

SENATE BILL 375

Unofficial Copy
J2

2000 Regular Session
0lr1380
CF 0lr1383

By: **Senators Harris and Hollinger**

Introduced and read first time: February 3, 2000

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Occupational Therapy - Scope of Practice**

3 FOR the purpose of altering the scope of practice for occupational therapy
4 professionals; altering limitations on certain practices carried out by orthotists
5 or prosthetists; providing for the annual election of the chairperson of the Board
6 of Occupational Therapy Practice; requiring the appointment of an Executive
7 Director to the Board; authorizing the Board to employ certain staff and experts;
8 authorizing the Board to adopt certain regulations in consultation with certain
9 boards; altering the programs from which licensees must graduate and the
10 examinations which licensees must pass; requiring licensees to present licenses
11 in a certain manner; establishing certain late fees; requiring former licensees to
12 complete certain requirements prior to reinstatement; altering certain criteria
13 for the forfeiture of certain licenses; authorizing the Board to delegate authority
14 to a committee of Board members to conduct certain hearings; requiring the
15 Board members to whom hearing authority is delegated to give notice and an
16 opportunity to file exceptions to certain persons in relation to decisions;
17 authorizing an action to be maintained in the name of the State or the Board to
18 enjoin certain parties in specific instances and in certain locations; providing for
19 criminal prosecution in certain instances; altering certain terms; altering
20 certain credentialing limitations; defining certain terms; making technical
21 corrections; and generally relating to the scope of practice for occupational
22 therapy professionals.

23 BY repealing and reenacting, with amendments,
24 Article - Health Occupations
25 Section 10-101, 10-102, 10-203 through 10-205, 10-301, 10-302, 10-304(a),
26 10-308, 10-311(f), 10-312, 10-313, 10-316, 10-319, 10-402, and 10-403
27 Annotated Code of Maryland
28 (1994 Replacement Volume and 1999 Supplement)

29 BY adding to
30 Article - Health Occupations
31 Section 10-317.1
32 Annotated Code of Maryland

1 (1994 Replacement Volume and 1999 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Health Occupations**

5 10-101.

6 (a) In this title the following words have the meanings indicated.

7 (B) "ACOTE" MEANS THE ACCREDITATION COUNCIL FOR OCCUPATIONAL
8 THERAPY EDUCATION.

9 (C) "AIDE" MEANS ANY INDIVIDUAL WHO:

10 (1) IS NOT LICENSED BY THE BOARD TO PERFORM OCCUPATIONAL
11 THERAPY OR LIMITED OCCUPATIONAL THERAPY; AND

12 (2) PROVIDES SUPPORTIVE SERVICES TO THE OCCUPATIONAL
13 THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT UNDER DIRECT SUPERVISION.

14 [(b)] (D) "Board" means the State Board of Occupational Therapy Practice.

15 (E) "DIRECT SUPERVISION" MEANS SUPERVISION PROVIDED ON A
16 FACE-TO-FACE BASIS BY A SUPERVISING THERAPIST WHEN DELEGATED
17 CLIENT-RELATED TASKS ARE PERFORMED.

18 [(c)] (F) "License" means, unless the context requires otherwise, a license
19 issued by the Board to practice:

20 (1) Occupational therapy; or

21 (2) Limited occupational therapy.

22 [(d)] (G) "Licensed occupational therapist" means, unless the context requires
23 otherwise, an occupational therapist who is licensed by the Board to practice
24 occupational therapy.

25 [(e)] (H) "Licensed occupational therapy assistant" means, unless the context
26 requires otherwise, an occupational therapy assistant who is licensed by the Board to
27 practice limited occupational therapy.

28 (I) (1) "LIMITED OCCUPATIONAL THERAPY" MEANS PARTICIPATION, WHILE
29 UNDER THE PERIODIC SUPERVISION OF A LICENSED OCCUPATIONAL THERAPIST, IN:

30 (I) AN INITIAL SCREENING AND EVALUATION THAT APPLIES THE
31 PRINCIPLES AND PROCEDURES OF OCCUPATIONAL THERAPY; AND

32 (II) A TREATMENT PROGRAM THAT APPLIES THE PRINCIPLES AND
33 PROCEDURES OF OCCUPATIONAL THERAPY.

