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***OKLAHOMA ADMINISTRATIVE CODE
TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 20. PHYSICAL THERAPISTS AND ASSISTANTS**

SUBCHAPTER

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CHAPTER 20. PHYSICAL THERAPISTS AND ASSISTANTS

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[Authority: Title 59 O.S., Section 887.5]

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SUBCHAPTER 1. GENERAL PROVISIONS

Section

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435:20-1-1. Purpose

The rules in this Chapter provide requirements for licensure as a physical therapist/physical therapy assistant and regulation of practice.

435:20-1-1.1. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Alternate Supervising Physical Therapist" means the physical therapist who temporarily provides direct or general supervision of a physical therapist assistant or applicant for licensure in the absence of the supervising physical therapist and who will be identified in the medical record as the therapist of record.

"CAPTE" means the Commission on Accreditation of Physical Therapy Education.

"Examination/Evaluation" means a comprehensive visit by the physical therapist, in the presence of the patient, to determine the plan of care, based on the physical therapist's clinical judgments, which are supported by the data gathered during the examination.

"Foreign-educated physical therapist" means a physical therapist who graduated from any physical therapy education program outside the United States.

"General supervision" means the responsible supervision and control of the practice of the licensed physical therapist assistant by the supervising physical therapist. The supervising therapist is regularly and routinely on-site, and every three months will provide a minimum of one (1) co-treatment of face to face, real time interaction with each physical therapist assistant providing services with his/her patients. These co-treatments will be documented in the medical record and on a supervision log, which is subject to inspection. When not on-site, the supervising therapist is on call and readily available physically or through direct telecommunication for consultation.

"Group Setting" means two or more physical therapists providing supervision to physical therapist assistants in the same practice setting or physical facility.

"Immediate Supervision" means the supervising physical therapist or physical therapist assistant is on the premises and in attendance when patient care is being delivered.

"On-site supervision" or "Direct supervision" means the supervising physical therapist is continuously on-site and present in the department or facility where services are provided, is immediately available to the person being supervised and maintains continued involvement in appropriate aspects of each treatment session in which assistive personnel are involved in components of care.

"Physical Therapist" means a licensed professional health care worker who is a graduate of a program accredited by the Commission on Accreditation of Physical Therapy Education or approved successor organization, and who provides physical therapy services including evaluation, treatment program design/management/ modification, and supervision of delegated portions of a treatment program.

"Physical Therapist Assistant" means a licensed technically educated health care provider who is a graduate of a program accredited by an agency recognized by the Commission on Accreditation of Physical Therapy Education or approved successor organization, and who performs selected physical therapy procedures and related tasks under the direction and supervision of a Physical Therapist.

"Physical Therapist of Record" means the physical therapist who assumes the responsibility for the provision and /or supervision of physical therapy services for a patient, and is held accountable for the coordination, continuation and progression of the plan of care.

"Physical Therapy Aide" means a person on-the-job trained and working under the immediate supervision of a physical therapist or physical therapist assistant who performs designated and supervised routine tasks as outlined in 435:20-7-1.

"Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

"Practice Setting" means the type of service delivery such as acute care, outpatient, inpatient rehabilitation, long term care, home health, educational settings or DDS.

"Re-examination/Re-evaluation/Assessment" means visits by the physical therapist, in the presence of the patient, to assess the patient's current status, gather additional data, and update the plan of care.

"Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation.

"Supervision" means the physical therapist is delegating portions of the patient's care to licensed personnel or applicants for licensure but remains accountable for the coordination, continuation and progression of the care of the patient.

"Supervising Physical Therapist" means the physical therapist of record who provides either direct or general supervision for a physical therapist assistant or applicant for licensure and delegates components of patient care to that person.

435:20-1-2. Interpretation of rules and regulations

(a) The rules and modes of procedures contained in this Chapter are adopted for the purpose of simplifying procedure, avoiding delays, saving expenses and facilitating the administration of the Medical Practice Act and the Physical Therapy Act. To that end, the rules of this Chapter shall be given a fair and impartial construction.

(b) Effective date of the rules of this Chapter shall be the 4th day of February, 1980. These rules shall apply to all proceedings after the effective date and all previous rules are re-pealed.

(c) If any section, sentence, clause, or phrase of this Chapter shall be held, for any reason, to be inoperative or unconstitutional, void, or invalid, the validity of the remaining portion of the rules shall not be affected thereby, it being the intention of the Oklahoma State Board of Medical Licensure and Supervision in adopting the rules that no portion or provision herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any portion or provision, and the Oklahoma State Board of Medical Licensure and Supervision does hereby declare it would have severally passed and adopted the provisions contained in this Chapter separately and apart one from another.

435:20-1-3. Removal from Committee - quorum

(a) The State Board of Medical Licensure and Supervision may remove any member from the Committee for neglect of duty, for incompetency, or for unethical or dishonorable conduct.

(b) Three members of the Committee shall constitute a quorum and a majority of the required quorum shall be sufficient for the Committee to take action by vote.

(c) At the first meeting held after July 1 of each year, the advisory committee shall elect by a majority vote of those members present a chair and vice-chair.

SUBCHAPTER 3. LICENSURE OF PHYSICAL THERAPISTS AND ASSISTANTS

Section

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435:20-3-4. Licensure by endorsement

435:20-3-5. Licensure by examination

435:20-3-6. Requirements for renewal and re-entry

435:20-3-1. Qualifications of applicants

(a) **Physical therapy school.** A qualified physical therapist must have graduated from a school of physical therapy accredited by the Commission on Accreditation of Physical Therapy Education or approved successor organization.

(b) **Evaluation of credentials for applicants trained outside the U.S.** The credentials of an individual who has received training outside the United States of America will be evaluated on individual merits for the purposes of:

- (1) Issuance of a Letter Granting Permission to Practice Temporarily

- (2) Permission to take the licensure examination
- (3) Being issued a permanent license contingent upon meeting the experience requirements set out in (b) of 435:20-3-1 and all qualifications for licensure as cited in 59 O.S. ss 887.6.

