

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 104

By: Haste of the Senate

and

McEntire of the House

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9 An Act relating to physical therapy; amending 59 O.S.
10 2011, Section 887.2, as last amended by Section 1,
11 Chapter 324, O.S.L. 2014 (59 O.S. Supp. 2020, Section
12 887.2), which relates to definitions; modifying and
13 adding definitions; amending 59 O.S. 2011, Section
14 887.5, as amended by Section 1, Chapter 198, O.S.L.
15 2019 (59 O.S. Supp. 2020, Section 887.5), which
16 relates to powers and duties of the State Board of
17 Medical Licensure and Supervision; clarifying certain
18 power and duty; and providing an effective date.

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

20 SECTION 1. AMENDATORY 59 O.S. 2011, Section 887.2, as
21 last amended by Section 1, Chapter 324, O.S.L. 2014 (59 O.S. Supp.
22 2020, Section 887.2), is amended to read as follows:

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

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

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

1 colonic irrigations are not authorized under the term "physical
2 therapy" as used in this chapter;

3 3. "Physical therapist assistant" means a person who assists in
4 the practice of physical therapy subject to the direction and
5 supervision of a licensed physical therapist, who meets all the
6 educational requirements, and who is licensed pursuant to the
7 provisions of the Physical Therapy Practice Act;

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

11 5. "Board" means the State Board of Medical Licensure and
12 Supervision; ~~and~~

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

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

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

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

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

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

6 2. Determine, as recommended by the Committee, the
7 qualifications of applicants for licensure, conduct all
8 examinations, and determine which applicants successfully passed
9 such examinations;

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

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

21 5. Conduct hearings as required by the provisions of the
22 Administrative Procedures Act, Section 250 et seq. of Title 75 of
23 the Oklahoma Statutes;

1 6. Report to the district attorney having jurisdiction or the
2 Attorney General any act committed by any person which may
3 constitute a misdemeanor pursuant to the provisions of the Physical
4 Therapy Practice Act;

5 7. Initiate prosecution and civil proceedings;

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

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

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

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

21 12. Conduct state and national criminal history record checks
22 as determined by the Board through the Oklahoma State Bureau of
23 Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma
24 Statutes and Federal Bureau of Investigation in accordance with 28

1 U.S.C., Section 534 and 34 U.S.C., Section 40316; provided, however,
2 that reports from such record checks shall not be shared with
3 entities outside of this state.

4 SECTION 3. This act shall become effective November 1, 2021.

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6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03/31/2021 -
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