

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1038

By: Haste and David of the  
Senate

6 and

7 Dollens of the House  
8  
9

10 COMMITTEE SUBSTITUTE

11 An Act relating to occupational therapy; amending 59  
12 O.S. 2011, Section 888.3, which relates to  
13 definitions used in the Occupational Therapy Practice  
14 Act; adding and amending certain definitions;  
15 amending 59 O.S. 2011, Section 888.5, which relates  
16 to practices, services and activities not prohibited;  
17 replacing certifying body; amending 59 O.S. 2011,  
18 Section 888.6, which relates to application for  
19 license; modifying certain licensure requirements;  
20 replacing accrediting body; updating statutory  
21 references; amending 59 O.S. 2011, Section 888.7,  
22 which relates to examination; transferring certain  
23 duties to National Board for Certification in  
24 Occupational Therapy; making language gender neutral;  
amending 59 O.S. 2011, Section 888.11, which relates  
to fees; deleting fee limits; and providing an  
effective date.

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

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

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

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

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

4           3. "Occupational therapy assistant" means a person licensed to  
5 provide occupational therapy treatment under the general supervision  
6 of a licensed occupational therapist;

7           4. "Occupational therapy aide" means a person who assists in  
8 the practice of occupational therapy and whose activities require an  
9 understanding of occupational therapy, but do not require the  
10 technical or professional training of an occupational therapist or  
11 occupational therapy assistant;

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

14           6. "Person" means any individual, partnership, unincorporated  
15 organization, or corporate body, except only an individual may be  
16 licensed pursuant to the provisions of ~~this act~~ the Occupational  
17 Therapy Practice Act; and

18           7. "Committee" means the Oklahoma Occupational Therapy Advisory  
19 Committee;

20           8. "Telehealth" means the use of electronic information and  
21 telecommunications technologies to support and promote access to  
22 clinical health care, patient and professional health-related  
23 education, public health and health administration; and

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1        9. "Telerehabilitation" or "teletherapy" means the delivery of  
2 rehabilitation and habilitation services via information and  
3 communication technologies (ICT), also commonly referred to as  
4 "telehealth" technologies.

5        SECTION 2.        AMENDATORY        59 O.S. 2011, Section 888.5, is  
6 amended to read as follows:

7        Section 888.5. Nothing in ~~this act~~ the Occupational Therapy  
8 Practice Act shall be construed to prevent or restrict the practice,  
9 services, or activities of:

10        1. Any persons of other licensed professions or personnel  
11 supervised by licensed professions in this state from performing  
12 work incidental to the practice of their profession or occupation,  
13 if that person does not represent himself as an occupational  
14 therapist or occupational therapy assistant;

15        2. Any person employed as an occupational therapist or  
16 occupational therapy assistant by the Government of the United  
17 States if such person provides occupational therapy solely under the  
18 direction or control of the organization by which he is employed;

19        3. Any person pursuing a course of study leading to a degree or  
20 certificate in occupational therapy at an accredited educational  
21 program if such activities and services constitute a part of a  
22 supervised course of study, if such a person is designated by a  
23 title which clearly indicates his status as a student or trainee;

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1 4. Any person fulfilling the supervised field work experience  
2 requirements of ~~Section 6 of this act~~ Section 888.6 of this title,  
3 if such activities and services constitute a part of the experience  
4 necessary to meet the requirements of that section;

5 5. Any person performing occupational therapy services in this  
6 state, if services are performed for no more than ninety (90) days  
7 in a calendar year in association with an occupational therapist  
8 licensed pursuant to the provisions of this act, if:

9 a. such person is licensed according to the laws of  
10 another state which has licensure requirements equal  
11 to or surpassing the requirements of ~~this act~~ the  
12 Occupational Therapy Practice Act, or

13 b. such person is certified as an occupational therapist  
14 registered (O.T.R.) or a certified occupational  
15 therapy assistant (C.O.T.A.), by the ~~American~~  
16 ~~Occupational Therapy Association~~ National Board for  
17 Certification in Occupational Therapy;

18 6. Any person employed or working under the direct supervision  
19 of an occupational therapist as an occupational therapy aide; or

20 7. A certified recreational therapist in the area of play and  
21 leisure.

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

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

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

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

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

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

22 4. Experience: Applicants shall submit to the Board evidence  
23 of having successfully completed a period of supervised field work  
24 experience at a recognized educational institution or a training

1 program approved by the educational institution where he met the  
2 academic requirements. For an occupational therapist, a minimum of  
3 six (6) months of supervised field work experience is required. For  
4 an occupational therapy assistant, a minimum of two (2) months of  
5 supervised field work experience is required;

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

9 SECTION 4. AMENDATORY 59 O.S. 2011, Section 888.7, is  
10 amended to read as follows:

11 Section 888.7. A. A person applying for a license shall  
12 demonstrate his or her eligibility in accordance with the  
13 requirements of ~~Section 6 of this act~~ Section 888.6 of this title  
14 and shall make application for examination upon a form in such a  
15 manner as the ~~Board~~ National Board for Certification in Occupational  
16 Therapy (NBCOT) shall prescribe. A person who fails the examination  
17 may make reapplication for reexamination accompanied by the  
18 prescribed fee.

19 B. Each applicant for licensure pursuant to the provisions of  
20 ~~this act~~ the Occupational Therapy Practice Act shall be examined ~~by~~  
21 ~~written examination to test his~~ on the applicant's knowledge of the  
22 basic and clinical sciences relating to occupational therapy and  
23 occupational theory and practice, including the application of  
24 professional skills and judgment in the utilization of occupational

1 therapy techniques and methods and such other subjects as the Board  
2 may deem useful to determine the applicant's fitness to practice.  
3 The Board shall approve an examination and establish standards for  
4 acceptable practice. NBCOT shall be the approved provider for the  
5 examination according to national standards for entry-level  
6 practice.

7 C. Applicants for licensure shall be examined at a time and  
8 place as ~~the Board~~ NBCOT may determine. Applicants must pass the  
9 examination by a score determined by ~~the Board~~ NBCOT. Examinations  
10 shall be given at least two times each year at such places as ~~the~~  
11 ~~Board~~ NBCOT may determine.

12 D. In case of failure of any examination the applicant shall  
13 have the privilege of a second examination on payment of the regular  
14 fees. In case of a second failure, the applicant shall be eligible  
15 for the third examination, but shall, in addition to the  
16 requirements for previous examinations have to wait a specific  
17 period as determined by ~~the Board~~ NBCOT, not to exceed one (1) year,  
18 before reexamination. The waiting period may include completion of  
19 academic or clinical work as prescribed by rules promulgated by the  
20 Board. A temporary license may be issued pursuant to the provisions  
21 of ~~Section 8 of this act~~ Section 888.8 of this title. Further  
22 testing shall be at the discretion of the Board and NBCOT  
23 guidelines.

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1 E. Applicants shall be given their examination scores in  
2 accordance with such rules and regulations as ~~the Board~~ NBCOT may  
3 establish.

4 SECTION 5. AMENDATORY 59 O.S. 2011, Section 888.11, is  
5 amended to read as follows:

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

- 9 1. Initial license fee ~~not exceeding Fifty Dollars (\$50.00);~~
- 10 2. Renewal of license fee ~~not exceeding Twenty Dollars~~  
11 ~~(\$20.00); and~~
- 12 3. Late renewal fee ~~not exceeding Twenty Dollars (\$20.00).~~

13 SECTION 6. This act shall become effective November 1, 2019.

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