(c) **Physical therapist assistant program.** A qualified Physical Therapist Assistant must have graduated from a program for Physical Therapist Assistants accredited by the Commission on Accreditation of Physical Therapy Education or approved successor organization. Such a program shall have been completed in a college which is accredited by the regional accrediting agency for higher education. In no event shall the requirements for training of Physical Therapist Assistants be less than those required by 59 O.S. 1971, Section 887.6, as amended.

(d) **Statutory requirements.** Any person making application to the State Board of Medical Licensure and Supervision for a license as a Physical Therapist or a Physical Therapist Assistant shall be eligible for the appropriate license if he/she meets the requirements as provided in the Oklahoma law relating to the practice of Physical Therapy, 59 O.S. 1971, Sections 887.5 through 887.11, as amended.

435:20-3-1.1. Training outside the U.S.

(a) Pursuant to requirements set out in Title 59 O.S. § 887.6, a foreign-educated physical therapist whose native language is not English shall submit evidence of having passed the:

(1) Test of:

- (A) English as a Foreign Language (TOEFL) with a score of at least 560 or 220 computer equivalent; and
- (B) Spoken English (TSE) with a score of at least 50; and
- (C) Written English (TWE) with a score of at least 4.5 or

(2) Test of English as a Foreign Language Internet-based Test (TOEFL iBT) with a total score of at least 89 and:

- (A) a score of at least 24 on the Writing section
- (B) a score of at least 26 on the Speaking section
- (C) a score of at least 21 on the Reading section
- (D) a score of at least 18 on the Listening section.

(b) A foreign-educated physical therapist applying for licensure in the State of Oklahoma shall submit verification of the equivalency of the applicant's education to that attained by entry-level graduates training the United States at the time of graduation.

(c) Assessment of equivalency may be performed by a professional education credentials service approved by the Board using the following standards:

(1) **Graduation on or before May 31, 2001:**

(A) The minimum equivalent education credentials of a foreign educated physical therapist should be a bachelor's degree in physical therapy with all credits being earned at an institution of higher learning that confers at least a bachelor's degree in physical therapy which is approved by the country's Ministry of Education/Health.

(B) The minimum number of semester hour credits should be one-hundred-twenty (120). A semester hour credit is equal to fifteen (15) hours of classroom instruction per semester. For courses with laboratory component, a semester hour

credit is also equal to thirty (30) hours of laboratory instruction per semester. For clinical courses, a semester hour credit is equal to forty-eight (48) hours of clinical instruction per semester.

- (i) Fifty (50) semester hour credits shall be the minimum number required in general education.
- (ii) The applicant has the opportunity to meet the objective of one hundred twenty (120) semester hour credits by utilizing additional elective credits in either general or professional education beyond the minimal requirements.
- (iii) Sixty (60) semester hour credits shall be the minimum required in professional education. A grade of "C" or better will be required in each professional education course.

(2) Graduation after May 31, 2001:

(A) The minimum equivalent education credentials of a foreign educated physical therapist should be a master's degree in physical therapy with all credits being earned at an institution of higher learning that confers at least a master's degree in physical therapy which is approved by the country's Ministry of Education/Health.

(B) The minimum number of semester hour credits should one-hundred-seventy (170). A semester hour credit is equal to fifteen (15) hours of classroom instruction per semester. For courses with laboratory component, a semester hour credit is also equal to thirty (30) hours of laboratory instruction per semester. For clinical courses, a semester hour credit is equal to forty-eight (48) hours of clinical instruction per semester.

- (i) Ninety (90) semester hour credits shall be the minimum number required in general education.
- (ii) The applicant has the opportunity to meet the objective of one-hundred-seventy (170) semester hour credits by utilizing additional elective credits in either general or professional education beyond the minimal requirements.
- (iii) Eighty (80) semester hour credits shall be the minimum required in professional education. A grade of "C" or better will be required in each professional education course.

(3) Minimum course requirements.

(A) **General education.** A minimum of one semester course must be successfully completed in each category of general education unless otherwise noted.

- (i) Humanities
 - (I) English
 - (II) English composition
 - (III) Speech or oral communication
 - (IV) Foreign language (other than native language)
 - (V) Literature
 - (VI) Art
 - (VII) Music

(ii) Physical science: A one semester course in chemistry and a one semester course in physics must be successfully completed.

(I) Chemistry with laboratory (Organic or Inorganic)

(II) Physics with laboratory

(III) Geology

(IV) Astronomy

(iii) Biological science

(I) Biology

(II) Anatomy

(III) Physiology

(IV) Zoology

(V) Kinesiology

(VI) Neuroscience

(VII) Genetics

(iv) Social science

(I) History

(II) Geography

(III) Sociology

(IV) Economics

(V) Government

(VI) Religion

(v) Behavioral science

(I) Psychology

(II) Anthropology

(III) Philosophy

(IV) Ethics

(vi) Mathematics

(I) Statistics

(II) Algebra

(III) Pre-calculus

(IV) Calculus

(V) Trigonometry

(VI) Geometry

(B) Professional education.

(i) Basic health sciences: A minimum of one semester course is required in each of the following topics.

(I) Human anatomy (specific to physical therapy)

(II) Human physiology (specific to physical therapy)

(III) Neurological science

(IV) Kinesiology or functional anatomy

(V) Psychology

(VI) Pathology

(ii) Clinical sciences: The essential element of physical therapy education is teaching the student to assess and treat appropriately across

the spectrum of age. Therefore any education course work should contain all of the following:

(I) Clinical medicine pertinent to physical therapy. This should include but not be limited to: neurology, orthopedics, pediatrics, geriatrics.

(II) Physical therapy course work to include but not limited to: physical agents, musculoskeletal assessment and treatment, neuromuscular assessment and treatment, cardiopulmonary assessment and treatment.

(iii) Clinical education: Clinical education must include physical therapist-supervised demonstrated application of physical therapy theories, techniques, and procedures. The applicant must have a minimum of two (2) clinical affiliations of no less the 800 hours total which are supervised by a physical therapist.

