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April 8, 2019

ENGROSSED HOUSE
BILL NO. 2571

By: Roberts (Sean) of the House

and

Pugh of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 887.5 and 887.6, which relate to physical therapists; modifying powers and duties of the State Board of Medical Licensure and Supervision; authorizing Board to conduct criminal background checks; modifying licensure requirements; providing for criminal history record checks of applicants; prohibiting dissemination outside of state; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 887.5, is amended to read as follows:

Section 887.5 The State Board of Medical ~~Examiners~~ Licensure
and Supervision shall have the power and duty to:

1. Promulgate the rules and regulations necessary for the performance of its duties pursuant to the provisions of the Physical Therapy Practice Act;

2. Determine, as recommended by the Committee, the qualifications of applicants for licensure, conduct all

1 examinations, and determine which applicants successfully passed
2 such examinations;

3 3. Issue a license to each applicant who passes the examination
4 in accordance with standards promulgated by the Board pursuant to
5 the Physical Therapy Practice Act, and who is otherwise in
6 compliance with the Physical Therapy Practice Act. A license shall
7 also be issued to persons who qualify for such license pursuant to
8 the provisions of Sections 887.9 and 887.10 of this title. Said
9 licenses shall be subject to annual renewal as provided by the
10 Physical Therapy Practice Act;

11 4. Make such investigations and inspections as are necessary to
12 ensure compliance with the Physical Therapy Practice Act and the
13 rules and regulations of the Board promulgated pursuant to the act;

14 5. Conduct hearings as required by the provisions of the
15 Administrative Procedures Act, Section ~~301~~ 250 et seq. of Title 75
16 of the Oklahoma Statutes;

17 6. Report to the district attorney having jurisdiction or the
18 Attorney General any act committed by any person which may
19 constitute a misdemeanor pursuant to the provisions of the Physical
20 Therapy Practice Act;

21 7. Initiate prosecution and civil proceedings;

22 8. Suspend, revoke or deny the license of any physical
23 therapist and physical therapist assistant for violation of any
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provisions of the Physical Therapy Practice Act or rules and regulations promulgated by the Board pursuant to this act;

9. Maintain a record listing the name of each physical therapist and physical therapist assistant licensed in this state;

10. Compile a list of physical therapists and physical therapist assistants licensed to practice in this state. Said list shall be available to any person upon application to the Board and the payment of such fee as determined by the Board for the reasonable expense thereof pursuant to the provisions of the Physical Therapy Practice Act; ~~and~~

11. Make such expenditures and employ such personnel as it may deem necessary for the administration of the provisions of the Physical Therapy Practice Act; and

12. Conduct state and national criminal history record checks as determined by the Board through the Oklahoma State Bureau of Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and Federal Bureau of Investigation in accordance with 28 U.S.C., Section 534 and 34 U.S.C., Section 40316; provided, however, that reports from such record checks shall not be shared with entities outside of this state.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 887.6, is amended to read as follows:

Section 887.6 A. Except as otherwise provided by law, to be eligible for licensure as a physical therapist or physical therapist

1 assistant pursuant to the provisions of the Physical Therapy
2 Practice Act an applicant shall:

- 3 1. Be of good moral character; and
- 4 2. Pass an examination based on standards promulgated by the
5 State Board of Medical Licensure and Supervision pursuant to the
6 Physical Therapy Practice Act which shall include a written
7 examination testing the knowledge of the applicant on:

- 8 a. the basic and clinical sciences as they relate to
9 physical therapy theory and physical therapy
10 procedures, and

- 11 b. such other subjects as the Board may deem necessary to
12 test the applicant's fitness to practice physical
13 therapy or as a physical therapist assistant.

14 Examinations shall be held within this state at least
15 once per year, at such time and place as the Board
16 shall determine.

17 B. 1. In addition to the requirements provided by subsection A
18 of this section, and except as provided in paragraph 2 of this
19 subsection or subsection D of this section, an applicant for a
20 license to practice as a physical therapist shall have graduated
21 from a school of physical therapy approved by a national accrediting
22 body which has been recognized by the Board.

