

SENATE BILL 80

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8lr0057

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Health)**

Requested: September 27, 2017

Introduced and read first time: January 10, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: January 22, 2018

CHAPTER _____

1 AN ACT concerning

2 **State Board of Occupational Therapy Practice – Licensure – Revisions**

3 FOR the purpose of altering a certain licensure requirement by specifying that certain
4 examinations an applicant may pass to meet a certain examination requirement are
5 those given by national credentialing organizations approved by the State Board of
6 Occupational Therapy Practice; repealing certain provisions of law that require the
7 Board to issue a certain license, require a licensee to display a certain license to
8 certain individuals in a certain manner, and require a licensee to present a certain
9 license under certain circumstances; requiring the Board to maintain an electronic
10 roster of each individual licensed by the Board; requiring the Board to make the
11 roster available for electronic verification of licensure through the Board's website
12 or a mobile application issued by the Board; authorizing certain individuals to
13 contact the Board to verify a license; requiring licensees to present evidence of
14 licensure to an employer or to a client or client's decision maker; making a
15 conforming change; and generally relating to licensure by the State Board of
16 Occupational Therapy Practice.

17 BY repealing and reenacting, with amendments,
18 Article – Health Occupations
19 Section 10–302 and 10–308
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health Occupations**

4 10–302.

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

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

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

9 (d) An applicant for an occupational therapist license shall have successfully:

10 (1) Graduated from an educational program in occupational therapy that
11 is recognized by the Board and accredited by ACOTE or any other nationally recognized
12 programmatic accrediting agency; and

13 (2) Completed the equivalent of at least 6 months of supervised, full–time
14 field work experience at a recognized educational institution or in a training program
15 approved by the educational institution where the applicant met the academic
16 requirements.

17 (e) An applicant for an occupational therapy assistant license shall have
18 successfully:

19 (1) Graduated from an educational program for occupational therapy
20 assistants that is recognized by the Board and accredited by ACOTE or any other nationally
21 recognized programmatic accrediting agency; and

22 (2) Completed the equivalent of at least 4 months of supervised, full–time
23 field work experience at a recognized educational institution or in a training program
24 approved by the educational institution where the applicant met the academic
25 requirements.

26 (f) The applicant shall pass the appropriate examination given by NBCOT or any
27 other national credentialing organization **APPROVED BY THE BOARD**.

28 (g) The applicant shall submit to a criminal history records check in accordance
29 with § 10–302.1 of this subtitle.

30 10–308.

31 (a) Subject to subsection [(c)] **(D)** of this section, the Board shall [issue the
32 appropriate] license [to] an applicant who meets the requirements of this title for that

1 license.

2 **(B) (1) THE BOARD SHALL MAINTAIN AN ELECTRONIC ROSTER OF EACH**
3 **INDIVIDUAL LICENSED BY THE BOARD.**

4 **(2) THE ROSTER SHALL BE AVAILABLE FOR THE PURPOSE OF**
5 **ELECTRONICALLY VERIFYING LICENSURE THROUGH THE BOARD'S WEBSITE OR A**
6 **MOBILE APPLICATION ISSUED BY THE BOARD.**

7 **(3) INDIVIDUALS WITHOUT ACCESS TO THE BOARD'S WEBSITE OR**
8 **THE MOBILE APPLICATION MAY CONTACT THE BOARD TO VERIFY A LICENSE.**

9 **[(b)] (C) [(1)] Licensees shall present [an original current license] EVIDENCE**
10 **OF LICENSURE to [the]:**

11 **(1) AN employer as part of the employment process; AND**

12 **(2) A CLIENT AT THE REQUEST OF THE CLIENT OR THE CLIENT'S**
13 **DESIGNATED DECISION MAKER.**

14 **[(2) Except as otherwise provided in this subsection, each licensee shall**
15 **display the license conspicuously in the office or place of employment of the licensee.**

16 **(3) If a licensee is unable to display the license, the licensee shall present**
17 **the original license to the client at the request of the client or the client's designated**
18 **decision maker.]**

19 **[(c)] (D) (1) On receipt of the criminal history record information of an**
20 **applicant for licensure forwarded to the Board in accordance with § 10-302.1 of this**
21 **subtitle, in determining whether to grant a license, the Board shall consider:**

22 (i) The age at which the crime was committed;

23 (ii) The nature of the crime;

24 (iii) The circumstances surrounding the crime;

25 (iv) The length of time that has passed since the crime;

26 (v) Subsequent work history;

27 (vi) Employment and character references; and

28 (vii) Any other evidence that demonstrates whether the applicant
29 poses a threat to the public health or safety.

SENATE BILL 80

1 (2) The Board may not [issue a] license **AN APPLICANT** if the criminal
2 history record information required under § 10–302.1 of this subtitle has not been received.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.