(iv) Related professional course work: A minimum of three (3) semester courses are required from the following topics in related professional course work - professional ethics, administration, community health, research, education techniques, and medical terminology.

(d) Pursuant to 59 O.S. § 887.6, foreign-educated physical therapists applying for licensure must submit verification of having successfully completed an eight-hundred (800) hour (at least 120 days) interim supervised clinical practice period under the continuous and immediate supervision of an Oklahoma licensed physical therapist. The Board will issue an interim permit to the applicant for the purpose of participating in the supervised clinical practice period. The time period of an initial interim permit shall not exceed six (6) months.

(1) The interim supervised clinical practice period must be completed in Oklahoma at a facility that serves as a clinical education facility for students enrolled in an accredited program education physical therapists or physical therapist assistants in Oklahoma.

(2) The supervising physical therapist shall submit an evaluation of the applicant's performance at the end of four-hundred (400) hours of supervision. A final report will be submitted at the end of the second four-hundred (400) hours of supervision. These reports will be submitted on forms or evaluation tools determined by the Board.

(3) If the applicant's performance is unsatisfactory during the supervision period, or the applicant ceases working at the training facility for any reason, the supervising physical therapist must notify the Board in writing within five (5) working days.

(4) If the interim supervised clinical practice period is not satisfactorily completed within a six-month period, the Board may issue a second interim permit for an additional six month period. A third permit will not be issued.

(e) The interim supervised clinical practice period may be waived for foreign-educated physical therapists at the discretion of the Board, if:

(1) the applicant for licensure is able to verify the successful completion of one (1) year of clinical practice in the United States or the District of Columbia, or

(2) the applicant is able to document exceptional expertise acceptable to the Board in the fields of research, education, or clinical practice.

(f) The interim supervised clinical practice period may be shortened for foreign-educated

physical therapists at the discretion of the Board.

435:20-3-2. Criteria for disqualification as a physical therapist

No license will be issued to a Physical Therapist who has:

- (1) Provided Physical Therapy treatment other than upon referral of a duly licensed physician or surgeon, dentist, chiropractor or podiatrist.
- (2) Used drugs or alcohol excessively, affecting competence or judgment, unless is able to provide satisfactory evidence of rehabilitation and participation efforts;
- (3) Been convicted of a felony crime that substantially relates to the occupation of physical therapy or poses a reasonable threat to public safety or of a misdemeanor crime involving moral turpitude;
- (4) Been adjudged mentally incompetent unless competency has been legally re-established;
- (5) Conducted himself/herself in a manner considered improper by recognized acceptable standards of moral and ethical conduct.

435:20-3-3. Criteria for disqualification as a physical therapy assistant

No license will be issued to a Physical Therapy Assistant who has:

- (1) Practiced other than under the direction and supervision of a licensed Physical Therapist;
- (2) Used drugs or alcohol excessively, affecting competence or judgment, unless is able to provide satisfactory evidence of rehabilitation and participation efforts;
- (3) Been convicted of a felony crime that substantially relates to the occupation of physical therapy or poses a reasonable threat to public safety or of a misdemeanor crime involving moral turpitude;
- (4) Been adjudged mentally incompetent unless competency has been legally re-established;
- (5) Conducted himself/herself in a manner considered improper by recognized acceptable standards of moral and ethical conduct.

435:20-3-4. Licensure by endorsement

(a) Any person who is currently registered or licensed by examination as a Physical Therapist or Physical Therapy Assistant in another state of the United States of America, the District of Columbia or Puerto Rico, is eligible for licensure by endorsement provided by the written examination and grade standard, upon which such license is based, is acceptable to the Board. In the event the examination was that of the recognized examination service providing a nationally accepted standardized examination, scores must be submitted through the Interstate Reporting Service, or other recognized reporting service. All such applicants must have Oklahoma passing score on the examination or they must re-take the examination. Failure to achieve Oklahoma passing score on a re-take of the examination, in Oklahoma or elsewhere, shall be considered as an additional failure. If the applicant has not been employed as a Physical Therapist during the year prior to application, such applicant may be required to present himself/herself for a personal interview with a member or members of the Board or Committee.

(b) Applications for licensure by endorsement from another state must be on file in the office of

the State Board of Medical Licensure and Supervision at least 30 days prior to an examination or prior to a meeting of the Physical Therapy Committee for consideration of applications.

(c) A temporary License may be granted to an out of state licensee to conduct continuing education instruction within the State of Oklahoma under the supervision of a Physical Therapist who is a holder of a current and unrestricted license to practice as a Physical Therapist in the State of Oklahoma. The temporary license may be issued by the Board Secretary after verification that the licensee is the holder of a current and unrestricted license from another state of the United States of American, District of Columbia or Puerto Rico. The Temporary License may be granted for a period not to exceed ninety (90) days.

435:20-3-5. Licensure by examination

(a) Qualifications.

(1) Any applicant for licensure as a Physical Therapist by examination must meet the criteria of qualifications outlined in (a) through (c) of 435:20-3-1.

(2) Any applicant for licensure as a Physical Therapist Assistant by examination must be a graduate of a program for education of Physical Therapy Assistants accredited by the Commission on Accreditation of Physical Therapy Education or approved successor organization, provided in no event shall the qualifications for licensure be less than those required by 59 O.S. 1971, Section 887.6, as amended.

(b) **Admittance.** No person shall be admitted to the examination until satisfactory evidence is submitted to the Board of his/her qualifications to be admitted to such examination.

(c) **Examination dates.** Examinations must be taken by the applicant within sixty (60) days of receiving written notice of eligibility to sit for the examination.

(d) **Passing score.** In the event the examination used, for either Physical Therapists or Physical Therapist Assistants, is provided by the recognized examination service providing a nationally accepted standardized examination, the candidate will pass based on criterion referenced standards as established by the recognized examination service. This passing point will be set equal to a scaled score of 600 based on a scale ranging from 200 to 800. Prior to March 1993 no criterion referenced scoring system existed; examinations taken prior to March 1993 shall be considered to have passed if his/her raw score on the total examination fell within 1.50 standard deviation below the National Average for the particular examination.

