

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 1038

By: David

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5
6 AS INTRODUCED

7 An Act relating to occupational therapy; amending 59
8 O.S. 2011, Section 888.3, which relates to
9 definitions used in the Occupational Therapy Practice
10 Act; adding and amending certain definitions;
11 amending 59 O.S. 2011, Section 888.6, which relates
12 to application for license; modifying certain
13 licensure requirements; replacing accrediting body;
14 updating statutory references; amending 59 O.S. 2011,
15 Section 888.7, which relates to examination;
16 transferring certain duties to National Board for
17 Certification in Occupational Therapy; making
18 language gender neutral; amending 59 O.S. 2011,
19 Section 888.11, which relates to fees; deleting fee
20 limits; and providing an effective date.

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

22 SECTION 1. AMENDATORY 59 O.S. 2011, Section 888.3, is
23 amended to read as follows:

24 Section 888.3. As used in ~~this act~~ the Occupational Therapy
Practice Act:

25 1. "Occupational therapy" is a health profession for which
26 practitioners provide assessment, treatment, and consultation
27 through the use of purposeful activity with individuals who are
28 limited by or at risk of physical illness or injury, psycho-social

1 dysfunction, developmental or learning disabilities, poverty and
2 cultural differences or the aging process, in order to maximize
3 independence, prevent disability, and maintain health. Specific
4 occupational therapy services include but are not limited to the use
5 of media and methods such as instruction in daily living skills and
6 cognitive retraining, facilitating self-maintenance, work and
7 leisure skills, using standardized or adapted techniques, designing,
8 fabricating, and applying selected orthotic equipment or selective
9 adaptive equipment with instructions, using therapeutically applied
10 creative activities, exercise, and other media to enhance and
11 restore functional performance, to administer and interpret tests
12 which may include sensorimotor evaluation, psycho-social
13 assessments, standardized or nonstandardized tests, to improve
14 developmental skills, perceptual motor skills, and sensory
15 integrative function, and to adapt the environment for the
16 handicapped. These services are provided individually, in groups,
17 via telehealth or through social systems;

18 2. "Occupational therapist" means a person licensed to practice
19 occupational therapy pursuant to the provisions of ~~this act~~ the
20 Occupational Therapy Practice Act;

21 3. "Occupational therapy assistant" means a person licensed to
22 provide occupational therapy treatment under the general supervision
23 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 long distance
16 clinical health care, patient and professional health-related
17 education, public health and health administration;

18 9. "Telemedicine" means the practice of healthcare delivery,
19 diagnosis, consultation and treatment, including but not limited to
20 the treatment and prevention of conditions appropriate to treatment
21 by telehealth management, transfer of medical data or exchange of
22 medical education information by means of audio, video, or data
23 communications. Telemedicine is not a consultation provided by
24 telephone or facsimile machine; and

1 10. "Telerehabilitation" is the application of communication
2 technology for supporting rehabilitation services.

3 SECTION 2. AMENDATORY 59 O.S. 2011, Section 888.6, is
4 amended to read as follows:

5 Section 888.6. An applicant applying for a license as an
6 occupational therapist or as an occupational therapy assistant shall
7 file written application on forms provided by the Board, as
8 recommended by the Committee, showing to the satisfaction of the
9 Board that he meets the following requirements:

10 1. Residence: Applicants need not be a resident of this state;

11 2. Character: Applicants shall ~~be of good moral character~~ meet
12 the standards of the Code of Ethics and licensure rules adopted by
13 the Board to safeguard the public;

14 3. Education: Applicants shall present evidence satisfactory
15 to the Board of having successfully completed the academic
16 requirements of an educational program in occupational therapy
17 recognized by the Board, with concentration in biological or
18 physical science, psychology and sociology, and with education in
19 selected manual skills. For an occupational therapist the
20 educational program shall be accredited by the ~~Committee on Allied~~
21 ~~Health Education and Accreditation/American Medical Association in~~
22 ~~collaboration with the American Occupational Therapy Association~~
23 Accreditation Council for Occupational Therapy Education (ACOTE).

1 For an occupational therapy assistant, such a program shall be
2 approved by ~~the American Occupational Therapy Association~~ ACOTE;

3 4. Experience: Applicants shall submit to the Board evidence
4 of having successfully completed a period of supervised field work
5 experience at a recognized educational institution or a training
6 program approved by the educational institution where he met the
7 academic requirements. For an occupational therapist, a minimum of
8 six (6) months of supervised field work experience is required. For
9 an occupational therapy assistant, a minimum of two (2) months of
10 supervised field work experience is required;

11 5. Examination: Applicants shall submit to the Board evidence
12 of having successfully completed an examination as provided for in
13 ~~Section 7 of this act~~ Section 888.7 of this title.

14 SECTION 3. AMENDATORY 59 O.S. 2011, Section 888.7, is
15 amended to read as follows:

16 Section 888.7. A. A person applying for a license shall
17 demonstrate his or her eligibility in accordance with the
18 requirements of ~~Section 6 of this act~~ Section 888.6 of this title
19 and shall make application for examination upon a form in such a
20 manner as the Board shall prescribe. A person who fails the
21 examination may make reapplication for reexamination accompanied by
22 the prescribed fee.

23 B. Each applicant for licensure pursuant to the provisions of
24 ~~this act~~ the Occupational Therapy Practice Act shall be examined by

1 ~~written examination to test his~~ on the applicant's knowledge of the
2 basic and clinical sciences relating to occupational therapy and
3 occupational theory and practice, including the application of
4 professional skills and judgment in the utilization of occupational
5 therapy techniques and methods and such other subjects as the Board
6 may deem useful to determine the applicant's fitness to practice.
7 The Board shall approve an examination and establish standards for
8 acceptable practice. The National Board for Certification in
9 Occupational Therapy (NBCOT) shall be the approved provider for the
10 examination according to national standards for entry-level
11 practice.

12 C. Applicants for licensure shall be examined at a time and
13 place as ~~the Board~~ NBCOT may determine. Applicants must pass the
14 examination by a score determined by ~~the Board~~ NBCOT. Examinations
15 shall be given at least two times each year at such places as ~~the~~
16 ~~Board~~ NBCOT may determine.

17 D. In case of failure of any examination the applicant shall
18 have the privilege of a second examination on payment of the regular
19 fees. In case of a second failure, the applicant shall be eligible
20 for the third examination, but shall, in addition to the
21 requirements for previous examinations have to wait a specific
22 period as determined by ~~the Board~~ NBCOT, not to exceed one (1) year,
23 before reexamination. The waiting period may include completion of
24 academic or clinical work as prescribed by rules promulgated by the

1 Board. A temporary license may be issued pursuant to the provisions
2 of ~~Section 8 of this act~~ Section 888.8 of this title. Further
3 testing shall be at the discretion of the Board and NBCOT
4 guidelines.

5 E. Applicants shall be given their examination scores in
6 accordance with such rules and regulations as ~~the Board~~ NBCOT may
7 establish.

8 SECTION 4. AMENDATORY 59 O.S. 2011, Section 888.11, is
9 amended to read as follows:

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

- 13 1. Initial license fee ~~not exceeding Fifty Dollars (\$50.00);~~
- 14 2. Renewal of license fee ~~not exceeding Twenty Dollars~~
15 ~~(\$20.00); and~~
- 16 3. Late renewal fee ~~not exceeding Twenty Dollars (\$20.00).~~

17 SECTION 5. This act shall become effective November 1, 2019.

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