

An Act

ENROLLED SENATE
BILL NO. 399

By: Rosino and Bullard of the
Senate

and

Newton of the House

An Act relating to the healing arts; amending 59 O.S. 2021, Sections 725.1, 725.2, 731.2, 731.5, and 887.14, which relate to professions and occupations; authorizing certain physical therapists to use certain titles; updating statutory references; amending 63 O.S. 2021, Section 1-116, which relates to definitions used in the Oklahoma Health Care Information System Act; clarifying applicability of certain definition; and providing an effective date.

SUBJECT: Authorizing use of certain title

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 725.1, is amended to read as follows:

Section 725.1. A. Every person who writes or prints, or causes to be written or printed, his or her name (whether or not the word "Doctor", or an abbreviation thereof, is used in connection therewith) in connection with, as engaging in, or holding himself or herself out as engaging in, any of the branches of the healing art shall append to his or her name the letters or words set forth in Section 725.2 of this title if the person is one of the nine ten classes of persons listed in subsection A of Section 725.2 of this title.

B. If the person is not one of the nine ten classes of persons listed in subsection A of Section 725.2 of this title and is engaged in a branch of the healing art, the person shall write or print, in

the same size letters as his or her name, appropriate and generally and easily understood words or letters, which clearly show and indicate the branch of the healing art in which he or she is licensed to practice and is engaged.

SECTION 2. AMENDATORY 59 O.S. 2021, Section 725.2, is amended to read as follows:

Section 725.2. A. The following ~~nine~~ ten classes of persons may use the word "Doctor", or an abbreviation thereof, and shall have the right to use, whether or not in conjunction with the word "Doctor", or any abbreviation thereof, the following designations:

1. The letters "D.P.M." or the words podiatrist, doctor of podiatry, podiatric surgeon, or doctor of podiatric medicine by a person licensed to practice podiatry under the Podiatric Medicine Practice Act;

2. The letters "D.C." or the words chiropractor or doctor of chiropractic by a person licensed to practice chiropractic under the Oklahoma Chiropractic Practice Act;

3. The letters "D.D.S." or "D.M.D.", as appropriate, or the words dentist, doctor of dental surgery, or doctor of dental medicine, as appropriate, by a person licensed to practice dentistry under the State Dental Act;

4. The letters "M.D." or the words surgeon, medical doctor, or doctor of medicine by a person licensed to practice medicine and surgery under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act;

5. The letters "O.D." or the words optometrist or doctor of optometry by a person licensed to practice optometry under Sections 581 through 606 of this title;

6. The letters "D.O." or the words surgeon, osteopathic surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic medicine by a person licensed to practice osteopathy under the Oklahoma Osteopathic Medicine Act;

7. The letters "Ph.D.", "Ed.D.", or "Psy.D." or the words psychologist, therapist, or counselor by a person licensed as a health service psychologist pursuant to the Psychologists Licensing Act;

8. The letters "Ph.D.", "Ed.D.", or other letters representing a doctoral degree or the words language pathologist, speech pathologist, or speech and language pathologist by a person licensed as a speech and language pathologist pursuant to the Speech-Language Pathology and Audiology Licensing Act and who has earned a doctoral degree from a regionally accredited institution of higher learning in the field of speech and language pathology; ~~and~~

9. The letters "Ph.D.", "Ed.D.", or other letters representing a doctoral degree or the word audiologist by a person licensed as an audiologist pursuant to the Speech-Language Pathology and Audiology Licensing Act and who has earned a doctoral degree from a regionally accredited institution of higher learning in the field of audiology; and

10. The letters "D.P.T." or the title Doctor of Physical Therapy by a person licensed to practice physical therapy under the Physical Therapy Practice Act who has earned a Doctor of Physical Therapy degree from a program approved by a national accrediting body recognized by the State Board of Medical Licensure and Supervision.

