

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2081

By: Dollens

4
5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 888.3, 888.6, 888.7,
9 888.8 and 888.11, which relate to occupational
10 therapy; providing definitions for telehealth
11 services; modifying character standards for
12 licensure; updating accreditation requirements;
13 modifying examination provider; broadening
14 eligibility for licensing; removing caps on fees; and
15 providing an effective date.

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

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

19 Section 888.3 As used in the Occupational Therapy Practice Act:

20 1. "Occupational therapy" is a health profession for which
21 practitioners provide assessment, treatment, and consultation
22 through the use of purposeful activity with individuals who are
23 limited by or at risk of physical illness or injury, psycho-social
24 dysfunction, developmental or learning disabilities, poverty and
cultural differences or the aging process, in order to maximize
independence, prevent disability, and maintain health. Specific

1 occupational therapy services include but are not limited to the use
2 of media and methods such as instruction in daily living skills and
3 cognitive retraining, facilitating self-maintenance, work and
4 leisure skills, using standardized or adapted techniques, designing,
5 fabricating, and applying selected orthotic equipment or selective
6 adaptive equipment with instructions, using therapeutically applied
7 creative activities, exercise, and other media to enhance and
8 restore functional performance, to administer and interpret tests
9 which may include sensorimotor evaluation, psycho-social
10 assessments, standardized or nonstandardized tests, to improve
11 developmental skills, perceptual and motor skills, mental health,
12 and sensory integrative function, and to adapt the environment for
13 the handicapped. These services are provided individually, in
14 groups, via telehealth, or through social systems;

15 2. "Telehealth" is the use of electronic information and
16 telecommunications technologies to support and promote long distance
17 clinical health care, patient and professional health-related
18 education, public health, and health administration;

19 3. "Telemedicine" includes the practices of health care
20 delivery, diagnosis, consultation, treatment including, but not
21 limited to, the treatment and prevention of conditions appropriate
22 to treatment by telehealth management, transfer of medical data, or
23 exchange of medical education information by means of audio, video
24

1 or data communications. Telemedicine is not a consultation provided
2 by telephone or facsimile machine;

3 4. "Telerehabilitation" is the application of communication
4 technology for supporting rehabilitation services;

5 5. "Occupational therapist" means a person licensed to practice
6 occupational therapy pursuant to the provisions of this act;

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

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

15 ~~5.~~ 8. "Board" means the State Board of Medical Licensure and
16 Supervision;

17 ~~6.~~ 9. "Person" means any individual, partnership,
18 unincorporated organization, or corporate body, except only an
19 individual may be licensed pursuant to the provisions of this act;
20 and

21 ~~7.~~ 10. "Committee" means the Oklahoma Occupational Therapy
22 Advisory Committee.

23 SECTION 2. AMENDATORY 59 O.S. 2011, Section 888.6, is
24 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 State Board of
4 Medical Licensure and Supervision, as recommended by the Committee,
5 showing to the satisfaction of the Board that ~~he~~ the applicant meets
6 the following requirements:

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

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

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

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; and

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

12 SECTION 3. 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 6 888.6 of this ~~act~~ title and shall make
17 application for examination upon a form in such a manner as the
18 State Board of Medical Licensure and Supervision shall prescribe. A
19 person who fails the examination may make reapplication for
20 reexamination accompanied by the prescribed fee.

21 B. Each applicant for licensure pursuant to the provisions of
22 this act shall be ~~examined by written examination to test his~~ tested
23 on his or her knowledge of the basic and clinical sciences relating
24 to occupational therapy and occupational theory and practice,

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

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

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

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 4. AMENDATORY 59 O.S. 2011, Section 888.8, is
5 amended to read as follows:

6 Section 888.8 A. The State Board of Medical Licensure and
7 Supervision shall waive the examination and grant a license to any
8 person certified prior to the effective date of this act as an
9 occupational therapist registered ~~(O.T.R.)~~ (OTR) or a certified
10 occupational therapy assistant ~~(C.O.T.A.)~~ (COTA) by the American
11 Occupational Therapy Association. The Board may waive the
12 examination, education, or experience requirements and grant a
13 license to any person so certified after the effective date of this
14 act if the Board considers the requirements for such certification
15 to be at least equivalent to the requirements for licensure in this
16 act.

17 B. The Board may waive the examination, education, or
18 experience requirements and grant a license to any applicant who
19 shall present proof of current licensure as an occupational
20 therapist or occupational therapy assistant in another state, the
21 District of Columbia, or territory of the United States which
22 requires standards of licensure considered by the Board to be at
23 least equivalent to the requirements for licensure in this act.

24

1 C. An applicant may be licensed as an occupational therapist if
2 he or she has first practiced as an occupational therapy assistant
3 for four (4) years and has completed the requirements of paragraph 4
4 of Section ~~6~~ 888.6 of this ~~act~~ title before January 1, 1988, and has
5 passed the examination for occupational therapist.

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

8 Section 888.11 The State Board of Medical Licensure and
9 Supervision shall prescribe and publish, in the manner established
10 by its rules and regulations, fees in the amounts determined by the
11 Board for the following:

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

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

17
18 57-1-7103 SH 01/16/19
19
20
21
22
23
24