

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 BILL NO. 399

 By: Rosino and Bullard of the
 Senate

6 and

7 Newton of the House

8
9 An Act relating to the healing arts; amending 59 O.S.
10 2021, Sections 725.1, 725.2, 731.2, 731.5, and
11 887.14, which relate to professions and occupations;
12 authorizing certain physical therapists to use
13 certain titles; updating statutory references;
14 amending 63 O.S. 2021, Section 1-116, which relates
15 to definitions used in the Oklahoma Health Care
16 Information System Act; clarifying applicability of
17 certain definition; and providing an effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2021, Section 725.1, is
20 amended to read as follows:

21 Section 725.1. A. Every person who writes or prints, or causes
22 to be written or printed, his or her name (whether or not the word
23 "Doctor", or an abbreviation thereof, is used in connection
24 therewith) in connection with, as engaging in, or holding himself or
25 herself out as engaging in, any of the branches of the healing art
26 shall append to his or her name the letters or words set forth in

1 Section 725.2 of this title if the person is one of the ~~nine~~ ten
2 classes of persons listed in subsection A of Section 725.2 of this
3 title.

4 B. If the person is not one of the ~~nine~~ ten classes of persons
5 listed in subsection A of Section 725.2 of this title and is engaged
6 in a branch of the healing art, the person shall write or print, in
7 the same size letters as his or her name, appropriate and generally
8 and easily understood words or letters, which clearly show and
9 indicate the branch of the healing art in which he or she is
10 licensed to practice and is engaged.

11 SECTION 2. AMENDATORY 59 O.S. 2021, Section 725.2, is
12 amended to read as follows:

13 Section 725.2. A. The following ~~nine~~ ten classes of persons
14 may use the word "Doctor", or an abbreviation thereof, and shall
15 have the right to use, whether or not in conjunction with the word
16 "Doctor", or any abbreviation thereof, the following designations:

17 1. The letters "D.P.M." or the words podiatrist, doctor of
18 podiatry, podiatric surgeon, or doctor of podiatric medicine by a
19 person licensed to practice podiatry under the Podiatric Medicine
20 Practice Act;

21 2. The letters "D.C." or the words chiropractor or doctor of
22 chiropractic by a person licensed to practice chiropractic under the
23 Oklahoma Chiropractic Practice Act;

24

1 3. The letters "D.D.S." or "D.M.D.", as appropriate, or the
2 words dentist, doctor of dental surgery, or doctor of dental
3 medicine, as appropriate, by a person licensed to practice dentistry
4 under the State Dental Act;

5 4. The letters "M.D." or the words surgeon, medical doctor, or
6 doctor of medicine by a person licensed to practice medicine and
7 surgery under the Oklahoma Allopathic Medical and Surgical Licensure
8 and Supervision Act;

9 5. The letters "O.D." or the words optometrist or doctor of
10 optometry by a person licensed to practice optometry under Sections
11 581 through 606 of this title;

12 6. The letters "D.O." or the words surgeon, osteopathic
13 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic
14 medicine by a person licensed to practice osteopathy under the
15 Oklahoma Osteopathic Medicine Act;

16 7. The letters "Ph.D.", "Ed.D.", or "Psy.D." or the words
17 psychologist, therapist, or counselor by a person licensed as a
18 health service psychologist pursuant to the Psychologists Licensing
19 Act;

20 8. The letters "Ph.D.", "Ed.D.", or other letters representing
21 a doctoral degree or the words language pathologist, speech
22 pathologist, or speech and language pathologist by a person licensed
23 as a speech and language pathologist pursuant to the Speech-Language
24 Pathology and Audiology Licensing Act and who has earned a doctoral

1 degree from a regionally accredited institution of higher learning
2 in the field of speech and language pathology; ~~and~~

3 9. The letters "Ph.D.", "Ed.D.", or other letters representing
4 a doctoral degree or the word audiologist by a person licensed as an
5 audiologist pursuant to the Speech-Language Pathology and Audiology
6 Licensing Act and who has earned a doctoral degree from a regionally
7 accredited institution of higher learning in the field of audiology;
8 and

9 10. The letters "D.P.T." or the title Doctor of Physical
10 Therapy by a person licensed to practice physical therapy under the
11 Physical Therapy Practice Act who has earned a Doctor of Physical
12 Therapy degree from a program approved by a national accrediting
13 body recognized by the State Board of Medical Licensure and
14 Supervision.

