

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

**SUBCHAPTER 1. GENERAL PROVISIONS**

Section

435:20-1-1. Purpose [AMENDED]

435:20-1-1.1. Definitions [AMENDED]

**435:20-1-1. Purpose**

The rules in this Chapter provide requirements for licensure as a physical therapist/physical ~~therapy~~ therapist 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:

**"Act"** means the Physical Therapy Practice Act, unless otherwise specified.

**"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.

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

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

**"Committee"** means the Physical Therapy Committee of the Board.

**"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. The Physical Therapist is responsible and accountable for the overall use and actions of unlicensed personnel and Physical Therapist Assistant (s) under his/her supervision and control during a therapy session or service delivery, whether in person or by telehealth.

**"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, delivered in person or by telehealth, 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.

"Secretary" means the Secretary of the Board.

**"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.

"Telehealth" means, and shall have, the same meaning as it does under 59 O.S. § 887.2(7).

"Telecommunication" means, and shall have, the same meaning as it does under 59 O.S. § 887.2(8).

### SUBCHAPTER 3. LICENSURE OF PHYSICAL THERAPISTS AND ASSISTANTS

Section

435:20-3-3. Criteria for disqualification as a physical ~~therapy~~ therapist assistant [AMENDED]

435:20-3-5. Licensure by examination [AMENDED]

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

435:20-3-7. Licensure by agreement [NEW]

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

No license will be issued to a Physical ~~Therapy~~ Therapist 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.

**435:20-3-5. 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~~ Therapist 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; or

- (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.~~

**435:20-3-7. Licensure by agreement**

- (a) The Secretary may enter into a written agreement with an applicant for licensure to provide assurance that the Physical Therapist or Physical Therapist Assistant may be able to practice physical therapy with reasonable skill and safety.
- (b) The Secretary may enter such an Agreement when circumstances and/or conditions of an applicant raise questions as to the fitness or ability of the applicant to practice physical therapy with reasonable skill and safety or questions as to prior actions of the applicant in this or any other jurisdiction would constitute a violation of the Act or these rules, as the Secretary may determine.
- (c) The Agreement shall be a written statement of conditions on which a license may be granted to an applicant, although no license shall be guaranteed or granted should an applicant enter into an Agreement, by which the Secretary shall devise and specify authority of the Board or its staff to meet with the applicant upon specific terms, to gather additional information from the applicant or to require the applicant to take certain specific actions if, when and after the applicant is granted a license by the Board. Additionally, the Applicant shall agree to pay all actual costs incurred for any testing or monitoring required under the Agreement.
- (d) Any Agreement entered into by the Secretary and an applicant shall not be effective until ratified by the Board.
- (e) The Board intends any agreement entered into by the Secretary and an applicant to be of continuing nature until set aside or otherwise terminated by the Board.
- (f) Licensure by agreement shall not be considered by the Board to be disciplinary action.
- (g) The failure of a licensee who is subject of an agreement to comply with the terms of an agreement shall be considered in violation of the rules of the Board and shall be grounds for disciplinary action by the Board pursuant to section 8, subchapter 5, chapter 20 of this Title. Failure to comply with an agreement hereunder may subject a licensee to revocation by the Board.
- (h) The Committee may recommend an application to the Secretary and request the Secretary to review the application for the possibility of entering an agreement with an applicant.

**SUBCHAPTER 5. REGULATION OF PRACTICE**

Section

435:20-5-6. Physical therapists under probation [AMENDED]

435:20-5-10. Referrals [AMENDED]

435:20-5-11. Telehealth Regulations [NEW]

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

Physical therapists on probation shall not supervise physical ~~therapy~~ therapist assistants

or new graduates who require supervision under 435:20-5-2.

#### **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, or advanced practice registered nurse, consistent with his or her respective areas of training and practice, 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.

#### **435:20-5-11 Telehealth regulations**

(a) In order to provide physical therapy via telehealth defined in 435:20-1-1.1 of the Code, a physical therapist or physical therapist assistant providing services to a patient or client, physically located in Oklahoma, must have a valid and current Oklahoma Physical Therapist or Physical Therapist Assistant license, issued by State of Oklahoma.

(b) Provision of services via telehealth shall be synchronous.

(c) A physical therapist shall determine whether an in-person evaluation or in-person interventions are necessary in lieu of telehealth provision, considering: the complexity of the patient's/client's condition; the provider's own knowledge, skills and abilities; the nature and complexity of the intervention; the requirements of the practice setting; and the patient's/client's context and environment. The clinical documentation for the visit shall reflect:

- (1) that the visit was rendered, by one or more parties, via telehealth; and
- (2) all clinicians present, in person or via telehealth, during the visit.
- (d) All legal, regulatory, and ethical rules applicable to the delivery of in-person physical therapy shall also apply to the delivery of physical therapy via telehealth technology.
- (e) Audio and video equipment must allow for interactive, real-time communications which permit the physical therapist or physical therapist assistant and the patient to see and hear each other. Any telehealth technology used by any physical therapist or physical therapist assistant must comply with confidentiality requirements imposed by federal or state law concerning network connection security in place for video and non-video connections, specifically including requirements under HIPAA.
- (f) A physical therapist or physical therapist assistant providing physical therapy services via telehealth shall:
  - (1) Exercise the same standard of care when providing physical therapy services via telehealth as with any other mode of delivery of physical therapy services;
  - (2) Provide physical therapy in a manner consistent with the standards of practice, ethical principles, and rules for Oklahoma physical therapy practitioners. Therefore, it is the physical therapy practitioner's responsibility to determine when a telehealth encounter is not the appropriate treatment model;
  - (3) Be proficient in the use of the telehealth technology.
- (g) A physical therapist may utilize telehealth methods for routine and general supervision of Form 5-registered supervisees.
- (h) While providing physical therapy to a patient using telehealth technology, physical therapist or physical therapist assistant students must follow the Commission on Accreditation in Physical Therapy Education (CAPTE) standards, academic program rules, and practice setting policies regarding the use of telehealth service delivery as well as follow all applicable supervision rules.
- (i) Failure to comply with telehealth regulations shall be considered unprofessional conduct as set forth in 435:20-5-8 and 435:20-5-9. of Oklahoma Administrative Code and Section 887.13 of the Physical Therapy Practice Act.