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February 25, 2019

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1038

By: Haste and David

An Act relating to occupational therapy; amending 59 O.S. 2011, Section 888.3, which relates to definitions used in the Occupational Therapy 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 59 O.S. 2011, Section 888.6, which relates to application for license; modifying certain licensure requirements; replacing accrediting body; updating statutory references; amending 59 O.S. 2011, Section 888.7, which relates to examination; transferring certain duties to National Board for Certification in Occupational Therapy; making language gender neutral; amending 59 O.S. 2011, Section 888.11, which relates to fees; deleting fee limits; and providing an effective date.

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

SECTION 1. 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 2. 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
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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 3. 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 4. 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
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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 5. AMENDATORY 59 O.S. 2011, Section 888.11, is
24 amended to read as follows:

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

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

5 2. Renewal of license fee ~~not exceeding Twenty Dollars~~
6 ~~(\$20.00);~~ and

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

8 SECTION 6. This act shall become effective November 1, 2019.

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
10 February 25, 2019 - DO PASS AS AMENDED
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