

An Act

ENROLLED SENATE
BILL NO. 1038

By: Haste and David of the
Senate

and

Dollens and Mize of the
House

An Act relating to occupational therapy; amending 59 O.S. 2011, Section 888.3, which relates to definitions used in the Occupational Therapy Practice Act; adding and amending certain definitions; amending 59 O.S. 2011, Section 888.5, which relates to practices, services and activities not prohibited; replacing certifying body; amending 59 O.S. 2011, Section 888.6, which relates to application for license; modifying certain licensure requirements; replacing accrediting body; updating statutory references; amending 59 O.S. 2011, Section 888.7, which relates to examination; transferring certain 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.

SUBJECT: Occupational therapy

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Initial license fee ~~not exceeding Fifty Dollars (\$50.00);~~

2. Renewal of license fee ~~not exceeding Twenty Dollars (\$20.00)~~; and

3. Late renewal fee ~~not exceeding Twenty Dollars (\$20.00)~~.

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

Passed the Senate the 7th day of May, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____