15 B. Unless otherwise specifically provided in a particular
16 section or chapter of the Oklahoma Statutes, the word "doctor" or
17 "doctors" shall mean and include each of the ~~nine~~ ten classes of
18 persons listed in subsection A and the word "physician" or
19 "physicians", as provided in subsection C of this section. Any
20 other person using the term doctor, or any abbreviation thereof,
21 shall designate the authority under which the title is used or the
22 college or honorary degree that gives rise to use of the title.

23 C. Unless otherwise specifically provided in a particular
24 section or chapter of the Oklahoma Statutes, the word "physician" or

1 "physicians" shall mean and include each of the classes of persons
2 listed in paragraphs 1 through 6 of subsection A of this section and
3 the word "doctor" or "doctors" as provided in subsection B of this
4 section. The term "physician" shall not include any person
5 specified in paragraphs 7 through ~~9~~ 10 of subsection A of this
6 section unless such person is otherwise authorized to use such
7 designation pursuant to this section.

8 D. For purposes of this section, "provider" means and includes:

9 1. Each of the ~~nine~~ ten classes of persons listed in subsection
10 A of this section and referred to in subsections B and C of this
11 section; and

12 2. Any other person using the term doctor or any abbreviation
13 thereof.

14 E. Persons in each of the ~~nine~~ ten classes listed in subsection
15 A of this section, and referred to in subsections B and C~~7~~ of this
16 section shall identify through written notice, which may include the
17 wearing of a name tag, the type of license under which the doctor is
18 practicing, utilizing the designations provided in subsections A, B
19 and C of this section. Each applicable licensing board is
20 authorized by rule to determine how its license holders may comply
21 with this disclosure requirement.

22 F. 1. Any advertisement for health care services naming a
23 provider shall:
24

- 1 a. identify the type of license of the doctor utilizing
2 the letters or words set forth in this section if the
3 person is one of the classes of persons listed in
4 subsection A of this section, and referred to in
5 subsections B and C of this section, or
6 b. utilize appropriate, accepted, and easily understood
7 words or letters, which clearly show and indicate the
8 branch of the healing art in which the person is
9 licensed to practice and is engaged in, if the person
10 is not one of the ~~nine~~ ten classes of persons listed
11 in subsection A of this section, or referred to in
12 subsections B and C of this section.

13 2. The term "advertisement" includes any printed document
14 including letterhead, video clip, or audio clip created by, for, or
15 at the direction of the provider or providers and advertised for the
16 purpose of promoting the services of the doctor or provider.

17 G. 1. It shall be unlawful for any medical doctor, doctor of
18 osteopathic medicine, doctor of dental surgery, doctor of dental
19 medicine, doctor of optometry, doctor of podiatry, or doctor of
20 chiropractic to make any deceptive or misleading statement, or
21 engage in any deceptive or misleading act, that deceives or misleads
22 the public or a prospective or current patient, regarding the
23 training and the license under which the person is authorized to
24 practice.

1 2. The term "deceptive or misleading statement or act"
2 includes, but is not limited to:

- 3 a. such statement or act in any advertising medium,
- 4 b. making a false statement regarding the education,
5 skills, training, or licensure of a person, or
- 6 c. in any other way describing the profession, skills,
7 training, expertise, education, or licensure of a
8 person in a fashion that causes the public, a
9 potential patient, or current patient to believe that
10 the person is a medical doctor, doctor of osteopathic
11 medicine, doctor of dental surgery, doctor of dental
12 medicine, doctor of optometry, doctor of podiatry, or
13 doctor of chiropractic when that person does not hold
14 such credentials.

15 H. Notwithstanding any other provision of this section, a
16 person licensed in this state to perform speech pathology or
17 audiology services is designated to be a practitioner of the healing
18 art for purposes of making a referral for speech pathology or
19 audiology services pursuant to the provisions of the Individuals
20 with Disabilities Education Act, Amendment of 1997, Public Law 105-
21 17, and Section 504 of the Rehabilitation Act of 1973.

22 SECTION 3. AMENDATORY 59 O.S. 2021, Section 731.2, is
23 amended to read as follows:
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1 Section 731.2. A. Proof that any class of persons identified
2 in Section 725.2 of this title appends to their name the word
3 "Doctor", the abbreviation "Dr.", or any other word, abbreviation or
4 designation, which word, abbreviation or designation, indicate that
5 such person is qualified for diagnosis or treatment, as herein
6 defined, shall constitute prima facie evidence that such person is
7 holding himself or herself out, within the meaning of ~~this act~~
8 Sections 731.1 through 731.6 of this title, as qualified to engage
9 in diagnosis or treatment.

