
By: **Delegates D. Davis, Mohorovic, Stern, Cane, Sher, and Oaks**
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Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2000

CHAPTER _____

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

1 (1994 Replacement Volume and 1999 Supplement)

2 BY adding to

3 Article - Health Occupations

4 Section 10-317.1

5 Annotated Code of Maryland

6 (1994 Replacement Volume and 1999 Supplement)

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

9 **Article - Health Occupations**

10 10-101.

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

12 (B) "ACOTE" MEANS THE ACCREDITATION COUNCIL FOR OCCUPATIONAL
13 THERAPY EDUCATION.

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

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

17 (2) PROVIDES SUPPORTIVE SERVICES TO THE OCCUPATIONAL
18 THERAPIST ~~OR OCCUPATIONAL THERAPY ASSISTANT~~ UNDER DIRECT SUPERVISION.

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

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

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

25 (1) Occupational therapy; or

26 (2) Limited occupational therapy.

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

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

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

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

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

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

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

9 (II) INITIATION OF A TREATMENT PROGRAM BEFORE THE CLIENT
10 HAS BEEN EVALUATED AND A ~~LICENSED~~ LICENSED OCCUPATIONAL THERAPIST HAS
11 RENDERED A TREATMENT PLAN.

12 (J) "NBCOT" MEANS THE NATIONAL BOARD FOR CERTIFICATION IN
13 OCCUPATIONAL THERAPY.

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

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

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

22 (2) BENEFIT FROM THE PREVENTION OF IMPAIRMENTS AND ACTIVITY
23 LIMITATIONS.

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

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

29 (O) "OCCUPATIONAL THERAPY PRINCIPLES" INCLUDE:

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

32 (2) REMEDIATION OR RESTORATION OF PERFORMANCE ABILITIES THAT
33 ARE LIMITED DUE TO IMPAIRMENT IN BIOLOGICAL, PHYSIOLOGICAL,
34 PSYCHOLOGICAL, OR NEUROLOGICAL PROCESSES;

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

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

6 (5) HEALTH PROMOTION STRATEGIES AND PRACTICES THAT ENHANCE
7 PERFORMANCE ABILITIES; AND

8 (6) EDUCATION, INSTRUCTION, AND RESEARCH IN THE PRACTICE OF
9 OCCUPATIONAL THERAPY.

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

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

13 1. INSTRUMENTAL ACTIVITIES OF DAILY ACTIVITY; AND

14 2. PLAY AND LEISURE ACTIVITIES;

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

17 (III) DESIGNING, FABRICATING, APPLYING, OR TRAINING IN THE
18 USE OF ASSISTIVE TECHNOLOGY, SPLINTING, OR ORTHOTIC DEVICES, INCLUDING
19 TRAINING IN THE USE OF PROSTHETIC DEVICES;

20 (IV) ADAPTING ENVIRONMENTS AND PROCESSES, INCLUDING THE
21 APPLICATION OF ERGONOMIC PRINCIPLES TO ENHANCE PERFORMANCE AND
22 SAFETY IN DAILY LIFE ROLES;

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

26 (VI) PROMOTING SAFE, FUNCTIONAL MOBILITY IN DAILY LIFE
27 TASKS;

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

30 (VIII) EDUCATING THE CLIENT, THE CLIENT'S FAMILY, THE CLIENT'S
31 CAREGIVER, OR OTHERS IN CARRYING OUT APPROPRIATE NONSKILLED
32 INTERVENTIONS; AND

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

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

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

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

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

12 (2) "Practice occupational therapy" includes:

13 (i) Selecting, designing, making, and using splints and adaptive
14 equipment;

15 (ii) Using therapeutic activities;

16 (iii) Using developmental, perceptual-motor, and sensory
17 integrative activities;

18 (iv) Using activities of daily living;

19 (v) Prevocational evaluating and training;

20 (vi) Consulting about the adaptation of environments for the
21 handicapped; and

22 (vii) Performing and interpreting manual muscle and range of
23 motion tests.]

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

27 (I) ONCE EVERY 10 THERAPY VISITS; OR

28 (II) ONCE EVERY 30 CALENDAR DAYS.

29 (2) "PERIODIC SUPERVISION" INCLUDES:

30 (I) CHART REVIEW; AND

31 (II) MEETINGS TO DISCUSS CLIENT TREATMENT PLANS, CLIENT
32 RESPONSE, OR OBSERVATION OF TREATMENT.

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

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

6 (1) Occupational therapy; or

7 (2) Limited occupational therapy.

8 10-102.

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

11 [(b)] This title does not limit the practice, services, or activities of an orthotist or
 12 a prosthetist in fitting, making, or applying splints or other orthotic devices, if that
 13 individual is working within the standards and ethics of the individual's occupation.]
 14 10-203.

15 (a) From among its members, the Board shall ANNUALLY elect [officers] ~~A~~
 16 ~~CHAIRPERSON~~ ONE OR MORE CHAIRPERSONS.

17 (b) The Board shall determine:

18 (1) The manner of election of [officers] ~~CHAIRPERSON~~ THE
 19 CHAIRPERSONS;

20 (2) The term of office of [each officer] ~~THE~~
 21 ~~CHAIRPERSON~~ CHAIRPERSONS; and

22 (3) The duties of [each officer] ~~THE CHAIRPERSON~~ CHAIRPERSONS.

23 10-204.

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

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

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

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

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

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

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

3 (2) IN ACCORDANCE WITH THE BUDGET OF THE BOARD, THE BOARD
4 MAY EMPLOY:

5 (I) A STAFF; AND

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

8 10-205.

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

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

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

13 (3) IN CONSULTATION WITH THE STATE BOARD OF PHYSICAL THERAPY
14 EXAMINERS AND THE BOARD OF CHIROPRACTIC EXAMINERS, REGULATIONS THAT
15 RECOGNIZE OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
16 ASSISTANTS WHO HAVE ACQUIRED ADVANCED PRACTICE SKILLS.

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

19 (1) Records and minutes necessary for the orderly conduct of business;
20 and

21 (2) A list of each currently licensed occupational therapist and
22 occupational therapy assistant.

23 10-301.

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

27 (b) This section does not apply to:

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

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

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

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

3 1. Occupational therapy; or

4 2. [Limited occupational] OCCUPATIONAL therapy
5 ASSISTANT [or its equivalent];

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

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

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

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

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

19 (ii) Practices occupational therapy in this State only in association
20 with a licensed occupational therapist and notifies the Board before practicing
21 occupational therapy in this State] THE PURPOSE OF EDUCATING, CONSULTING, AND
22 TRAINING, FOR THE DURATION OF THE PURPOSE, AS PREAPPROVED BY THE BOARD;
23 or

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

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

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

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

1 10-302.

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

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

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

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

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

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

13 [(ii) