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2000 Regular Session (0lr1383)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by Delegates D. Davis, Mohorovic, Stern, Cane, Sher, and Oaks

	Read and Examined by Proofreaders:	
		Proofreader.
	d with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M.	Proofreader.
		Speaker.
	CHAPTER	
1 A	N ACT concerning	
2	Occupational Therapy - Scope of Practice	
3 F	OR 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 one or more	
6	<u>chairpersons</u> of the Board of Occupational Therapy Practice; requiring the	
7	appointment of an Executive Director to the Board; authorizing the Board to	
8 9	employ certain staff and experts; authorizing the Board to adopt certain regulations in consultation with certain boards; altering the programs from	
9 10	which licensees must graduate and the examinations which licensees must pass;	
11	requiring licensees to present licenses in a certain manner; establishing certain	
12	late fees; requiring former licensees to complete certain requirements prior to	
13	reinstatement; altering certain criteria for the forfeiture of certain licenses;	

authorizing the Board to delegate authority to a committee of Board members to

conduct certain hearings; requiring the Board members to whom hearing

authority is delegated to give notice and an opportunity to file exceptions to

certain persons in relation to decisions; authorizing an action to be maintained

- in the name of the State or the Board to enjoin certain parties in specific
- 2 instances and in certain locations; providing for criminal prosecution in certain
- 3 instances; altering certain terms; altering certain credentialing limitations;
- 4 defining certain terms; making technical corrections; and generally relating to
- 5 the scope of practice for occupational therapy professionals.
- 6 BY repealing and reenacting, with amendments,
- 7 Article Health Occupations
- 8 Section 10-101, 10-102, 10-203 through 10-205, 10-301, 10-302, 10-304(a),
- 9 10-308, 10-311(f), 10-312, 10-313, 10-316, 10-319, 10-402, and 10-403
- 10 Annotated Code of Maryland
- 11 (1994 Replacement Volume and 1999 Supplement)
- 12 BY adding to
- 13 Article Health Occupations
- 14 Section 10-317.1
- 15 Annotated Code of Maryland
- 16 (1994 Replacement Volume and 1999 Supplement)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 18 MARYLAND, That the Laws of Maryland read as follows:
- 19 Article Health Occupations
- 20 10-101.
- 21 (a) In this title the following words have the meanings indicated.
- 22 (B) "ACOTE" MEANS THE ACCREDITATION COUNCIL FOR OCCUPATIONAL
- 23 THERAPY EDUCATION.
- 24 (C) "AIDE" MEANS ANY INDIVIDUAL WHO:
- 25 (1) IS NOT LICENSED BY THE BOARD TO PERFORM OCCUPATIONAL
- 26 THERAPY OR LIMITED OCCUPATIONAL THERAPY; AND
- 27 (2) PROVIDES SUPPORTIVE SERVICES TO THE OCCUPATIONAL
- 28 THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT UNDER DIRECT SUPERVISION.
- 29 [(b)] (D) "Board" means the State Board of Occupational Therapy Practice.
- 30 (E) "DIRECT SUPERVISION" MEANS SUPERVISION PROVIDED ON A
- 31 FACE-TO-FACE BASIS BY A SUPERVISING THERAPIST WHEN DELEGATED
- 32 CLIENT-RELATED TASKS ARE PERFORMED.
- 33 [(c)] (F) "License" means, unless the context requires otherwise, a license
- 34 issued by the Board to practice:

32

[(g)]

(M) 33 limited occupational therapy.

