
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1 Passed the House of Representatives the 22nd day of April, 2019.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2019.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 1038

By: Haste and David of the
Senate

3 and

4 Dollens of the House

5
6 An Act relating to occupational therapy; amending 59
7 O.S. 2011, Section 888.3, which relates to
8 definitions used in the Occupational Therapy Practice
9 Act; adding and amending certain definitions;
10 amending 59 O.S. 2011, Section 888.5, which relates
11 to practices, services and activities not prohibited;
12 replacing certifying body; amending 59 O.S. 2011,
13 Section 888.6, which relates to application for
14 license; modifying certain licensure requirements;
15 replacing accrediting body; updating statutory
16 references; amending 59 O.S. 2011, Section 888.7,
17 which relates to examination; transferring certain
18 duties to National Board for Certification in
19 Occupational Therapy; making language gender neutral;
20 amending 59 O.S. 2011, Section 888.11, which relates
21 to fees; deleting fee limits; and providing an
22 effective date.

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

24 SECTION 7. AMENDATORY 59 O.S. 2011, Section 888.3, is
amended to read as follows:

Section 888.3. As used in ~~this act~~ the Occupational Therapy
Practice Act:

1. "Occupational therapy" is a health profession for which
practitioners provide assessment, treatment, and consultation
through the use of purposeful activity with individuals who are

1 limited by or at risk of physical illness or injury, psycho-social
2 dysfunction, developmental or learning disabilities, poverty and
3 cultural differences or the aging process, in order to maximize
4 independence, prevent disability, and maintain health. Specific
5 occupational therapy services include but are not limited to the use
6 of media and methods such as instruction in daily living skills and
7 cognitive retraining, facilitating self-maintenance, work and
8 leisure skills, using standardized or adapted techniques, designing,
9 fabricating, and applying selected orthotic equipment or selective
10 adaptive equipment with instructions, using therapeutically applied
11 creative activities, exercise, and other media to enhance and
12 restore functional performance, to administer and interpret tests
13 which may include sensorimotor evaluation, psycho-social
14 assessments, standardized or nonstandardized tests, to improve
15 developmental skills, perceptual and motor skills, mental health and
16 sensory integrative function, and to adapt the environment for the
17 handicapped. These services are provided individually, in groups,
18 via telehealth or through social systems;

19 2. "Occupational therapist" means a person licensed to practice
20 occupational therapy pursuant to the provisions of ~~this act~~ the
21 Occupational Therapy Practice Act;

22 3. "Occupational therapy assistant" means a person licensed to
23 provide occupational therapy treatment under the general supervision
24 of a licensed occupational therapist;

1 4. "Occupational therapy aide" means a person who assists in
2 the practice of occupational therapy and whose activities require an
3 understanding of occupational therapy, but do not require the
4 technical or professional training of an occupational therapist or
5 occupational therapy assistant;

6 5. "Board" means the State Board of Medical Licensure and
7 Supervision;

8 6. "Person" means any individual, partnership, unincorporated
9 organization, or corporate body, except only an individual may be
10 licensed pursuant to the provisions of ~~this act~~ the Occupational
11 Therapy Practice Act; and

12 7. "Committee" means the Oklahoma Occupational Therapy Advisory
13 Committee;

14 8. "Telehealth" means the use of electronic information and
15 telecommunications technologies to support and promote access to
16 clinical health care, patient and professional health-related
17 education, public health and health administration; and

18 9. "Telerehabilitation" or "teletherapy" means the delivery of
19 rehabilitation and habilitation services via information and
20 communication technologies (ICT), also commonly referred to as
21 "telehealth" technologies.

22 SECTION 8. AMENDATORY 59 O.S. 2011, Section 888.5, is
23 amended to read as follows:
24

1 Section 888.5. Nothing in ~~this act~~ the Occupational Therapy
2 Practice Act shall be construed to prevent or restrict the practice,
3 services, or activities of:

4 1. Any persons of other licensed professions or personnel
5 supervised by licensed professions in this state from performing
6 work incidental to the practice of their profession or occupation,
7 if that person does not represent himself as an occupational
8 therapist or occupational therapy assistant;

9 2. Any person employed as an occupational therapist or
10 occupational therapy assistant by the Government of the United
11 States if such person provides occupational therapy solely under the
12 direction or control of the organization by which he is employed;

13 3. Any person pursuing a course of study leading to a degree or
14 certificate in occupational therapy at an accredited educational
15 program if such activities and services constitute a part of a
16 supervised course of study, if such a person is designated by a
17 title which clearly indicates his status as a student or trainee;

18 4. Any person fulfilling the supervised field work experience
19 requirements of ~~Section 6 of this act~~ Section 888.6 of this title,
20 if such activities and services constitute a part of the experience
21 necessary to meet the requirements of that section;

22 5. Any person performing occupational therapy services in this
23 state, if services are performed for no more than ninety (90) days
24

1 in a calendar year in association with an occupational therapist
2 licensed pursuant to the provisions of this act, if:

3 a. such person is licensed according to the laws of
4 another state which has licensure requirements equal
5 to or surpassing the requirements of ~~this act~~ the
6 Occupational Therapy Practice Act, or

7 b. such person is certified as an occupational therapist
8 registered (O.T.R.) or a certified occupational
9 therapy assistant (C.O.T.A.), by the ~~American~~
10 ~~Occupational Therapy Association~~ National Board for
11 Certification in Occupational Therapy;

12 6. Any person employed or working under the direct supervision
13 of an occupational therapist as an occupational therapy aide; or

14 7. A certified recreational therapist in the area of play and
15 leisure.

16 SECTION 9. AMENDATORY 59 O.S. 2011, Section 888.6, is
17 amended to read as follows:

18 Section 888.6. An applicant applying for a license as an
19 occupational therapist or as an occupational therapy assistant shall
20 file written application on forms provided by the Board, as
21 recommended by the Committee, showing to the satisfaction of the
22 Board that ~~he~~ the applicant meets the following requirements:

23 1. Residence: Applicants need not be a resident of this state;
24

1 2. Character: Applicants shall ~~be of good moral character~~ meet
2 the standards of the Code of Ethics and licensure rules adopted by
3 the Board to safeguard the public;

4 3. Education: Applicants shall present evidence satisfactory
5 to the Board of having successfully completed the academic
6 requirements of an educational program in occupational therapy
7 recognized by the Board, with concentration in biological or
8 physical science, psychology and sociology, and with education in
9 selected manual skills. For an occupational therapist the
10 educational program shall be accredited by the ~~Committee on Allied~~
11 ~~Health Education and Accreditation/American Medical Association in~~
12 ~~collaboration with the American Occupational Therapy Association~~
13 Accreditation Council for Occupational Therapy Education (ACOTE).
14 For an occupational therapy assistant, such a program shall be
15 approved by ~~the American Occupational Therapy Association~~ ACOTE;

16 4. Experience: Applicants shall submit to the Board evidence
17 of having successfully completed a period of supervised field work
18 experience at a recognized educational institution or a training
19 program approved by the educational institution where he met the
20 academic requirements. For an occupational therapist, a minimum of
21 six (6) months of supervised field work experience is required. For
22 an occupational therapy assistant, a minimum of two (2) months of
23 supervised field work experience is required;

1 5. Examination: Applicants shall submit to the Board evidence
2 of having successfully completed an examination as provided for in
3 ~~Section 7 of this act~~ Section 888.7 of this title.

4 SECTION 10. AMENDATORY 59 O.S. 2011, Section 888.7, is
5 amended to read as follows:

6 Section 888.7. A. A person applying for a license shall
7 demonstrate his or her eligibility in accordance with the
8 requirements of ~~Section 6 of this act~~ Section 888.6 of this title
9 and shall make application for examination upon a form in such a
10 manner as the ~~Board~~ National Board for Certification in Occupational
11 Therapy (NBCOT) shall prescribe. A person who fails the examination
12 may make reapplication for reexamination accompanied by the
13 prescribed fee.

14 B. Each applicant for licensure pursuant to the provisions of
15 ~~this act~~ the Occupational Therapy Practice Act shall be examined ~~by~~
16 ~~written examination to test his~~ on the applicant's knowledge of the
17 basic and clinical sciences relating to occupational therapy and
18 occupational theory and practice, including the application of
19 professional skills and judgment in the utilization of occupational
20 therapy techniques and methods and such other subjects as the Board
21 may deem useful to determine the applicant's fitness to practice.
22 The Board shall approve an examination and establish standards for
23 acceptable practice. NBCOT shall be the approved provider for the
24

1 examination according to national standards for entry-level
2 practice.

3 C. Applicants for licensure shall be examined at a time and
4 place as ~~the Board~~ NBCOT may determine. Applicants must pass the
5 examination by a score determined by ~~the Board~~ NBCOT. Examinations
6 shall be given at least two times each year at such places as ~~the~~
7 ~~Board~~ NBCOT may determine.

8 D. In case of failure of any examination the applicant shall
9 have the privilege of a second examination on payment of the regular
10 fees. In case of a second failure, the applicant shall be eligible
11 for the third examination, but shall, in addition to the
12 requirements for previous examinations have to wait a specific
13 period as determined by ~~the Board~~ NBCOT, not to exceed one (1) year,
14 before reexamination. The waiting period may include completion of
15 academic or clinical work as prescribed by rules promulgated by the
16 Board. A temporary license may be issued pursuant to the provisions
17 of ~~Section 8 of this act~~ Section 888.8 of this title. Further
18 testing shall be at the discretion of the Board and NBCOT
19 guidelines.

20 E. Applicants shall be given their examination scores in
21 accordance with such rules and regulations as ~~the Board~~ NBCOT may
22 establish.

23 SECTION 11. AMENDATORY 59 O.S. 2011, Section 888.11, is
24 amended to read as follows:

Section 888.11. The Board shall prescribe and publish, in the manner established by its rules and regulations, fees in the amounts determined by the Board for the following:

1. Initial license fee ~~not exceeding Fifty Dollars (\$50.00);~~

2. Renewal of license fee ~~not exceeding Twenty Dollars~~
~~(\$20.00); and~~

3. Late renewal fee ~~not exceeding Twenty Dollars (\$20.00).~~

SECTION 12. This act shall become effective November 1, 2019.

Passed the Senate the 7th day of March, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2019.

Presiding Officer of the House
of Representatives