

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

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

 By: Haste and David of the
 Senate

 and

 Dollens and Mize of the
 House

11 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

14 | 5. "Board" means the State Board of Medical Licensure and
15 | Supervision;

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

20 | 7. "Committee" means the Oklahoma Occupational Therapy Advisory
21 | Committee;

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

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

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

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

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

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

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

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

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

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

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

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

22 7. A certified recreational therapist in the area of play and
23 leisure.

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

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

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

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

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

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

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

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

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

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

22 B. Each applicant for licensure pursuant to the provisions of
23 ~~this act~~ the Occupational Therapy Practice Act shall be examined ~~by~~
24 ~~written examination to test his~~ on the applicant's knowledge of the

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

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

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

1 testing shall be at the discretion of the Board and NBCOT
2 guidelines.

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

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

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

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

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

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17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/10/2019 -
18 DO PASS, As Amended and Coauthored.

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