1 (2) "LIMITED OCCUPATIONAL THERAPY" DOES NOT INCLUDE:

2 (I) INITIATION AND INTERPRETATION OF EVALUATION DATA; AND

3 (II) INITIATION OF A TREATMENT PROGRAM BEFORE THE CLIENT
4 HAS BEEN EVALUATED AND A LICENCED OCCUPATIONAL THERAPIST HAS
5 RENDERED A TREATMENT PLAN.

6 (J) "NBCOT" MEANS THE NATIONAL BOARD FOR CERTIFICATION IN
7 OCCUPATIONAL THERAPY.

8 [(f)] (K) "Occupational therapist" means an individual who practices
9 occupational therapy.

10 (L) "OCCUPATIONAL THERAPY" MEANS THE THERAPEUTIC USE OF
11 PURPOSEFUL AND MEANINGFUL GOAL-DIRECTED ACTIVITIES TO EVALUATE,
12 CONSULT, AND TREAT INDIVIDUALS THAT:

13 (1) HAVE A DISEASE OR DISORDER, IMPAIRMENT, ACTIVITY LIMITATION,
14 OR PARTICIPATION RESTRICTION THAT INTERFERES WITH THEIR ABILITY TO
15 FUNCTION INDEPENDENTLY IN DAILY LIFE ROLES; OR

16 (2) BENEFIT FROM THE PREVENTION OF IMPAIRMENTS AND ACTIVITY
17 LIMITATIONS.

18 [(g)] (M) "Occupational therapy assistant" means an individual who practices
19 limited occupational therapy.

20 (N) "OCCUPATIONAL THERAPY PRACTICE" OR "LIMITED OCCUPATIONAL
21 THERAPY PRACTICE" MEANS TO CARRY OUT A TREATMENT PROGRAM THAT APPLIES
22 THE PRINCIPLES AND PROCEDURES OF OCCUPATIONAL THERAPY.

23 (O) "OCCUPATIONAL THERAPY PRINCIPLES" INCLUDE:

24 (1) THE USE OF THERAPEUTIC ACTIVITIES THAT PROMOTE
25 INDEPENDENCE IN DAILY LIFE ROLES;

26 (2) REMEDIATION OR RESTORATION OF PERFORMANCE ABILITIES THAT
27 ARE LIMITED DUE TO IMPAIRMENT IN BIOLOGICAL, PHYSIOLOGICAL,
28 PSYCHOLOGICAL, OR NEUROLOGICAL PROCESSES;

29 (3) IN ORDER TO ENHANCE PERFORMANCE, THE ADAPTION OF TASK,
30 PROCESS, OR THE ENVIRONMENT, OR THE TEACHING OF COMPENSATORY
31 TECHNIQUES;

32 (4) METHODS AND TECHNIQUES FOR PREVENTING DISABILITY THAT
33 FACILITATE THE DEVELOPMENT OR SAFE APPLICATION OF PERFORMANCE SKILLS;

34 (5) HEALTH PROMOTION STRATEGIES AND PRACTICES THAT ENHANCE
35 PERFORMANCE ABILITIES; AND

1 (6) EDUCATION, INSTRUCTION, AND RESEARCH IN THE PRACTICE OF
2 OCCUPATIONAL THERAPY.

3 (P) (1) "OCCUPATIONAL THERAPY PROCEDURES" INCLUDE:

4 (I) DEVELOPING, IMPROVING, SUSTAINING, OR RESTORING SKILLS
5 IN ACTIVITIES OF DAILY LIVING, WORK, OR PRODUCTIVE ACTIVITIES, INCLUDING:

6 1. INSTRUMENTAL ACTIVITIES OF DAILY ACTIVITY; AND

7 2. PLAY AND LEISURE ACTIVITIES;

8 (II) DEVELOPING, REMEDIATING, OR RESTORING SENSORIMOTOR,
9 PERCEPTUAL, COGNITIVE, OR PSYCHOLOGICAL COMPONENTS OF PERFORMANCE;

10 (III) DESIGNING, FABRICATING, APPLYING, OR TRAINING IN THE
11 USE OF ASSISTIVE TECHNOLOGY, SPLINTING, OR ORTHOTIC DEVICES, INCLUDING
12 TRAINING IN THE USE OF PROSTHETIC DEVICES;

13 (IV) ADAPTING ENVIRONMENTS AND PROCESSES, INCLUDING THE
14 APPLICATION OF ERGONOMIC PRINCIPLES TO ENHANCE PERFORMANCE AND
15 SAFETY IN DAILY LIFE ROLES;