HOUSE BILL 785 1 (1) Occupational therapy; or 2 (2) Limited occupational therapy. 3 [(d)](G) "Licensed occupational therapist" means, unless the context requires 4 otherwise, an occupational therapist who is licensed by the Board to practice 5 occupational therapy. (H) "Licensed occupational therapy assistant" means, unless the context 6 [(e)]7 requires otherwise, an occupational therapy assistant who is licensed by the Board to 8 practice limited occupational therapy. "LIMITED OCCUPATIONAL THERAPY" MEANS PARTICIPATION, WHILE 10 UNDER THE PERIODIC SUPERVISION OF A LICENSED OCCUPATIONAL THERAPIST, IN: (I) AN INITIAL SCREENING AND EVALUATION THAT APPLIES THE 12 PRINCIPLES AND PROCEDURES OF OCCUPATIONAL THERAPY; AND 13 A TREATMENT PROGRAM THAT APPLIES THE PRINCIPLES AND (II)14 PROCEDURES OF OCCUPATIONAL THERAPY. "LIMITED OCCUPATIONAL THERAPY" DOES NOT INCLUDE: 15 (2) INITIATION AND INTERPRETATION OF EVALUATION DATA; AND 16 (I) 17 INITIATION OF A TREATMENT PROGRAM BEFORE THE CLIENT (II)18 HAS BEEN EVALUATED AND A LICENCED LICENSED OCCUPATIONAL THERAPIST HAS 19 RENDERED A TREATMENT PLAN. "NBCOT" MEANS THE NATIONAL BOARD FOR CERTIFICATION IN 20 **(J)** 21 OCCUPATIONAL THERAPY. 22 "Occupational therapist" means an individual who practices [(f)](K) 23 occupational therapy. 24 "OCCUPATIONAL THERAPY" MEANS THE THERAPEUTIC USE OF (L) 25 PURPOSEFUL AND MEANINGFUL GOAL-DIRECTED ACTIVITIES TO EVALUATE, 26 CONSULT, AND TREAT INDIVIDUALS THAT: HAVE A DISEASE OR DISORDER, IMPAIRMENT, ACTIVITY LIMITATION, 27 (1) 28 OR PARTICIPATION RESTRICTION THAT INTERFERES WITH THEIR ABILITY TO 29 FUNCTION INDEPENDENTLY IN DAILY LIFE ROLES; OR BENEFIT FROM THE PREVENTION OF IMPAIRMENTS AND ACTIVITY 30 (2) 31 LIMITATIONS.

"Occupational therapy assistant" means an individual who practices

- 1 (N) "OCCUPATIONAL THERAPY PRACTICE" OR "LIMITED OCCUPATIONAL 2 THERAPY PRACTICE" MEANS TO CARRY OUT A TREATMENT PROGRAM THAT APPLIES
- 3 THE PRINCIPLES AND PROCEDURES OF OCCUPATIONAL THERAPY.
- 4 (O) "OCCUPATIONAL THERAPY PRINCIPLES" INCLUDE:
- 5 (1) THE USE OF THERAPEUTIC ACTIVITIES THAT PROMOTE 6 INDEPENDENCE IN DAILY LIFE ROLES:
- 7 (2) REMEDIATION OR RESTORATION OF PERFORMANCE ABILITIES THAT
- 8 ARE LIMITED DUE TO IMPAIRMENT IN BIOLOGICAL, PHYSIOLOGICAL,
- 9 PSYCHOLOGICAL, OR NEUROLOGICAL PROCESSES:
- 10 (3) IN ORDER TO ENHANCE PERFORMANCE, THE ADAPTION OF TASK,
- 11 PROCESS, OR THE ENVIRONMENT, OR THE TEACHING OF COMPENSATORY
- 12 TECHNIQUES;
- 13 (4) METHODS AND TECHNIQUES FOR PREVENTING DISABILITY THAT
- 14 FACILITATE THE DEVELOPMENT OR SAFE APPLICATION OF PERFORMANCE SKILLS;
- 15 (5) HEALTH PROMOTION STRATEGIES AND PRACTICES THAT ENHANCE 16 PERFORMANCE ABILITIES: AND
- 17 (6) EDUCATION, INSTRUCTION, AND RESEARCH IN THE PRACTICE OF 18 OCCUPATIONAL THERAPY.
- 19 (P) (1) "OCCUPATIONAL THERAPY PROCEDURES" INCLUDE:
- 20 (I) DEVELOPING, IMPROVING, SUSTAINING, OR RESTORING SKILLS
- 21 IN ACTIVITIES OF DAILY LIVING, WORK, OR PRODUCTIVE ACTIVITIES, INCLUDING:
- 22 1. INSTRUMENTAL ACTIVITIES OF DAILY ACTIVITY; AND
- 23 2. PLAY AND LEISURE ACTIVITIES;
- 24 (II) DEVELOPING, REMEDIATING, OR RESTORING SENSORIMOTOR,
- 25 PERCEPTUAL, COGNITIVE, OR PSYCHOLOGICAL COMPONENTS OF PERFORMANCE;
- 26 (III) DESIGNING, FABRICATING, APPLYING, OR TRAINING IN THE
- 27 USE OF ASSISTIVE TECHNOLOGY, SPLINTING, OR ORTHOTIC DEVICES, INCLUDING
- 28 TRAINING IN THE USE OF PROSTHETIC DEVICES;
- 29 (IV) ADAPTING ENVIRONMENTS AND PROCESSES, INCLUDING THE
- 30 APPLICATION OF ERGONOMIC PRINCIPLES TO ENHANCE PERFORMANCE AND
- 31 SAFETY IN DAILY LIFE ROLES:
- 32 (V) APPLYING PHYSICAL AGENT MODALITIES AS ADJUNCTS TO OR
- 33 IN PREPARATION FOR PURPOSEFUL ACTIVITY WITH APPROPRIATE TRAINING, AS
- 34 SPECIFIED BY THE BOARD IN REGULATION;

1 2	TASKS;	(VI)	PROMOTING SAFE, FUNCTIONAL MOBILITY IN DAILY LIFE
3	CLIENT, THE CLIEN	(VII) NT'S FAN	PROVIDING INTERVENTION IN COLLABORATION WITH THE MILY, THE CLIENT'S CAREGIVER, OR OTHERS;
	CAREGIVER, OR O'INTERVENTIONS; A	ΓHERS Ι	EDUCATING THE CLIENT, THE CLIENT'S FAMILY, THE CLIENT'S N CARRYING OUT APPROPRIATE NONSKILLED
8 9	COMMUNITIES TO	(IX) PROVID	CONSULTING WITH GROUPS, PROGRAMS, ORGANIZATIONS, AND DE POPULATION-BASED SERVICES.
	(2) ADJUSTMENT OR BODY OR SPINE.		PATIONAL THERAPY PROCEDURES" DO NOT INCLUDE THE JLATION OF ANY OF THE OSSEOUS STRUCTURES OF THE
	IMMEDIATELY AV	'AILABI	RVISION" MEANS SUPERVISION IN WHICH A SUPERVISOR IS LE ON A FACE-TO-FACE BASIS WHEN CLIENT PROCEDURES OTHERWISE NECESSARY.
16 17			occupational therapy" means to carry out a treatment iples and procedures of occupational therapy.
		nat interfe	e occupational therapy" means to evaluate, treat, and consult ere with the functional and occupational performance ed by physical, emotional, or developmental disability.
21	(2)	"Practice	e occupational therapy" includes:
22 23	equipment;	(i)	Selecting, designing, making, and using splints and adaptive
24		(ii)	Using therapeutic activities;
25 26	integrative activities;	(iii)	Using developmental, perceptual-motor, and sensory
27		(iv)	Using activities of daily living;
28		(v)	Prevocational evaluating and training;
29 30	handicapped; and	(vi)	Consulting about the adaptation of environments for the
31 32	motion tests.]	(vii)	Performing and interpreting manual muscle and range of
	(R) (1) OCCUPATIONAL TOF AT LEAST:		DIC SUPERVISION" MEANS SUPERVISION BY A LICENSED ST ON A FACE-TO-FACE BASIS, OCCURRING THE EARLIER

The term of office of [each officer] THE CHAIRPERSON

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

The duties of [each officer] THE CHAIRPERSON CHAIRPERSONS.

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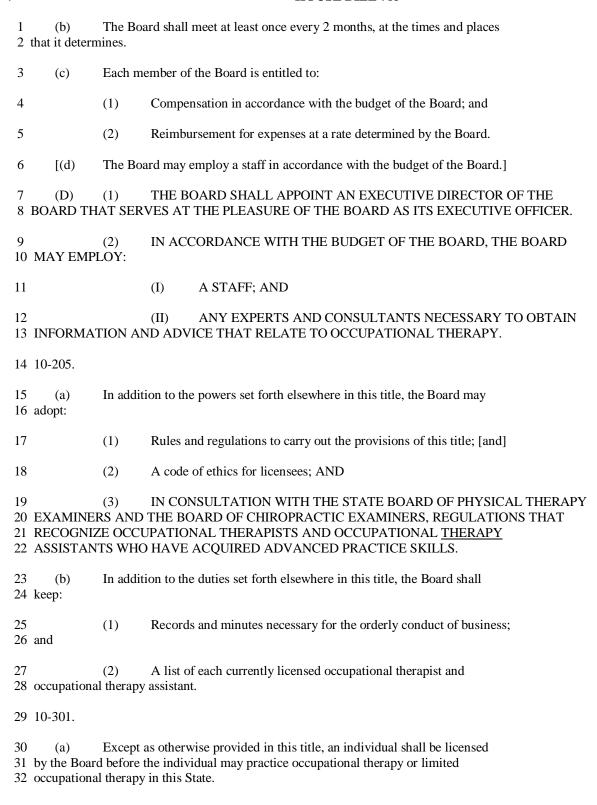
29 10-204.

(a)

(2)

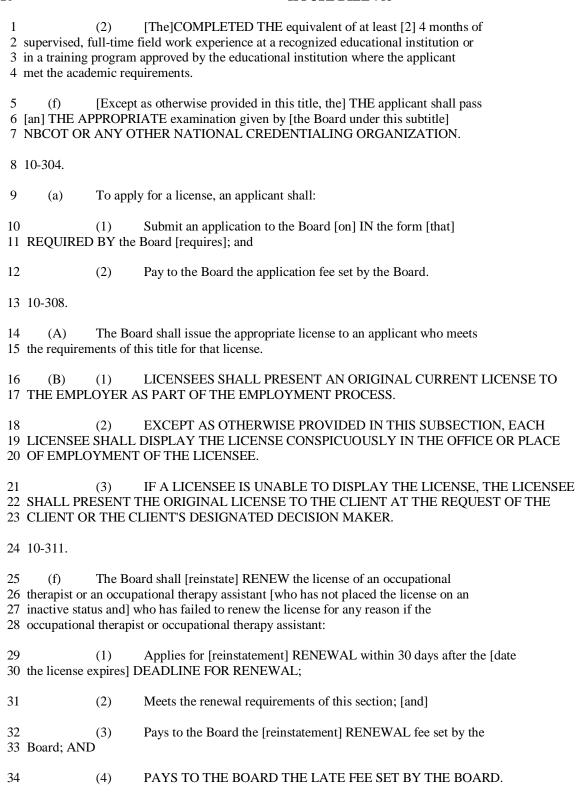
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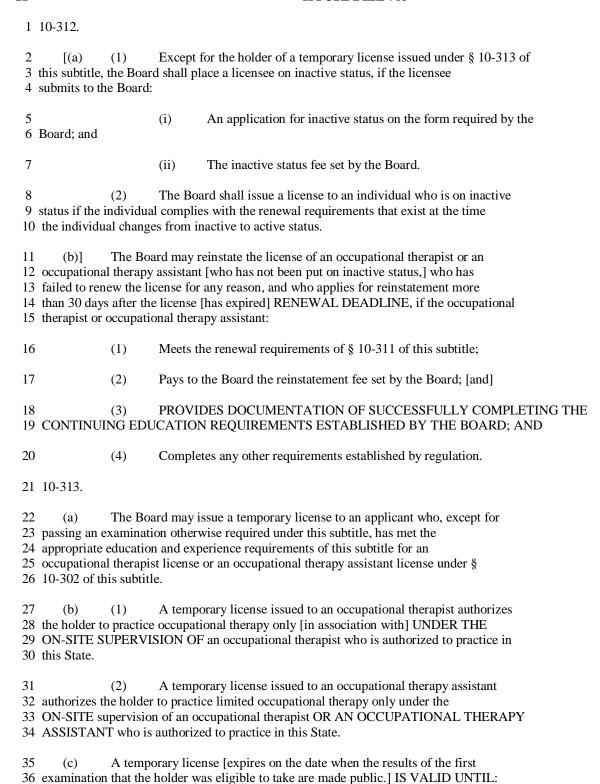
27 CHAIRPERSONS; and

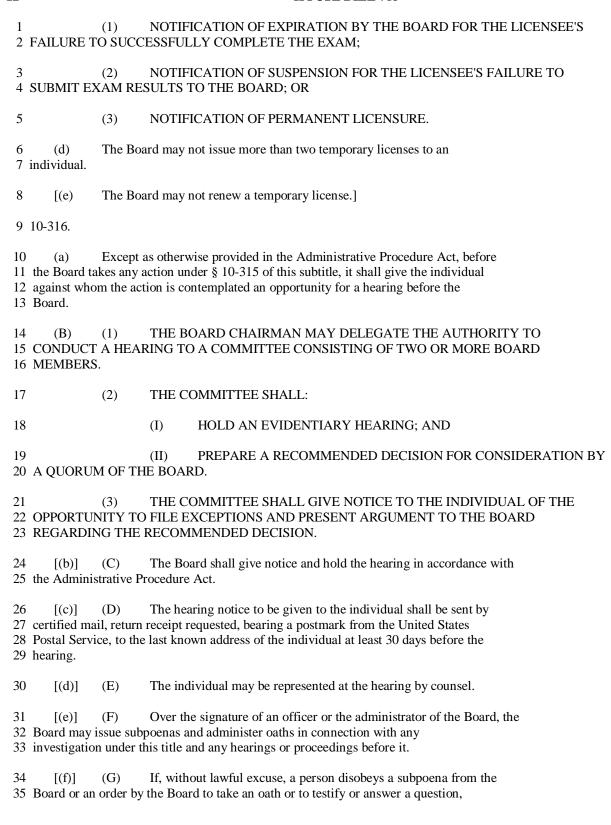


1	(b)	This sec	tion does	not apply to:
	occupational the scope of		or an occ	ridual employed by the federal government as an cupational therapy assistant, while practicing within
5		(2)	A studer	nt or trainee who is designated as a student or trainee, while:
6 7	subtitle; or		(i)	Fulfilling a field work requirement under § 10-302 of this
8 9	approved edu	ıcational	(ii) program	Pursuing a supervised course of study in an accredited or leading to a degree or certificate in:
10				1. Occupational therapy; or
11 12	ASSISTAN	T [or its e	quivalen	2. [Limited occupational] OCCUPATIONAL therapy t];
			OPTED	ipational therapy aide who aids] SUBJECT TO THE BY THE BOARD, AN AIDE WHO SUPPORTS [in] the practice of le:
	occupationa			Works only under the direct supervision of a licensed UBJECT TO THE OCCUPATIONAL THERAPIST'S ERVISION, AS PROVIDED BY THIS SUBTITLE; and
	training in th			Performs only support activities that do not require [advanced] l, biological, psychological, and social sciences [that upational therapy;
22 23	therapy in a	(4) ny other [pational therapist who is authorized to practice occupational RISDICTION, if the occupational therapist[:
24 25		an 90 day	(i) ys in any	Practices] PRACTICES occupational therapy in this State for calendar year; and
28 29	with a licens occupationa	l therapy	in this St	Practices occupational therapy in this State only in association are apist and notifies the Board before practicing ate] THE PURPOSE OF EDUCATING, CONSULTING, AND ATION OF THE PURPOSE, AS PREAPPROVED BY THE BOARD;
	limited occu therapy assis			pational therapy assistant who is authorized to practice any other [state] JURISDICTION, if the occupational
34 35		ot more th	(i) an 90 day	Practices] PRACTICES limited occupational therapy in this ys in any calendar year;

1 2	therapy in thi	s State; a	(ii) and	Notifies	the Board before practicing limited occupational
5		IG, ANI	O TRAIN	ccupation ING, FO	s limited occupational therapy in this State only under al therapist] THE PURPOSE OF EDUCATING, R THE DURATION OF THE PURPOSE, AS
7	10-302.				
8 9	(a) requirements			icense, a	n applicant shall be an individual who meets the
10	(b)	The app	licant sha	ıll be of g	good moral character.
11	(c)	The app	licant sha	ll be at l	east 18 years old.
12 13	(d) successfully:		icant for a	an occup	ational therapist license shall have [completed]
14 15	program in o	(1) eccupation			equirements of] GRADUATED FROM an educational
				tion] AC	cognized by the Board and accredited by [the American COTE or ANY other nationally recognized
19			[(ii)	Is conce	ntrated in:
20				1.	Biological or physical science;
21				2.	Psychology;
22				3.	Sociology; and
23				4.	Selected treatment modalities; and]
26		program	field wor approved	k experied by the	TED THE equivalent of at least 6 months of ence at a recognized educational institution or educational institution where the applicant
28 29	(e) [completed]			an occup	ational therapy assistant license shall have
32	accredited by	y [the Ar	onal thera nerican C	apy assis Occupatio	equirements of] GRADUATED FROM an educational tants that is recognized by the Board and nal Therapy Association] ACOTE or ANY other crediting agency; and







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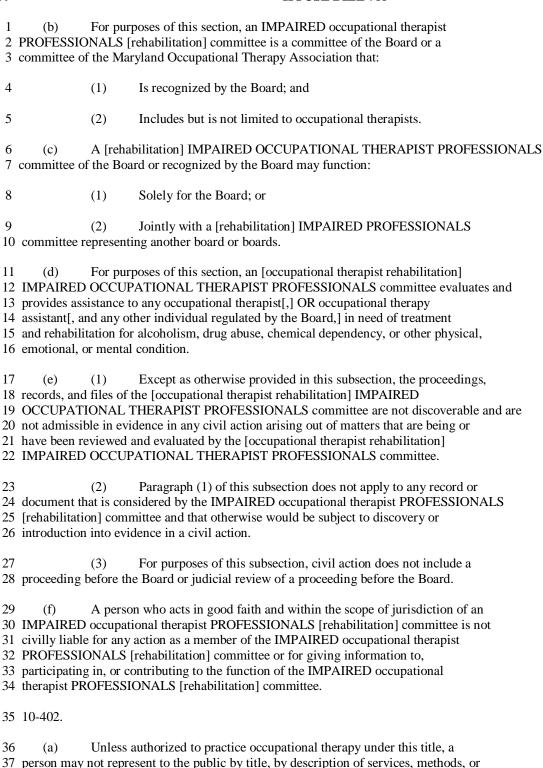
(1)

(2)

13 **HOUSE BILL 785** 1 then, on petition of the Board, a court of competent jurisdiction may punish the 2 person as for contempt of court. If after due notice the individual against whom the action is 4 contemplated fails or refuses to appear, nevertheless the Board may hear and 5 determine the matter. 6 10-317.1. AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE 7 (A) 8 BOARD TO ENJOIN: THE UNAUTHORIZED PRACTICE OF OCCUPATIONAL THERAPY OR (1) 10 LIMITED OCCUPATIONAL THERAPY; OR (2) CONDUCT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER § 12 10-315 OF THIS TITLE. 13 (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY: 14 (1) THE BOARD: 15 THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR (2) A STATE'S ATTORNEY IN THE NAME OF THE STATE. 16 (3) 17 (C) AN ACTION UNDER THIS SECTION MAY BE BROUGHT IN THE COUNTY 18 WHERE: 19 (1) THE DEFENDANT RESIDES; OR 20 (2) THE DEFENDANT ENGAGED IN THE ACT SOUGHT TO BE ENJOINED. PROOF THAT DAMAGE OR POSSIBLE DAMAGE WILL BE INCURRED IF AN 21 (D) 22 INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS 23 SECTION. AN ACTION UNDER THIS SECTION DOES NOT PRECLUDE A CRIMINAL 24 (E) 25 PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF OCCUPATIONAL THERAPY 26 UNDER § 10-401 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 10-315 OF THIS 27 SUBTITLE. 28 10-319. 29 (a) In this section, ["occupational therapist rehabilitation committee"] 30 "IMPAIRED OCCUPATIONAL THERAPIST PROFESSIONALS COMMITTEE" means a 31 committee that:

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

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



- 1 procedures, or otherwise, that the person is authorized to practice occupational 2 therapy in this State.
- 3 (b) Unless authorized to practice occupational therapy under this title, a
- 4 person may not use the CREDENTIALING abbreviation "O.T."[, "O.T.R.",] or any other
- 5 words, letters, or symbols with the intent to represent that the person practices
- 6 occupational therapy.
- 7 10-403.
- 8 (a) Unless authorized to practice limited occupational therapy under this title,
- 9 a person may not represent to the public by title, by description of services, methods,
- 10 or procedures, or otherwise, that the person is authorized to practice limited
- 11 occupational therapy in this State.
- 12 (b) Unless authorized to practice limited occupational therapy under this title,
- 13 a person may not use the CREDENTIALING abbreviation "O.T.A."[, "C.O.T.A.",] or any
- 14 other words, letters, or symbols with the intent to represent that the person practices
- 15 limited occupational therapy.
- 16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 17 October 1, 2000.