23 2. An applicant for a license to practice as a physical
24 therapist who has been educated through a program or school of

1 physical therapy which is or has been sponsored by a branch of the
2 Armed Forces of the United States may be licensed as a physical
3 therapist if the Board determines that the education of the
4 applicant is substantially equivalent to, or exceeds, the
5 requirements of accredited educational programs.

6 C. 1. In addition to the requirements provided by subsection A
7 of this section, and except as provided in paragraph 2 of this
8 subsection, an applicant for a license to practice as a physical
9 therapist assistant shall have graduated from an approved program
10 for physical therapist assistants consisting of at least a two-year
11 program approved by a national accrediting body which has been
12 recognized by the Board. An approved course of study shall include
13 such elementary and intermediate courses in the anatomical,
14 biological, and physical sciences as may be determined by the Board.

15 2. An applicant for a license to practice as a physical
16 therapist assistant who has been educated through a program for
17 physical therapist assistants which is or has been sponsored by a
18 branch of the Armed Forces of the United States may be licensed as a
19 physical therapist assistant if the Board determines that the
20 education of the applicant is substantially equivalent to, or
21 exceeds, the requirements of accredited educational programs.

22 D. 1. Except as otherwise provided by paragraph 2 of this
23 subsection, an applicant for licensure as a physical therapist who
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1 has been educated in physical therapy outside the United States
2 shall meet the following qualifications:

- 3 a. be of good moral character,
- 4 b. have completed the application process,
- 5 c. provide satisfactory evidence that their education is
6 substantially equivalent to the requirements of
7 physical therapists educated in accredited educational
8 programs as determined by the Board. If the Board
9 determines that a foreign-educated applicant's
10 education is not substantially equivalent, it may
11 require completion of additional course work before
12 proceeding with the application process,
- 13 d. provide written proof that the school of physical
14 therapy education is recognized by its own ministry of
15 education,
- 16 e. provide written proof of authorization to practice as
17 a physical therapist without limitations in the
18 country where the professional education occurred,
- 19 f. provide proof of legal authorization to reside and
20 seek employment in the United States or its
21 territories,
- 22 g. have their educational credentials evaluated by a
23 Board-approved credential evaluation agency,
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- 1 h. have passed the Board-approved English proficiency
2 examinations if their native language is not English,
3 i. have participated in an interim supervised clinical
4 practice period prior to licensure, which may be
5 waived at the discretion of the Board, if:
6 (1) the applicant for licensure is able to verify the
7 successful completion of one (1) year of clinical
8 practice in the United States or the District of
9 Columbia, or
10 (2) the applicant is able to document exceptional
11 expertise acceptable to the Board in the fields
12 of research, education, or clinical practice, and
13 j. have successfully passed the national examination
14 approved by the Board.

15 2. If the foreign-educated physical therapist applicant is a
16 graduate of a CAPTE-accredited physical therapy education program,
17 requirements in subparagraphs c, d, g and i of paragraph 1 of this
18 subsection may be waived.

19 E. When a foreign-educated applicant satisfies the
20 qualifications for licensure set forth in subparagraphs a through h
21 of paragraph 1 of subsection D of this section, prior to licensure
22 the Board shall issue an interim permit to the applicant for the
23 purpose of participating in a supervised clinical practice period.
24 The time period of an interim permit shall not be less than ninety

1 (90) days nor more than six (6) months. An interim permit holder,
2 to the satisfaction of the Board, shall complete a period of
3 clinical practice under the continuous and immediate supervision of
4 a physical therapist who holds an unrestricted license issued
5 pursuant to the Physical Therapy Practice Act in a facility approved
6 by the Board.

7 F. 1. In addition to the requirements provided by subsection A
8 of this section, the Board may require an applicant for licensure as
9 a physical therapist or physical therapist assistant pursuant to the
10 provisions of the Physical Therapy Practice Act, as a condition for
11 eligibility for initial licensure, to submit a full set of
12 fingerprints in a form and manner prescribed by the Board.

13 2. The Board is authorized to obtain state and national
14 criminal history record information on the applicant.

15 3. The Board shall not disseminate criminal history record
16 information resulting from the background check outside of this
17 state.

18 SECTION 3. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
23 April 8, 2019 - DO PASS
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