

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 1038

6 By: Haste and David

7 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14           B. Each applicant for licensure pursuant to the provisions of  
15 ~~this act~~ the Occupational Therapy Practice Act shall be examined ~~by~~  
16 ~~written examination to test his~~ on the applicant's knowledge of the  
17 basic and clinical sciences relating to occupational therapy and  
18 occupational theory and practice, including the application of  
19 professional skills and judgment in the utilization of occupational  
20 therapy techniques and methods and such other subjects as the Board  
21 may deem useful to determine the applicant's fitness to practice.  
22 The Board shall approve an examination and establish standards for  
23 acceptable practice. NBCOT shall be the approved provider for the  
24

1 examination according to national standards for entry-level  
2 practice.

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

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

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

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



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

- 4 1. Initial license fee ~~not exceeding Fifty Dollars (\$50.00);~~
- 5 2. Renewal of license fee ~~not exceeding Twenty Dollars~~  
6 ~~(\$20.00); and~~
- 7 3. Late renewal fee ~~not exceeding Twenty Dollars (\$20.00).~~

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

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