

Bill Number: OK51RHB 2760

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Author: Cox

STATE OF OKLAHOMA

1 2nd Session of the 51st Legislature (2008)

2 HOUSE BILL 2760 By: Cox

3 AS INTRODUCED

4 An Act relating to professions and occupations;
5 amending 59 O.S. 2001, Sections 887.13 and 887.17, as
6 last amended by Section 1, Chapter 84, O.S.L. 2005
7 (59 O.S. Supp. 2007, Section 887.17), which relate to
8 the Physical Therapy Practice Act; expanding referral
9 list; and declaring an emergency.

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

11 SECTION 1. AMENDATORY 59 O.S. 2001, Section 887.13, is
12 amended to read as follows:

13 Section 887.13 The State Board of Medical Licensure and
14 Supervision may refuse to issue or renew, or may suspend or revoke
15 a license to any person, after notice and hearing in accordance with
16 rules and regulations promulgated pursuant to the Physical Therapy
17 Practice Act and the provisions of the Administrative Procedures Act
18 of the Oklahoma Statutes who has:

- 19 1. Practiced physical therapy other than under the referral
20 of a physician, surgeon, dentist, chiropractor or podiatrist duly
21 licensed to practice medicine or surgery, a physician assistant,
22 or in the case of practice as a physical therapist assistant, has
23 practiced other than under the direction of a licensed physical
24 therapist;

1 2. Treated or attempted to treat ailments or other health
2 conditions of human beings other than by physical therapy as
3 authorized by the Physical Therapy Practice Act;

4 3. Failed to refer patients to other health care providers if
5 symptoms are known to be present for which physical therapy
6 treatment is inadvisable or if symptoms indicate conditions for
7 which treatment is outside the standards of practice as specified in
8 the rules and regulations promulgated by the Board pursuant to the
9 provisions of the Physical Therapy Practice Act;

10 4. Used drugs, narcotics, medication, or intoxicating liquors
11 to an extent which affects the professional competency of the
12 applicant or licensee;

13 5. Been convicted of a felony or of a crime involving moral
14 turpitude;

15 6. Obtained or attempted to obtain a license as a physical
16 therapist or physical therapist assistant by fraud or deception;

17 7. Been grossly negligent in the practice of physical therapy
18 or in acting as a physical therapist assistant;

19 8. Been adjudged mentally incompetent by a court of competent
20 jurisdiction and has not subsequently been lawfully declared sane;

21 9. Been guilty of conduct unbecoming a person licensed as a
22 physical therapist or physical therapist assistant or guilty of
23 conduct detrimental to the best interests of the public or [~~his~~]
24 the profession;

25 10. Been guilty of any act in conflict with the ethics of the
26 profession of physical therapy; or

27 11. Had [~~his~~] a license suspended or revoked in another

1 state.

2 SECTION 2. AMENDATORY 59 O.S. 2001, Section 887.17, as
3 last amended by Section 1, Chapter 84, O.S.L. 2005 (59 O.S. Supp.
4 2007, Section 887.17), is amended to read as follows:

5 Section 887.17 A. 1. Any person licensed under this act as
6 a physical therapist or physical therapist assistant shall treat
7 human ailments by physical therapy only under the referral of a
8 person licensed as a physician or surgeon with unlimited license,
9 or the physician assistant of the person so licensed, and Doctors
10 of Dentistry, Chiropractic and Podiatry, with those referrals being
11 limited to their respective areas of training and practice;
12 provided, however, a physical therapist may provide services within
13 the scope of physical therapy practice without a physician referral
14 to children who receive physical therapy services pursuant to the
15 Individuals with Disabilities Education Improvement Act of 2004, as
16 may be amended, and the Rehabilitation Act of 1973, Section 504, as
17 may be amended. Provided further, a plan of care developed by a
18 person authorized to provide services within the scope of the
19 Physical Therapy Practice Act shall be deemed to be a prescription
20 for purposes of providing services pursuant to the provisions of the
21 Individuals with Disabilities Education Improvement Act of 2004, as
22 may be amended, and Section 504 of the Rehabilitation Act of 1973,
23 as may be amended.

24 2. Nothing in this act shall prevent a physical therapist
25 from performing screening and educational procedures within the
26 scope of physical therapy practice without a physician referral.

27 3. Nothing in this act shall be construed as authorization

1 for a physical therapist or physical therapist assistant to practice
2 any branch of the healing art.

3 4. Any person violating the provisions of this act shall be
4 guilty of a misdemeanor as per Section 887.16 of this title.

5 B. 1. The provisions of this act are not intended to limit
6 the activities of persons legitimately engaged in the nontherapeutic
7 administration of baths, massage, and normal exercise.

8 2. This act shall not prohibit students who are enrolled in
9 schools of physical therapy approved by the State Board of Medical
10 Licensure and Supervision from performing such work as is incidental
11 to their course of study; nor shall it prevent any student in any
12 recognized school of the healing art in carrying out prescribed
13 courses of study; provided such school is a recognized institution
14 by the statutes of Oklahoma, and its practitioners are duly licensed
15 as prescribed by law.

16 3. Nothing in this act shall apply to any person employed by
17 an agency, bureau, or division of the federal government while in
18 the discharge of official duties, however, if such individual
19 engages in the practice of physical therapy outside the line of
20 official duty, the individual must be licensed as herein provided.

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

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