(1) Applicants who do not pass the examination after the first attempt may retake the examination one additional time without re-application for licensure. This must occur within six months of the Board's receipt of notification of the first failure. Prior to being approved by the Board for subsequent testing beyond two attempts, individuals shall reapply and present evidence satisfactory to the Board of having successfully completed additional clinical training and/or course work as approved by the Board.

(2) In the event of failure to pass the first examination, the applicant may work under the direct, on the premises supervision and direction of a licensed physical therapist for a period not to exceed six months.

(3) In the event of failure to pass the second examination, the applicant:

(A) may not practice;

(B) must meet with the Committee; and

(C) must submit a new application.

- (4) In the event of failure to pass the third examination, an applicant will not be eligible to re-apply for examination in Oklahoma.
- (5) The applicant may re-take the examination in another state, if the examination is one provided by the Professional Examination Service or another recognized examination service providing a nationally accepted standardized examination and is the same examination service then providing the examination being given in Oklahoma. All scores must be submitted to the Oklahoma Board for evaluation by the Interstate Reporting Service or another nationally recognized reporting service. Failure to make passing scores accepted in Oklahoma on such re-takes will be considered as having failed the re-take examination in Oklahoma.
- (6) Any applicant may be required to make a personal appearance before the Board to discuss individual circumstances at any time.

435:20-3-6. Requirements for renewal and re-entry

(a) **Renewal of license.** In order to renew the license, each Physical Therapist and Physical Therapist Assistant shall:

- (1) complete the renewal application;
- (2) pay the required fee as set out in OAC 435:1-1-7(a)(2);
- (3) complete a jurisprudence examination prepared by the Board focusing on the areas of the Oklahoma Physical Therapy Practice Act and related Oklahoma Administrative Code;
- (4) and meet requirements for continuing education as set out in Subchapter 9 of this Chapter.

(b) **Re-entry requirements.** Pursuant to 59 O.S. §495h, physical therapists and physical therapist assistants with licenses lapsed more than three months wishing to re-enter the practice of physical therapy will be required to file an application on forms provided by the Board and submit documentation of continuing competence. Physical therapists and physical therapist assistants may be required to meet one or more of the following requirements:

- (1) Personal appearance before the Advisory Committee;
- (2) Work under the direct supervision of a physical therapist licensed in the State of Oklahoma for at least one month (at least 22 days) for each year license was lapsed, not to exceed twelve (12) months. The applicant must obtain authorization from the Board before beginning the period of supervised practice. On completion of the period of supervised practice, the applicant will provide to the Board an adequate performance evaluation from the supervising physical therapist;
- (3) Participation in continuing education activities directed towards maintaining or improving clinical knowledge and skills;
- (4) Achieve a passing score on an examination approved by the Board.
- (5) Complete a jurisprudence examination prepared by the Board focusing on the areas of the Oklahoma Physical Therapy Practice Act and related Oklahoma Administrative Code.

SUBCHAPTER 5. REGULATION OF PRACTICE

Section

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435:20-5-1. Display certificate

All persons licensed under Title 59 O.S., Sections 887.1 through 887.17 and practicing in the State shall prominently display the certificate of licensure and evidence of a current renewal in the primary place of practice.

435:20-5-2. Working under supervision

Recent physical therapist or physical therapist assistant graduates who have completed eligibility requirements for examination and submitted all required forms and fees for examination may work in a Physical Therapy facility under the direct, on the premises, supervision and direction of a licensed Physical Therapist.

435:20-5-3. Aiding and abetting the unlicensed practice

It shall be unlawful for any person to aid or abet, directly or indirectly, the practice of physical therapy by any person not duly authorized under the laws of Oklahoma.

435:20-5-4. Titles used for physical therapist assistants

Any person holding a license as a Physical Therapist Assistant may use the title "Physical Therapist Assistant", "Registered Physical Therapist Assistant" or "Licensed Physical Therapist Assistant", or the letters "PTA", "RPTA", or "LPTA".

435:20-5-5. Screening and educational procedure; statutory terms defined

Screening and educational procedures as described in the Physical Therapy Practice Act are defined as follows:

- (1) "To educate" means to train by formal instruction and supervised practice.
- (2) "To screen" means to examine methodically in order to separate into different groups to identify problems which can be managed within the expertise of a licensed physical therapist.

435:20-5-6. Physical therapists under probation

Physical therapists on probation shall not supervise physical therapy assistants or new graduates who require supervision under 435:20-5-2.

435:20-5-7. Emeritus status

(a) Individuals who hold or have held a full and unrestricted license to practice as a physical therapist or physical therapist assistant may choose at any time to apply for emeritus (fully retired) status by notifying this office and paying a \$50.00 processing fee. There will be no renewal fee.

(b) Physical therapists or physical therapist assistants in this status may continue to use the title or append to their name the letters PT, RPT, LPT, PTA, RPTA, LPTA or any other title, letters or designation which represents that such person is a physical therapist or physical therapist assistant, followed by (Ret.) or (Retired). Service on boards, committees or other such groups which require that a member be a physical therapist or physical therapist assistant shall be allowed.

(c) Once this status is acquired the physical therapist or physical therapist assistant shall not practice physical therapy in any form, as defined in 887.2.

(d) When a physical therapist or physical therapist assistant has been granted the emeritus status and subsequently chooses to return to active practice from emeritus status within 12 months of the date of expiration of full licensure, the physical therapist or physical therapist assistant shall:

- (1) Pay required fees;
- (2) Complete required forms; and,
- (3) Resume responsibility for compliance with continuing education requirements.