B. Unless otherwise specifically provided in a particular section or chapter of the Oklahoma Statutes, the word "doctor" or "doctors" shall mean and include each of the ~~nine~~ ten classes of persons listed in subsection A and the word "physician" or "physicians", as provided in subsection C of this section. Any other person using the term doctor, or any abbreviation thereof, shall designate the authority under which the title is used or the college or honorary degree that gives rise to use of the title.

C. Unless otherwise specifically provided in a particular section or chapter of the Oklahoma Statutes, the word "physician" or "physicians" shall mean and include each of the classes of persons listed in paragraphs 1 through 6 of subsection A of this section and the word "doctor" or "doctors" as provided in subsection B of this section. The term "physician" shall not include any person

specified in paragraphs 7 through ~~9~~ 10 of subsection A of this section unless such person is otherwise authorized to use such designation pursuant to this section.

D. For purposes of this section, "provider" means and includes:

1. Each of the ~~nine~~ ten classes of persons listed in subsection A of this section and referred to in subsections B and C of this section; and

2. Any other person using the term doctor or any abbreviation thereof.

E. Persons in each of the ~~nine~~ ten classes listed in subsection A of this section, and referred to in subsections B and C, of this section shall identify through written notice, which may include the wearing of a name tag, the type of license under which the doctor is practicing, utilizing the designations provided in subsections A, B and C of this section. Each applicable licensing board is authorized by rule to determine how its license holders may comply with this disclosure requirement.

F. 1. Any advertisement for health care services naming a provider shall:

- a. identify the type of license of the doctor utilizing the letters or words set forth in this section if the person is one of the classes of persons listed in subsection A of this section, and referred to in subsections B and C of this section, or
- b. utilize appropriate, accepted, and easily understood words or letters, which clearly show and indicate the branch of the healing art in which the person is licensed to practice and is engaged in, if the person is not one of the ~~nine~~ ten classes of persons listed in subsection A of this section, or referred to in subsections B and C of this section.

2. The term "advertisement" includes any printed document including letterhead, video clip, or audio clip created by, for, or

at the direction of the provider or providers and advertised for the purpose of promoting the services of the doctor or provider.

G. 1. It shall be unlawful for any medical doctor, doctor of osteopathic medicine, doctor of dental surgery, doctor of dental medicine, doctor of optometry, doctor of podiatry, or doctor of chiropractic to make any deceptive or misleading statement, or engage in any deceptive or misleading act, that deceives or misleads the public or a prospective or current patient, regarding the training and the license under which the person is authorized to practice.

2. The term "deceptive or misleading statement or act" includes, but is not limited to:

- a. such statement or act in any advertising medium,
- b. making a false statement regarding the education, skills, training, or licensure of a person, or
- c. in any other way describing the profession, skills, training, expertise, education, or licensure of a person in a fashion that causes the public, a potential patient, or current patient to believe that the person is a medical doctor, doctor of osteopathic medicine, doctor of dental surgery, doctor of dental medicine, doctor of optometry, doctor of podiatry, or doctor of chiropractic when that person does not hold such credentials.

H. Notwithstanding any other provision of this section, a person licensed in this state to perform speech pathology or audiology services is designated to be a practitioner of the healing art for purposes of making a referral for speech pathology or audiology services pursuant to the provisions of the Individuals with Disabilities Education Act, Amendment of 1997, Public Law 105-17, and Section 504 of the Rehabilitation Act of 1973.

SECTION 3. AMENDATORY 59 O.S. 2021, Section 731.2, is amended to read as follows:

Section 731.2. A. Proof that any class of persons identified in Section 725.2 of this title appends to their name the word "Doctor", the abbreviation "Dr.", or any other word, abbreviation or designation, which word, abbreviation or designation, indicate that such person is qualified for diagnosis or treatment, as herein defined, shall constitute prima facie evidence that such person is holding himself or herself out, within the meaning of ~~this act~~ Sections 731.1 through 731.6 of this title, as qualified to engage in diagnosis or treatment.