16 (V) APPLYING PHYSICAL AGENT MODALITIES AS ADJUNCTS TO OR
17 IN PREPARATION FOR PURPOSEFUL ACTIVITY WITH APPROPRIATE TRAINING, AS
18 SPECIFIED BY THE BOARD IN REGULATION;

19 (VI) PROMOTING SAFE, FUNCTIONAL MOBILITY IN DAILY LIFE
20 TASKS;

21 (VII) PROVIDING INTERVENTION IN COLLABORATION WITH THE
22 CLIENT, THE CLIENT'S FAMILY, THE CLIENT'S CAREGIVER, OR OTHERS;

23 (VIII) EDUCATING THE CLIENT, THE CLIENT'S FAMILY, THE CLIENT'S
24 CAREGIVER, OR OTHERS IN CARRYING OUT APPROPRIATE NONSKILLED
25 INTERVENTIONS; AND

26 (IX) CONSULTING WITH GROUPS, PROGRAMS, ORGANIZATIONS, AND
27 COMMUNITIES TO PROVIDE POPULATION-BASED SERVICES.

28 (2) "OCCUPATIONAL THERAPY PROCEDURES" DO NOT INCLUDE THE
29 ADJUSTMENT OR MANIPULATION OF ANY OF THE OSSEOUS STRUCTURES OF THE
30 BODY OR SPINE.

31 (Q) "ON-SITE SUPERVISION" MEANS SUPERVISION IN WHICH A SUPERVISOR IS
32 IMMEDIATELY AVAILABLE ON A FACE-TO-FACE BASIS WHEN CLIENT PROCEDURES
33 ARE PERFORMED OR AS OTHERWISE NECESSARY.

34 [(h) "Practice limited occupational therapy" means to carry out a treatment
35 program that applies the principles and procedures of occupational therapy.

1 (i) (1) "Practice occupational therapy" means to evaluate, treat, and consult
2 regarding problems that interfere with the functional and occupational performance
3 of an individual who is impaired by physical, emotional, or developmental disability.

4 (2) "Practice occupational therapy" includes:

5 (i) Selecting, designing, making, and using splints and adaptive
6 equipment;

7 (ii) Using therapeutic activities;

8 (iii) Using developmental, perceptual-motor, and sensory
9 integrative activities;

10 (iv) Using activities of daily living;

11 (v) Prevocational evaluating and training;

12 (vi) Consulting about the adaptation of environments for the
13 handicapped; and

14 (vii) Performing and interpreting manual muscle and range of
15 motion tests.]

16 (R) (1) "PERIODIC SUPERVISION" MEANS SUPERVISION BY A LICENSED
17 OCCUPATIONAL THERAPIST ON A FACE-TO-FACE BASIS, OCCURRING THE EARLIER
18 OF AT LEAST:

19 (I) ONCE EVERY 10 THERAPY VISITS; OR

20 (II) ONCE EVERY 30 CALENDAR DAYS.

21 (2) "PERIODIC SUPERVISION" INCLUDES:

22 (I) CHART REVIEW; AND

23 (II) MEETINGS TO DISCUSS CLIENT TREATMENT PLANS, CLIENT
24 RESPONSE, OR OBSERVATION OF TREATMENT.

25 (S) "SUPERVISION" MEANS AID, DIRECTION, AND INSTRUCTION PROVIDED BY
26 AN OCCUPATIONAL THERAPIST TO ADEQUATELY ENSURE THE SAFETY AND
27 WELFARE OF CLIENTS DURING THE COURSE OF OCCUPATIONAL THERAPY.

28 [(j)] (T) "Temporary license" means a license issued by the Board under and
29 as limited by § 10-313 of this title to practice:

30 (1) Occupational therapy; or

31 (2) Limited occupational therapy.

1 10-102.

2 [(a)] This title does not limit the right of an individual to practice a health
3 occupation that the individual is authorized to practice under this article.

4 [(b)] This title does not limit the practice, services, or activities of an orthotist or
5 a prosthetist in fitting, making, or applying splints or other orthotic devices, if that
6 individual is working within the standards and ethics of the individual's occupation.]
7 10-203.

8 (a) From among its members, the Board shall ANNUALLY elect [officers] A
9 CHAIRPERSON.

10 (b) The Board shall determine:

11 (1) The manner of election of [officers] CHAIRPERSON;

12 (2) The term of office of [each officer] THE CHAIRPERSON; and

13 (3) The duties of [each officer] THE CHAIRPERSON.

14 10-204.

15 (a) A majority of the full authorized membership of the Board is a quorum.

16 (b) The Board shall meet at least once every 2 months, at the times and places
17 that it determines.

18 (c) Each member of the Board is entitled to:

19 (1) Compensation in accordance with the budget of the Board; and

20 (2) Reimbursement for expenses at a rate determined by the Board.

21 [(d)] The Board may employ a staff in accordance with the budget of the Board.]

22 (D) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE
23 BOARD THAT SERVES AT THE PLEASURE OF THE BOARD AS ITS EXECUTIVE OFFICER.

24 (2) IN ACCORDANCE WITH THE BUDGET OF THE BOARD, THE BOARD
25 MAY EMPLOY:

26 (I) A STAFF; AND

27 (II) ANY EXPERTS AND CONSULTANTS NECESSARY TO OBTAIN
28 INFORMATION AND ADVICE THAT RELATE TO OCCUPATIONAL THERAPY.

1 10-205.

2 (a) In addition to the powers set forth elsewhere in this title, the Board may
3 adopt:

4 (1) Rules and regulations to carry out the provisions of this title; [and]

5 (2) A code of ethics for licensees; AND

6 (3) IN CONSULTATION WITH THE STATE BOARD OF PHYSICAL THERAPY
7 EXAMINERS AND THE BOARD OF CHIROPRACTIC EXAMINERS, REGULATIONS THAT
8 RECOGNIZE OCCUPATIONAL THERAPISTS AND OCCUPATIONAL ASSISTANTS WHO
9 HAVE ACQUIRED ADVANCED PRACTICE SKILLS.

10 (b) In addition to the duties set forth elsewhere in this title, the Board shall
11 keep:

12 (1) Records and minutes necessary for the orderly conduct of business;
13 and

14 (2) A list of each currently licensed occupational therapist and
15 occupational therapy assistant.

16 10-301.

17 (a) Except as otherwise provided in this title, an individual shall be licensed
18 by the Board before the individual may practice occupational therapy or limited
19 occupational therapy in this State.

20 (b) This section does not apply to:

21 (1) An individual employed by the federal government as an
22 occupational therapist or an occupational therapy assistant, while practicing within
23 the scope of that employment;

24 (2) A student or trainee who is designated as a student or trainee, while:

25 (i) Fulfilling a field work requirement under § 10-302 of this
26 subtitle; or

27 (ii) Pursuing a supervised course of study in an accredited or
28 approved educational program leading to a degree or certificate in:

29 1. Occupational therapy; or

30 2. [Limited occupational] OCCUPATIONAL therapy
31 ASSISTANT [or its equivalent];

32 (3) [An occupational therapy aide who aids] SUBJECT TO THE
33 REGULATIONS ADOPTED BY THE BOARD, AN AIDE WHO SUPPORTS [in] the practice of
34 occupational therapy, if the aide:

1 (i) Works only under the direct supervision of a licensed
2 occupational therapist AND SUBJECT TO THE OCCUPATIONAL THERAPIST'S
3 RESPONSIBILITY FOR SUPERVISION, AS PROVIDED BY THIS SUBTITLE; and

4 (ii) Performs only support activities that do not require [advanced]
5 training in the basic anatomical, biological, psychological, and social sciences [that
6 are] used in the practice of occupational therapy;

7 (4) An occupational therapist who is authorized to practice occupational
8 therapy in any other [state] JURISDICTION, if the occupational therapist[:

9 (i) Practices] PRACTICES occupational therapy in this State for
10 [not more than 90 days in any calendar year; and

11 (ii) Practices occupational therapy in this State only in association
12 with a licensed occupational therapist and notifies the Board before practicing
13 occupational therapy in this State] THE PURPOSE OF EDUCATING, CONSULTING, AND
14 TRAINING, FOR THE DURATION OF THE PURPOSE, AS PREAPPROVED BY THE BOARD;
15 or

16 (5) An occupational therapy assistant who is authorized to practice
17 limited occupational therapy in any other [state] JURISDICTION, if the occupational
18 therapy assistant[:

19 (i) Practices] PRACTICES limited occupational therapy in this
20 State for [not more than 90 days in any calendar year;

21 (ii) Notifies the Board before practicing limited occupational
22 therapy in this State; and

23 (iii) Practices limited occupational therapy in this State only under
24 the supervision of a licensed occupational therapist] THE PURPOSE OF EDUCATING,
25 CONSULTING, AND TRAINING, FOR THE DURATION OF THE PURPOSE, AS
26 PREAPPROVED BY THE BOARD.