10 B. Nothing in this section shall be construed to prevent a
11 person specified in paragraphs 7 through ~~9~~ 10 of subsection A of
12 Section 725.2 of this title from appending to such person's name the
13 word "Doctor", so long as such person follows such name and
14 designation with the letters signifying the recognized doctoral
15 degrees specified in paragraphs 7 through ~~9~~ 10 of subsection A of
16 Section 725.2 of this title.

17 SECTION 4. AMENDATORY 59 O.S. 2021, Section 731.5, is
18 amended to read as follows:

19 Section 731.5. Nothing in ~~this act~~ Sections 731.1 through 731.6
20 of this title shall apply to:

21 1. Any commissioned officer in any of the healing arts licensed
22 as such in the United States Army, Navy, Marines, Public Health
23 Service, or Marine Hospital Service, in the discharge of the
24 professional duties of such officer;

1 2. Any legally qualified person when engaged exclusively in the
2 practice of the particular profession of such person, as defined by
3 law;

4 3. Any licensed person practicing any of the healing arts from
5 another state or territory, when in actual consultation with a
6 licensed practitioner in this state;

7 4. Any physician's trained assistant who is assisting a
8 licensed physician to render services within the licensed scope of
9 practice of the physician, if the assistant is under the supervision
10 and control of the physician;

11 5. Any student in any recognized school of the healing arts in
12 carrying out prescribed courses of study provided such school is a
13 recognized institution by the statutes of Oklahoma, and its
14 practitioners are duly licensed as prescribed by law;

15 6. The practice of those who endeavor to prevent, or cure,
16 disease or suffering, by spiritual means or prayer; or

17 7. Any legally qualified person specified in paragraphs 7
18 through ~~9~~ 10 of subsection A of Section 725.2 of this title in the
19 discharge of the professional duties of the person, so long as such
20 person is employed by any state or governmental agency, or any
21 recognized college or university.

22 SECTION 5. AMENDATORY 59 O.S. 2021, Section 887.14, is
23 amended to read as follows:
24

1 Section 887.14. Any person holding a license pursuant to the
2 provisions of the Physical Therapy Practice Act as a physical
3 therapist may use the title "Physical Therapist", "Registered
4 Physical Therapist", or "Licensed Physical Therapist", or the
5 letters "P.T.", "R.P.T.", or "L.P.T.", as authorized by the license
6 obtained from the State Board of Medical Licensure and Supervision.
7 Any person holding a license pursuant to the provisions of the
8 Physical Therapy Practice Act as a physical therapist who has earned
9 a Doctor of Physical Therapy degree from a program approved by a
10 national accrediting body recognized by the Board may use the title
11 "Doctor of Physical Therapy" or the letters "D.P.T.".

12 SECTION 6. AMENDATORY 63 O.S. 2021, Section 1-116, is
13 amended to read as follows:

14 Section 1-116. When used in the Oklahoma Health Care
15 Information System Act:

- 16 1. "Board" means the State Board of Health;
- 17 2. "Commissioner" means the State Commissioner of Health;
- 18 3. "Department" means the State Department of Health;
- 19 4. "Health care providers" means a hospital or related
20 institution licensed pursuant to Section 1-702 of this title,
21 nursing facilities licensed pursuant to Section 1-1903 of this
22 title, physicians as specified in paragraphs 1 through 7 6 of
23 subsection A of Section 725.2 of Title 59 of the Oklahoma Statutes,
24 physical therapists, physician assistants, pharmacists, nurses and

1 home health care providers licensed pursuant to the laws of this
2 state;

3 5. "Third-party payor" means any entity, other than a
4 purchaser, which is responsible for payment either to the purchaser
5 or the health care provider for health care services rendered by the
6 health care provider;

7 6. "Public-supported provider" means any public or private
8 entity supported in whole or in part by federal or state funds, or
9 any health care provider contracting with the state for providing
10 health care services including, but not limited to, Medicaid;

11 7. "Identifying information" means a program identifying number
12 assigned for purposes of statistical and data analysis, which
13 protects and maintains patient and physician anonymity. Identifying
14 information shall remain confidential as provided in Section 1-120
15 of this title;

16 8. "Information providers" means and includes health care
17 providers, third-party payors or public-supported providers required
18 to report or submit information to the Division of Health Care
19 Information pursuant to the Oklahoma Health Care Information System
20 Act;

21 9. "Division" means the Division of Health Care Information;
22 and

23 10. "Health care information system" means the system for
24 receipt, collection, analysis, evaluation, processing, utilization

1 and dissemination of health care data established and maintained by
2 the Division of Health Care Information pursuant to the Oklahoma
3 Health Care Information System Act.

4 SECTION 7. This act shall become effective November 1, 2022.

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6 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/06/2022 -
7 DO PASS.
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