

1 ENGROSSED SENATE
2 BILL NO. 104

By: Haste of the Senate

3 and

4 McEntire of the House
5

6 An Act relating to physical therapy; amending 59 O.S.
7 2011, Section 887.2, as last amended by Section 1,
8 Chapter 324, O.S.L. 2014 (59 O.S. Supp. 2020, Section
9 887.2), which relates to definitions; modifying and
10 adding definitions; amending 59 O.S. 2011, Section
11 887.5, as amended by Section 1, Chapter 198, O.S.L.
12 2019 (59 O.S. Supp. 2020, Section 887.5), which
relates to powers and duties of the State Board of
Medical Licensure and Supervision; clarifying certain
power and duty; and providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 887.2, as
15 last amended by Section 1, Chapter 324, O.S.L. 2014 (59 O.S. Supp.
16 2020, Section 887.2), is amended to read as follows:

17 Section 887.2. As used in the Physical Therapy Practice Act:

18 1. "Physical therapy" means the care and services provided by
19 or under the direction and supervision of a physical therapist who
20 is licensed pursuant to the Physical Therapy Practice Act;

21 2. "Practice of physical therapy" means the use of selected
22 knowledge and skills in planning, organizing and directing programs
23 for the care of individuals whose ability to function is impaired or
24 threatened by disease or injury, encompassing preventive measures,

1 screening, tests in aid of diagnosis by a licensed doctor of
2 medicine, osteopathy, chiropractic, dentistry or podiatry, or a
3 physician assistant, and evaluation and invasive or noninvasive
4 procedures with emphasis on the skeletal system, neuromuscular and
5 cardiopulmonary function, as it relates to physical therapy.
6 Physical therapy includes screening or evaluations performed to
7 determine the degree of impairment of relevant aspects such as, but
8 not limited to, nerve and muscle function including transcutaneous
9 bioelectrical potentials, motor development, functional capacity and
10 respiratory or circulatory efficiency. Physical therapy also
11 includes physical therapy treatment performed including, but not
12 limited to, exercises for increasing or restoring strength,
13 endurance, coordination and range of motion, stimuli to facilitate
14 motor activity and learning, instruction in activities of daily
15 living and the use of assistive devices and the application of
16 physical agents to relieve pain or alter physiological status.
17 Physical therapy services may be provided in person or remotely, via
18 telehealth, to individuals or groups. The use of roentgen rays and
19 radium for diagnostic or therapeutic purposes, the use of
20 electricity for surgical purposes, including cauterization and
21 colonic irrigations are not authorized under the term "physical
22 therapy" as used in this chapter;

23 3. "Physical therapist assistant" means a person who assists in
24 the practice of physical therapy subject to the direction and

1 supervision of a licensed physical therapist, who meets all the
2 educational requirements, and who is licensed pursuant to the
3 provisions of the Physical Therapy Practice Act;

4 4. "Licensed physical therapist" means a person who is licensed
5 as required in the Physical Therapy Practice Act and who regularly
6 practices physical therapy;

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

9 6. "Committee" means the Physical Therapy Committee;

10 7. "Telehealth" means the use of electronic information and
11 telecommunications technologies to support long-distance clinical
12 health care, patient and professional health-related education,
13 public health and health administration; and

14 8. "Telecommunication" means the use of audio, video or other
15 electronic media to deliver health care in real-time or through the
16 use of store-and-forward technology.

17 SECTION 2. AMENDATORY 59 O.S. 2011, Section 887.5, as
18 amended by Section 1, Chapter 198, O.S.L. 2019 (59 O.S. Supp. 2020,
19 Section 887.5), is amended to read as follows:

20 Section 887.5. The State Board of Medical Licensure and
21 Supervision shall have the power and duty to:

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

1 2. Determine, as recommended by the Committee, the
2 qualifications of applicants for licensure, conduct all
3 examinations, and determine which applicants successfully passed
4 such examinations;

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

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

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

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

23 7. Initiate prosecution and civil proceedings;
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1 8. Suspend, revoke or deny the license of any physical
2 therapist and physical therapist assistant for violation of any
3 provisions of the Physical Therapy Practice Act or rules and
4 regulations promulgated by the Board pursuant to this act;

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

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

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

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

23 SECTION 3. This act shall become effective November 1, 2021.
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1 Passed the Senate the 1st day of March, 2021.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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8 _____
9 Presiding Officer of the House
10 of Representatives