27 10-302.

28 (a) To qualify for a license, an applicant shall be an individual who meets the
29 requirements of this section.

30 (b) The applicant shall be of good moral character.

31 (c) The applicant shall be at least 18 years old.

32 (d) An applicant for an occupational therapist license shall have [completed]
33 successfully:

34 (1) [The academic requirements of] GRADUATED FROM an educational
35 program in occupational therapy that[:

1 (i) Is] IS recognized by the Board and accredited by [the American
2 Occupational Therapy Association] ACOTE or ANY other nationally recognized
3 programmatic accrediting agency; and

4 [(ii) Is concentrated in:

- 5 1. Biological or physical science;
- 6 2. Psychology;
- 7 3. Sociology; and
- 8 4. Selected treatment modalities; and]

9 (2) [The] COMPLETED THE equivalent of at least 6 months of
10 supervised, full-time field work experience at a recognized educational institution or
11 in a training program approved by the educational institution where the applicant
12 met the academic requirements.

13 (e) An applicant for an occupational therapy assistant license shall have
14 [completed] successfully:

15 (1) [The academic requirements of] GRADUATED FROM an educational
16 program for occupational therapy assistants that is recognized by the Board and
17 accredited by [the American Occupational Therapy Association] ACOTE or ANY other
18 nationally recognized programmatic accrediting agency; and

19 (2) [The]COMPLETED THE equivalent of at least [2] 4 months of
20 supervised, full-time field work experience at a recognized educational institution or
21 in a training program approved by the educational institution where the applicant
22 met the academic requirements.

23 (f) [Except as otherwise provided in this title, the] THE applicant shall pass
24 [an] THE APPROPRIATE examination given by [the Board under this subtitle]
25 NBCOT OR ANY OTHER NATIONAL CREDENTIALING ORGANIZATION.

26 10-304.

27 (a) To apply for a license, an applicant shall:

28 (1) Submit an application to the Board [on] IN the form [that]
29 REQUIRED BY the Board [requires]; and

30 (2) Pay to the Board the application fee set by the Board.

31 10-308.

32 (A) The Board shall issue the appropriate license to an applicant who meets
33 the requirements of this title for that license.

1 (B) (1) LICENSEES SHALL PRESENT AN ORIGINAL CURRENT LICENSE TO
2 THE EMPLOYER AS PART OF THE EMPLOYMENT PROCESS.

3 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, EACH
4 LICENSEE SHALL DISPLAY THE LICENSE CONSPICUOUSLY IN THE OFFICE OR PLACE
5 OF EMPLOYMENT OF THE LICENSEE.

6 (3) IF A LICENSEE IS UNABLE TO DISPLAY THE LICENSE, THE LICENSEE
7 SHALL PRESENT THE ORIGINAL LICENSE TO THE CLIENT AT THE REQUEST OF THE
8 CLIENT OR THE CLIENT'S DESIGNATED DECISION MAKER.

9 10-311.

10 (f) The Board shall [reinstate] RENEW the license of an occupational
11 therapist or an occupational therapy assistant [who has not placed the license on an
12 inactive status and] who has failed to renew the license for any reason if the
13 occupational therapist or occupational therapy assistant:

14 (1) Applies for [reinstatement] RENEWAL within 30 days after the [date
15 the license expires] DEADLINE FOR RENEWAL;

16 (2) Meets the renewal requirements of this section; [and]

17 (3) Pays to the Board the [reinstatement] RENEWAL fee set by the
18 Board; AND

19 (4) PAYS TO THE BOARD THE LATE FEE SET BY THE BOARD.

20 10-312.

21 [(a) (1) Except for the holder of a temporary license issued under § 10-313 of
22 this subtitle, the Board shall place a licensee on inactive status, if the licensee
23 submits to the Board:

24 (i) An application for inactive status on the form required by the
25 Board; and

26 (ii) The inactive status fee set by the Board.

27 (2) The Board shall issue a license to an individual who is on inactive
28 status if the individual complies with the renewal requirements that exist at the time
29 the individual changes from inactive to active status.