(e) When a physical therapist or physical therapist assistant has been granted emeritus status and chooses to return to active practice from emeritus status more than 12 months after date of expiration of full licensure, in addition to the requirements set out in subsection (d) of this section, the physical therapist or physical therapist assistant may be required to meet one or more of the following:

- (1) Personal appearance before the Advisory Committee;
- (2) Work under the direct supervision of a physical therapist licensed in the State of Oklahoma for at least one month (at least 22 days) for each year license was lapsed, not to exceed twelve (12) months. The applicant must obtain authorization from the Board before beginning the period of supervised practice. On completion of the period of supervised practice, the applicant will provide to the Board an adequate performance evaluation from the supervising physical therapist;
- (3) Participation in continuing education activities directed towards maintaining or improving clinical knowledge and skills;
- (4) submit to a physical examination, psychological and/or psychiatric examination;
- (5) Achieve a passing score on an examination approved by the Board.

435:20-5-8. Unprofessional conduct – Grounds for disciplinary action

(a) The Physical Therapy Advisory Committee may recommend to the Board to revoke or take other disciplinary action against a licensee or deny a license to an applicant for unprofessional conduct.

(b) Acts that constitute unprofessional conduct include, but are not limited to:

- (1) Procuring aiding or abetting a criminal operation.
- (2) Habitual intemperance or the habitual use of habit-forming drugs.
- (3) Been convicted of a felony crime that substantially relates to the occupation of

- physical therapy or poses a reasonable threat to public safety or of a misdemeanor crime involving moral turpitude of a felony or of any offense involving moral turpitude.;
- (4) Dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public.
 - (5) Aiding or abetting, directly or indirectly, the practice of physical therapy by any person not duly authorized under the laws of this state.
 - (6) Engaging in physical conduct with a patient that is sexual in nature, or in any verbal behavior that is seductive or sexually demeaning to a patient.
 - (7) Participation in fraud, abuse and/or violation of state or federal laws.
 - (8) Any conduct which potentially or actually jeopardizes a patient's life, health or safety.
 - (9) Verbally or physically abusing patients.
 - (10) Discriminating in the rendering of patient care.
 - (11) Negligence while in practice of physical therapy or violating the "Standards of Ethics and Professional Conduct" adopted by the Board.
 - (12) Habitual intemperance or addicted use of any drug, chemical or substance that could result in behavior that interferes with the practice of physical therapy and the responsibilities of the licensee.
 - (13) Unauthorized possession or use of illegal or controlled substances or pharmacological agents without lawful authority or prescription by an authorized and licensed independent practitioner of the State of Oklahoma.
 - (14) Fraudulent billing practices and/or violation of Medicare and Medicaid laws or abusive billing practices.
 - (15) Improper management of medical records, inaccurate recording, falsifying or altering or failing to complete documentation of patient records.
 - (16) Falsely manipulating patient's records or forging a prescription for medication/drugs, or presenting a forged prescription.
 - (17) Aiding, abetting or assisting any other person to violate or circumvent any law, rule or regulation intended to guide the conduct of a physical therapist or physical therapist assistant.
 - (18) Being judged mentally incompetent by a court of competent jurisdiction.
 - (19) Failing to timely make application for license renewal.
 - (20) Falsifying documents submitted to the Physical Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision.
 - (21) Obtaining or attempting to obtain a license, certificate or documents of any form as a physical therapist or physical therapist assistant by fraud or deception.
 - (22) Cheating on or attempting to subvert the national physical therapy examination or skills assessment tests.
 - (23) Leaving a patient care assignment without properly advising the appropriate personnel.
 - (24) Violating the confidentiality of information or knowledge concerning a patient.
 - (25) While engaged in the care of a patient, engaging in conduct with a patient, patient family member, or significant other that is seductive or sexually demeaning/exploitive in nature.

(26) Failure to report through proper channels the unsafe, unethical or illegal practice of any person who is providing care.

(27) Failure to furnish to the Board, its investigators or representatives, information lawfully requested by the Board.

(28) Failure to cooperate with a lawful investigation conducted by the Board.

(29) Violation of any provision(s) of the Physical Therapy Practice Act or the rules and regulations of the board or of an action, stipulation, agreement or order of the Board.

(32) Failure to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by an court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section.

(c) A physical therapist or physical therapist assistant who knowingly allows or participates with individual(s) who are in violation of the above will be prohibited from supervising other physical therapy practitioners for so long as the Board deems appropriate, and may themselves be subject to disciplinary action pursuant to their conduct.

435:20-5-9. Standards of Ethics and Professional Conduct

In the conduct of their professional activities, the physical therapist and physical therapist assistant shall be bound by the following ethical and professional principles. Physical therapists and physical therapist assistants shall:

(1) Respect the rights and dignity of all individuals and shall provide compassionate care.

(2) Demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession and its professionals.

(3) Comply with state and/or federal laws that govern and relate to physical therapy practice.

(4) Exercise sound professional judgment and perform only those procedures or functions in which they are individually competent and that are within the scope of accepted and responsible practice. A physical therapist shall not delegate to a less qualified person any activity that requires the unique skill, knowledge, and judgment of the physical therapist. A physical therapist assistant shall provide selected physical therapy interventions only under the supervision and direction of the evaluating physical therapist. A physical therapist assistant shall make judgments that are commensurate with their education and legal qualifications as a physical therapist assistant.

(5) Actively maintain and continually improve their professional competence and represent it accurately.

(6) Maintain high standards by following sound scientific procedures and ethical principles in research and the practice of physical therapy.

(7) Seek reasonable remuneration for physical therapy practice.

(8) Provide and make available accurate and relevant information to patients about their care and maintain patient confidentiality.

(9) May provide information to the public about societal benefits of physical therapy services. A physical therapist may advertise his/her services to the public.

(10) Refuse to participate in illegal or unethical acts, and shall refuse to conceal illegal, unethical or incompetent acts of others.

- (11) Endeavor to address the health needs of society through pro bono services and/or community health services.
- (12) Respect the rights, knowledge and skills of colleagues and other healthcare professionals.

