

2023 Kansas Statutes

65-5422. Occupational therapy services without healthcare practitioner referral; when permitted; limitations. (a) Except as otherwise provided in subsection (c), an occupational therapist may evaluate and initiate occupational therapy treatment on a patient without referral from a healthcare practitioner.

(1) An occupational therapist who is treating a patient without a referral from a healthcare practitioner shall obtain a referral from an appropriate healthcare practitioner prior to continuing treatment if the patient:

(A) Is not progressing toward documented treatment goals as demonstrated by objective, measurable or functional improvement, or any combination thereof, after ten patient visits or in a period of 30 calendar days from the initial treatment visits following the initial evaluation visit; or

(B) within one year from the initial treatment visits following the initial evaluation visit, returns to the occupational therapist seeking treatment for the same condition or injury.

(b) Occupational therapists may provide services without a referral to:

(1) Employees solely for the purpose of education and instruction related to workplace injury prevention;

(2) the public for the purpose of health promotion, education, and functional independence in activities of daily living; or

(3) special education students who need occupational therapy services to fulfill the provisions of their individualized education plan* (IEP) or individualized family service plan (IFSP).

(c) Nothing in this section shall be construed to prevent a hospital or ambulatory surgical center from requiring a physician order or make a referral for occupational therapy services for a patient currently being treated in such facility.

(d) When a patient self-refers to an occupational therapist pursuant to this section, the occupational therapist, prior to commencing treatment, shall provide written notice to the patient that an occupational therapy diagnosis is not a medical diagnosis by a physician.

(f)** Occupational therapists shall perform wound care management services only after approval by a person licensed to practice medicine and surgery.

(g)** As used in this section, "healthcare practitioner" means: A person licensed by the state board of healing arts to practice medicine and surgery, osteopathic medicine and surgery or chiropractic; a "mid-level practitioner" as defined in K.S.A. 65-1626, and amendments thereto; or a licensed dentist or licensed optometrist in appropriately related cases.

History: L. 2022, ch. 20, § 1; July 1.

* The word "plan" should have been "program" instead.

** Subsections (f) and (g) should have been designated as subsections (e) and (f), respectively.