30 (b)] The Board may reinstate the license of an occupational therapist or an
31 occupational therapy assistant [who has not been put on inactive status,] who has
32 failed to renew the license for any reason, and who applies for reinstatement more
33 than 30 days after the license [has expired] RENEWAL DEADLINE, if the occupational
34 therapist or occupational therapy assistant:

35 (1) Meets the renewal requirements of § 10-311 of this subtitle;

1 (2) Pays to the Board the reinstatement fee set by the Board; [and]

2 (3) PROVIDES DOCUMENTATION OF SUCCESSFULLY COMPLETING THE
3 CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE BOARD; AND

4 (4) Completes any other requirements established by regulation.

5 10-313.

6 (a) The Board may issue a temporary license to an applicant who, except for
7 passing an examination otherwise required under this subtitle, has met the
8 appropriate education and experience requirements of this subtitle for an
9 occupational therapist license or an occupational therapy assistant license under §
10 10-302 of this subtitle.

11 (b) (1) A temporary license issued to an occupational therapist authorizes
12 the holder to practice occupational therapy only [in association with] UNDER THE
13 ON-SITE SUPERVISION OF an occupational therapist who is authorized to practice in
14 this State.

15 (2) A temporary license issued to an occupational therapy assistant
16 authorizes the holder to practice limited occupational therapy only under the
17 ON-SITE supervision of an occupational therapist OR AN OCCUPATIONAL THERAPY
18 ASSISTANT who is authorized to practice in this State.

19 (c) A temporary license [expires on the date when the results of the first
20 examination that the holder was eligible to take are made public.] IS VALID UNTIL:

21 (1) NOTIFICATION OF EXPIRATION BY THE BOARD FOR THE LICENSEE'S
22 FAILURE TO SUCCESSFULLY COMPLETE THE EXAM;

23 (2) NOTIFICATION OF SUSPENSION FOR THE LICENSEE'S FAILURE TO
24 SUBMIT EXAM RESULTS TO THE BOARD; OR

25 (3) NOTIFICATION OF PERMANENT LICENSURE.

26 (d) The Board may not issue more than two temporary licenses to an
27 individual.

28 [(e) The Board may not renew a temporary license.]

29 10-316.

30 (a) Except as otherwise provided in the Administrative Procedure Act, before
31 the Board takes any action under § 10-315 of this subtitle, it shall give the individual
32 against whom the action is contemplated an opportunity for a hearing before the
33 Board.

34 (B) (1) THE BOARD CHAIRMAN MAY DELEGATE THE AUTHORITY TO
35 CONDUCT A HEARING TO A COMMITTEE CONSISTING OF TWO OR MORE BOARD
36 MEMBERS.

1 (2) THE COMMITTEE SHALL:

2 (I) HOLD AN EVIDENTIARY HEARING; AND

3 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
4 A QUORUM OF THE BOARD.

5 (3) THE COMMITTEE SHALL GIVE NOTICE TO THE INDIVIDUAL OF THE
6 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
7 REGARDING THE RECOMMENDED DECISION.

8 [(b)] (C) The Board shall give notice and hold the hearing in accordance with
9 the Administrative Procedure Act.

10 [(c)] (D) The hearing notice to be given to the individual shall be sent by
11 certified mail, return receipt requested, bearing a postmark from the United States
12 Postal Service, to the last known address of the individual at least 30 days before the
13 hearing.

14 [(d)] (E) The individual may be represented at the hearing by counsel.

15 [(e)] (F) Over the signature of an officer or the administrator of the Board, the
16 Board may issue subpoenas and administer oaths in connection with any
17 investigation under this title and any hearings or proceedings before it.

18 [(f)] (G) If, without lawful excuse, a person disobeys a subpoena from the
19 Board or an order by the Board to take an oath or to testify or answer a question,
20 then, on petition of the Board, a court of competent jurisdiction may punish the
21 person as for contempt of court.

22 [(g)] (H) If after due notice the individual against whom the action is
23 contemplated fails or refuses to appear, nevertheless the Board may hear and
24 determine the matter.

25 10-317.1.

26 (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE
27 BOARD TO ENJOIN:

28 (1) THE UNAUTHORIZED PRACTICE OF OCCUPATIONAL THERAPY OR
29 LIMITED OCCUPATIONAL THERAPY; OR

30 (2) CONDUCT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER §
31 10-315 OF THIS TITLE.

32 (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

33 (1) THE BOARD;

34 (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

1 (3) A STATE'S ATTORNEY IN THE NAME OF THE STATE.