435:20-5-10. Referrals

- (a) A licensed physical therapist who has received a referral from a person licensed as an allopathic physician, osteopathic physician, physician assistant, dentist, chiropractor or podiatrist may extend or reinstitute physical therapy for the patient named on the referral for a time period not to exceed ninety (90) days after the origination of the referral, unless a longer duration of physical therapy services is requested by the referring health care professional, provided that:
 - (1) the diagnosis or symptom listed on the referral is the same as the reason for the extension or reinstatement of the physical therapy treatment;
 - (2) the referring health care professional is notified of the extension or reinstatement of the treatment within five (5) business days of the date of the extension or reinstatement of the physical therapy treatment; and
 - (3) the patient involved has made or is making sufficient improvement in symptoms or function to warrant the extension or reinstatement of the physical therapy treatment without first being seen or re-evaluated by the by the referring health care professional.
- (b) The physical therapist may not make a medical diagnosis or diagnosis of disease.
- (c) If the physical therapist determines, based on the physical therapy screening and evaluation, that the patient's condition is outside the scope of the physical therapy practice, the physical therapist may not initiate, extend, or reinstitute treatment and must immediately refer the patient to a licensed health care professional.
- (d) If the physical therapist determines, based on reasonable evidence that appropriate improvement in symptoms or function has not been made within 60 days of the date on the referral, the physical therapist shall consult with or refer the patient back to the health care professional who originated the referral.
- (e) The provisions of paragraphs (a) – (d) of this section do not apply if the patient is receiving physical therapy services pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as may be amended, and the Rehabilitation Act of 1973, Section 504, as may be amended.

SUBCHAPTER 7. SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS

Section

435:20-7-1. Direction and supervision of Physical Therapist Assistants

435:20-7-1. Direction and supervision of Physical Therapist Assistants

- (a) Responsible supervision.
 - (1) Physical therapists have a duty to provide therapy services that protect the public safety and maximize the availability of their services. The physical therapist assistant is the only individual permitted to assist in selected treatment interventions. A physical

therapist assistant shall be supervised by a specific physical therapist or group of physical therapists working in the same practice setting or physical facility. A physical therapist assistant may not be supervised by any other person including those licensed in other professions. The physical therapist of record is accountable and responsible at all times for the direction of the actions of the physical therapist assistant when treating his/her patient. When determining the extent of assistance the physical therapist assistant can provide, the physical therapist should consider:

- (A) the physical therapist assistant's experience and skill level
- (B) the patient/client criticality and complexity
- (C) the setting in which the care is being delivered
- (D) the predictability of the patient/client outcomes
- (E) the needed frequency of re-examination

(2) A physical therapist shall not delegate to a less qualified person any service that requires the skill, knowledge and judgment of a physical therapist. For each date of service, a physical therapist shall provide all therapeutic interventions that require the expertise of a physical therapist and shall determine when assistive personnel may be used to provide delivery of services in a safe, effective, and efficient manner for each patient.

(A) A physical therapist assistant shall work under a physical therapist's direct or general supervision. A physical therapist assistant may document care provided without the co-signature of the supervising physical therapist. The physical therapist assistant will respond to acute changes in the patient's physiological state and report these findings promptly to the physical therapist. Contact, or attempts to contact the physical therapist of record, will be documented in the medical record.

(B) A physical therapist and a physical therapist assistant may use physical therapy aides for designated and immediately supervised routine tasks. The physical therapist shall not delegate the same type and level of duties to the physical therapy aide as are delegated to the physical therapist assistant. A physical therapy aide shall work under immediate supervision of the physical therapist or physical therapist assistant who is continuously on-site and present in the facility.

(b) Patient Care Management. Upon accepting a patient for provision of services, the physical therapist becomes the Physical Therapist of Record for that patient and is solely responsible for managing all aspects of the physical therapy plan of care for that patient. The Physical Therapist of Record shall:

- (1) Perform the initial examination and evaluation
- (2) Establish a plan of care and remain responsible to provide and/or supervise the appropriate interventions outlined in the plan of care.
- (3) Perform the re-examination/re-evaluation of the patient in light of their goals and revision of the plan of care when indicated. This will be performed no less frequently than:

(A) every 30 days in acute care, outpatient, inpatient rehabilitation and long term care settings with documented case consultation no less frequently than every 15

days;

(B) every 60 days in home health settings with documented case consultation no less frequently than every 30 days;

(C) every 90 days in consultative DDS with documented case consultation no less frequently than every 45 days;

(D) every 10th visit for DDS for patients under 21 years of age with documented case consultation no less frequently than every 5th visit;

(E) every 60 days in educational settings with documented case consultation no less frequently than every 30 days;

(4) Establish the discharge plan and provide or review the documentation of the discharge summary prepared by the physical therapist assistant.

(5) A physical therapist's responsibility for patient care management shall include oversight of all documentation for services rendered to each patient, including awareness of fees charged or reimbursement methodology used. A physical therapist shall also be aware of what constitutes unreasonable or fraudulent fees.

(c) Designation of a new Physical Therapist of Record. In the event that the Physical Therapist of Record can no longer assume these responsibilities, care must be turned over to another physical therapist who will become the new Physical Therapist of Record. The Therapist of Record must make sure that the new Physical Therapist of Record is authorized and qualified to receive the patient, must obtain acceptance from the receiving physical therapist, document the hand-over of the patient and maintain the care and responsibility of the patient until the new Physical Therapist of Record is acknowledged in the documentation.

(d) Designation and responsibilities of Supervising Physical Therapist and Alternate Supervising Physical Therapist. Both the physical therapist and physical therapist assistant are responsible for completion of the Form #5, Verification of Supervision.

(1) A Form #5, Verification of Supervision must be completed annually for each clinical practice setting in which the physical therapist assistant works, identifying the supervising physical therapist for the physical therapist assistant. The physical therapist assistant will be responsible to inquire of their supervising physical therapist(s) or the Board, the number of persons being supervised by that physical therapist. If responsible supervision is not practiced, both the supervising physical therapist and the physical therapist assistant are in violation of this rule. Any revised or new Form #5 for a physical therapist assistant at a clinical practice setting will supersede the existing Form #5 for that setting. A physical therapist assistant will not practice in any clinical setting without the necessary Form #5. It is the responsibility of both physical therapists and physical therapist assistants to notify the Board of any changes to a Form #5 that they have signed.