B. Nothing in this section shall be construed to prevent a person specified in paragraphs 7 through ~~9~~ 10 of subsection A of Section 725.2 of this title from appending to such person's name the word "Doctor", so long as such person follows such name and designation with the letters signifying the recognized doctoral degrees specified in paragraphs 7 through ~~9~~ 10 of subsection A of Section 725.2 of this title.

SECTION 4. AMENDATORY 59 O.S. 2021, Section 731.5, is amended to read as follows:

Section 731.5. Nothing in ~~this act~~ Sections 731.1 through 731.6 of this title shall apply to:

1. Any commissioned officer in any of the healing arts licensed as such in the United States Army, Navy, Marines, Public Health Service, or Marine Hospital Service, in the discharge of the professional duties of such officer;

2. Any legally qualified person when engaged exclusively in the practice of the particular profession of such person, as defined by law;

3. Any licensed person practicing any of the healing arts from another state or territory, when in actual consultation with a licensed practitioner in this state;

4. Any physician's trained assistant who is assisting a licensed physician to render services within the licensed scope of practice of the physician, if the assistant is under the supervision and control of the physician;

5. Any student in any recognized school of the healing arts in carrying out prescribed courses of study provided such school is a recognized institution by the statutes of Oklahoma, and its practitioners are duly licensed as prescribed by law;

6. The practice of those who endeavor to prevent, or cure, disease or suffering, by spiritual means or prayer; or

7. Any legally qualified person specified in paragraphs 7 through ~~9~~ 10 of subsection A of Section 725.2 of this title in the discharge of the professional duties of the person, so long as such person is employed by any state or governmental agency, or any recognized college or university.

SECTION 5. AMENDATORY 59 O.S. 2021, Section 887.14, is amended to read as follows:

Section 887.14. Any person holding a license pursuant to the provisions of the Physical Therapy Practice Act as a physical therapist may use the title "Physical Therapist", "Registered Physical Therapist", or "Licensed Physical Therapist", or the letters "P.T.", "R.P.T.", or "L.P.T.", as authorized by the license obtained from the State Board of Medical Licensure and Supervision. Any person holding a license pursuant to the provisions of the Physical Therapy Practice Act as a physical therapist who has earned a Doctor of Physical Therapy degree from a program approved by a national accrediting body recognized by the Board may use the title "Doctor of Physical Therapy" or the letters "D.P.T.".

SECTION 6. AMENDATORY 63 O.S. 2021, Section 1-116, is amended to read as follows:

Section 1-116. When used in the Oklahoma Health Care Information System Act:

1. "Board" means the State Board of Health;
2. "Commissioner" means the State Commissioner of Health;
3. "Department" means the State Department of Health;

4. "Health care providers" means a hospital or related institution licensed pursuant to Section 1-702 of this title, nursing facilities licensed pursuant to Section 1-1903 of this title, physicians as specified in paragraphs 1 through 7 6 of subsection A of Section 725.2 of Title 59 of the Oklahoma Statutes, physical therapists, physician assistants, pharmacists, nurses and home health care providers licensed pursuant to the laws of this state;

5. "Third-party payor" means any entity, other than a purchaser, which is responsible for payment either to the purchaser or the health care provider for health care services rendered by the health care provider;

6. "Public-supported provider" means any public or private entity supported in whole or in part by federal or state funds, or any health care provider contracting with the state for providing health care services including, but not limited to, Medicaid;

7. "Identifying information" means a program identifying number assigned for purposes of statistical and data analysis, which protects and maintains patient and physician anonymity. Identifying information shall remain confidential as provided in Section 1-120 of this title;

8. "Information providers" means and includes health care providers, third-party payors or public-supported providers required to report or submit information to the Division of Health Care Information pursuant to the Oklahoma Health Care Information System Act;

9. "Division" means the Division of Health Care Information; and

10. "Health care information system" means the system for receipt, collection, analysis, evaluation, processing, utilization and dissemination of health care data established and maintained by the Division of Health Care Information pursuant to the Oklahoma Health Care Information System Act.

SECTION 7. This act shall become effective November 1, 2022.

Passed the Senate the 8th day of March, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2022.

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: _____