2 (C) AN ACTION UNDER THIS SECTION MAY BE BROUGHT IN THE COUNTY
3 WHERE:

4 (1) THE DEFENDANT RESIDES; OR

5 (2) THE DEFENDANT ENGAGED IN THE ACT SOUGHT TO BE ENJOINED.

6 (D) PROOF THAT DAMAGE OR POSSIBLE DAMAGE WILL BE INCURRED IF AN
7 INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS
8 SECTION.

9 (E) AN ACTION UNDER THIS SECTION DOES NOT PRECLUDE A CRIMINAL
10 PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF OCCUPATIONAL THERAPY
11 UNDER § 10-401 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 10-315 OF THIS
12 SUBTITLE.

13 10-319.

14 (a) In this section, ["occupational therapist rehabilitation committee"]
15 "IMPAIRED OCCUPATIONAL THERAPIST PROFESSIONALS COMMITTEE" means a
16 committee that:

17 (1) Is defined in subsection (b) of this section; and

18 (2) Performs any of the functions listed in subsection (d) of this section.

19 (b) For purposes of this section, an IMPAIRED occupational therapist
20 PROFESSIONALS [rehabilitation] committee is a committee of the Board or a
21 committee of the Maryland Occupational Therapy Association that:

22 (1) Is recognized by the Board; and

23 (2) Includes but is not limited to occupational therapists.

24 (c) A [rehabilitation] IMPAIRED OCCUPATIONAL THERAPIST PROFESSIONALS
25 committee of the Board or recognized by the Board may function:

26 (1) Solely for the Board; or

27 (2) Jointly with a [rehabilitation] IMPAIRED PROFESSIONALS
28 committee representing another board or boards.

29 (d) For purposes of this section, an [occupational therapist rehabilitation]
30 IMPAIRED OCCUPATIONAL THERAPIST PROFESSIONALS committee evaluates and
31 provides assistance to any occupational therapist[, OR occupational therapy
32 assistant[, and any other individual regulated by the Board,] in need of treatment
33 and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,
34 emotional, or mental condition.

1 (e) (1) Except as otherwise provided in this subsection, the proceedings,
2 records, and files of the [occupational therapist rehabilitation] IMPAIRED
3 OCCUPATIONAL THERAPIST PROFESSIONALS committee are not discoverable and are
4 not admissible in evidence in any civil action arising out of matters that are being or
5 have been reviewed and evaluated by the [occupational therapist rehabilitation]
6 IMPAIRED OCCUPATIONAL THERAPIST PROFESSIONALS committee.

7 (2) Paragraph (1) of this subsection does not apply to any record or
8 document that is considered by the IMPAIRED occupational therapist PROFESSIONALS
9 [rehabilitation] committee and that otherwise would be subject to discovery or
10 introduction into evidence in a civil action.

11 (3) For purposes of this subsection, civil action does not include a
12 proceeding before the Board or judicial review of a proceeding before the Board.

13 (f) A person who acts in good faith and within the scope of jurisdiction of an
14 IMPAIRED occupational therapist PROFESSIONALS [rehabilitation] committee is not
15 civilly liable for any action as a member of the IMPAIRED occupational therapist
16 PROFESSIONALS [rehabilitation] committee or for giving information to,
17 participating in, or contributing to the function of the IMPAIRED occupational
18 therapist PROFESSIONALS [rehabilitation] committee.

19 10-402.

20 (a) Unless authorized to practice occupational therapy under this title, a
21 person may not represent to the public by title, by description of services, methods, or
22 procedures, or otherwise, that the person is authorized to practice occupational
23 therapy in this State.

24 (b) Unless authorized to practice occupational therapy under this title, a
25 person may not use the CREDENTIALING abbreviation "O.T."[, "O.T.R.",] or any other
26 words, letters, or symbols with the intent to represent that the person practices
27 occupational therapy.

28 10-403.

29 (a) Unless authorized to practice limited occupational therapy under this title,
30 a person may not represent to the public by title, by description of services, methods,
31 or procedures, or otherwise, that the person is authorized to practice limited
32 occupational therapy in this State.

33 (b) Unless authorized to practice limited occupational therapy under this title,
34 a person may not use the CREDENTIALING abbreviation "O.T.A."[, "C.O.T.A.",] or any
35 other words, letters, or symbols with the intent to represent that the person practices
36 limited occupational therapy.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 2000.