(2) A physical therapist will not supervise and utilize more than four (4) licensed personnel or applicants for licensure. Only three (3) may be physical therapist assistants or applicants for physical therapist assistant licensure. Any of the four (4) may be applicants for physical therapist licensure. This total is inclusive of all geographic locations or employing agencies.

(3) For each practice setting in which he or she works, the physical therapist assistant and the supervising physical therapists must indicate on the Form #5, Verification of Supervision which of the method of supervision described in (A) or (B) below will be

employed in that practice setting.

(A) A physical therapist will provide direct or general supervision of a physical therapist assistant and will be listed on the Form #5 as the supervising physical therapist. In the event that he or she is unable to provide supervision, a supervising physical therapist may:

(i) temporarily delegate the supervision of up to three licensed physical therapist assistants to an alternate supervising physical therapist who agrees to provide consultation to the physical therapist assistant(s) for existing plans of care for a period of time not to exceed thirty (30) days. In this event, a new Form #5 is not required, but the alternate supervising physical therapist must be identified as the Therapist of Record in the documentation.

(ii) designate a new Therapist of Record, as in 435:20-7-1-(c) above, to assume full responsibility of the plan of care who may, if they so chose, delegate to a physical therapist assistant under their supervision as listed on their Form #5.

(B) A group of physical therapists, working in the same practice setting may provide supervision to a physical therapist assistant providing the following conditions are met:

(i) all supervising physical therapists are listed on a Form #5 for the physical therapist assistant.

(ii) the ratio of physical therapists to physical therapists assistants in that practice setting does not exceed the ratio of one (1) physical therapist to three (3) physical therapist assistants or applicants for licensure at any given time.

(iii) The group director, who must be a licensed physical therapist or physical therapist assistant, is identified and assumes responsibility for accurate information on the Form #5 and the appropriate ratio of physical therapist to physical therapist assistants. The Board may assign disciplinary action to the clinical director or all members of the group for violation of the supervision rules.

(e) Supervision of additional physical therapist assistants. In unique cases, a physical therapist may petition the Chair of the Physical Therapy Committee to receive permission to supervise additional physical therapist assistants or applicants for licensure, but this decision to supervise additional assistive personnel must be reviewed and approved by the committee at the next scheduled meeting..

(f) **Limits of practice for the physical therapist assistant.** The physical therapist assistant may not:

(1) Specify, other than to the Physical Therapist of Record, perform or interpret definitive (decisive, conclusive, final) evaluative and assessment procedures. Definitive evaluation procedures may not be recommended to anyone other than the patient's physical therapist, unless previously approved by the physical therapist.

(2) Alter overall treatment, goals and/or plan.

(3) Recommend adaptive equipment, assistive devices, or alterations to architectural

barriers to persons other than a physical therapist.

(4) File discharge documents for permanent record until approved by a physical therapist.

(5) Perform duties or tasks for which he/she is not trained.

SUBCHAPTER 9. CONTINUING EDUCATION

Section

435:20-9-1. Definitions

435:20-9-2. Continuing education requirements for renewal

435:20-9-3. Continuing education categories

435:20-9-4. Guidelines for the audit process

435:20-9-1. Definitions

The following words and terms, when used in this SubChapter, shall have the following meaning, unless the content clearly indicates otherwise:

"**APTA**" means the American Physical Therapy Association.

"**Asynchronous instruction**" means instructional interaction whereby instructional delivery and learner participation occurs other than simultaneously, offering either a delayed opportunity or no opportunity for instructional feedback.

"**Board**" means the Board of Medical Licensure and Supervision.

"**Compliance period**" means the initial compliance period from February 1, 1998 through January 31, 2000 and each successive two calendar year period from January 1, 2000 to December 31, 2002.

"**Continuing education**" means those appropriate learning experiences physical therapists and physical therapist assistants undertake to expand their scope of knowledge beyond the basic preparation for the profession of physical therapy and these experiences should be referenced to one of four areas: administration, education, patient care, or research.

"**One (1) contact hour**" means one sixty (60) minute instructional period.

"**One (1) Continuing Education Unit or CEU**" means ten (10) contact hours.

"**OPTA**" means the Oklahoma Physical Therapy Association.

"**Pre-approval**" means the continuing education experience has received approval prior to the end of the compliance period.

"**Synchronous instruction**" means instructional interaction conducted in real time where the instructional delivery and learner participation occurs concurrently with an immediate opportunity for instructional feedback.

435:20-9-2. Continuing education requirements for renewal

(a) Beginning with the renewal period ending January 31, 2000 and every two years thereafter, the applicant for renewal of licensure shall sign a statement indicating whether or not continuing education requirements have been fulfilled for the preceding two-year period.

(b) Effective January 1, 2004 and every two years thereafter, physical therapists will be required to show proof of forty (40) approved contact hours and Physical Therapist Assistants will be required to show proof of thirty (30) approved contact hours.

- (1) At least half of the required hours must be Category A as set out in subsection 435:20-9-3(b) except as provided in 435:20-9-3(a)(3).
 - (2) Three of the required hours must contain ethics education that includes the APTA Guide for Professional Conduct and the APTA Code of Ethics.
 - (3) No continuing education hours may be carried over from one compliance period to another.
- (c) Any applicant for renewal who cannot meet the requirements for continuing education may not renew until deficient hours are obtained and verified. Additionally, within the next compliance period the licensee will be required to obtain double the required hours of approved continuing education. At least half of the required hours must be Category A. Proof of meeting the additional requirements, as verified by an audit, will be required in order to renew at the end of the next compliance period. Failure to meet these additional requirements will result in disciplinary action.
- (d) Each licensee is responsible for maintaining evidence/proof/record of participation in a continuing education experience for a minimum of four years. Copies of such proof shall be submitted to the Board upon request. Such proof shall include:
- (1) date, place, course title, schedule, presenter(s), etc.,
 - (2) number of contact hours for activity,
 - (3) proof of completion, such as abstracts, certificates of attendance, or other certification of completion.
- (e) Any physical therapist or physical therapist assistant initially licensed in Oklahoma during the second year of an accounting period shall be exempt from the continuing education requirements for that first renewal period.
- (f) The Physical Therapy Committee shall conduct random audits of the continuing education records of the number of licensees that time and resources permit. The Physical Therapy Committee may appoint a sub-committee to review audits and requests for approval of continuing education experiences and make recommendations to the Physical Therapy Committee for disposition.
- (g) Penalties for failure to comply with continuing education requirements may be assessed after notice and hearing as required by law. Penalties may include imposition of additional continuing education contact hours, probation of license, suspension of license, or revocation of license.
- (h) Failure to maintain records of continuing education rebuts the presumption that continuing education requirements have been completed.
- (i) Misrepresenting compliance with continuing education requirements constitutes a fraudulent application.

435:20-9-3. Continuing education categories

(a) Approval for continuing education.

- (1) To receive initial approval for a continuing education offering of either category, submission of an Application for Approval of Continuing Physical Therapy Education form is required. The application must include the following information:
 - (A) Course title with an abstract, summary or course syllabus.
 - (B) A program agenda complete with a breakdown of all time spent in instructional and non-instructional periods to include break time, meals, etc. (Contact hours will be

awarded for instructional hours only.) (If a course is six hours or longer the agenda must include at least a 30 minute lunch and two 15 minute breaks.)

(C) The course or program's goals and objectives sufficient to provide information for evaluation of relevance and practical application to the field of physical therapy beyond basic preparation of the licensee.

(D) Documentation of instructor background/expertise relevant to the field of physical therapy.

(E) Location of the program, including the address, city, state, and zip, or Internet site.

(F) Contact name, phone number and address of course sponsors or publishers;

(G) Specific date(s) of course participation.

(H) Method of certifying attendance and contact hours. (Adjustment of contact hours may occur within the approval process.)

(2) Individual participants are responsible for maintaining these records.

(3) Physical therapists and physical therapist assistants working less than 250 hours per year may request permission from the to earn all contact hours from Category B and/or Category C.

(4) Pre-approval is required for guaranteed credit under either Category.

(b) **Category A – synchronous educational opportunities.** At least half of the required contact hours must be acquired from Category A.

(1) Synchronous education – Attendance at a synchronous education course with real-time interaction between the course instructor and physical therapists or physical therapist assistants, with opportunity for immediate feedback.

(2) Presentation of program - A licensee who presents an original continuing education program targeted towards peers and other health care professionals may receive continuing education credit once per compliance period.

(3) Post Graduate Studies - Successful completion of post graduate education course work related to physical therapy will be awarded continuing education credit of up to 16 contact hours for each college credit hour.

(c) **Category B – other.**

(1) Opportunities under Category B continuing education include:

(A) Publication - Writing for professional publication may be awarded continuing education credit. Actual number of contact hours granted will be determined by the Committee. Acceptance for publication must occur within the current compliance period. Contact hours will not be approved for repeat publication of the same material.

(i) Each published paper/book ~~and/or~~ chapter/or case study may receive a maximum of fifteen (15) contact hours.

(ii) Each published book review may receive a maximum of ten (10) contact hours.

(B) Study groups - A series of synchronous or asynchronous meetings designed for intense study in a physical therapy related topic. A minimum of four participants and four hours of participation are required for continuing education eligibility. Those seeking approval for a group study project shall submit a full description including an outline of the topics and subtopics, references, or copies of the printed materials, a time and place of study, the methods to be used, the number of hours of credit sought, and any other information relevant to the evaluation of the proposed projects.

(C) Individualized instruction - This includes home study or Internet courses relating to physical therapy practice extending beyond basic preparation of the licensee. In order to count any individualized instruction toward Category B hours, the licensee must submit proof of a passing score on a post test and a certificate of completion.

(D) Learning opportunities not listed above may be considered for continuing education credit, but will require pre-approval.

(E) Activities not accepted - Examples of activities that will not be accepted include but are not limited to:

(i) Regularly scheduled education opportunities provided within an institution, such as rounds or on-the-job required in-service training such as CPR, blood-borne pathogens, equipment or procedural updates.

(ii) Staff meetings.

(iii) Meetings, workshops or seminars held by personnel with less medical training than registered physical therapists or physical therapist assistants.

(iv) Publications for the lay public.

(v) Presentations to lay groups and non-professionals.

(vi) Teaching personnel, students or staff within one's job requirement.

(vii) Non-educational meetings, entertainment or recreational activities at professional meetings.

(viii) APTA, chapter or section offices or committee appointment.

(d) **Category C. - Federation of State Boards of Physical Therapy's Practice Review**

Tool. Actual number of contact hours granted will be determined by the Committee. Pre approval required for credit.

435:20-9-4. Guidelines for the audit process

(a) The Physical Therapy Committee will, each compliance period, randomly or for cause select licensees for verification that all continuing education requirements have been met.

(b) Those being audited have thirty (30) calendar days from the date of the letter of notification to submit proof of continuing education to the Committee.

(c) The Physical Therapy Committee or its appointed sub-committee shall review the documentation of each individual for compliance with established continuing education standards.

(d) Those found to be in compliance shall be notified.

(e) Those found not to be in compliance shall be notified, by certified mail, within (5) working days following the determination of non-compliance. They will be given specific information concerning areas of deficiency, what further information is needed to bring them into compliance, given opportunity to submit additional documentation and/or appear in person at the next Physical Therapy Committee meeting.

(f) A summarized report shall be submitted to the Physical Therapy Committee listing the names of those audited who are in compliance with continuing education requirements. Those not in compliance shall be listed with notation of deficiencies found and/or recommendations.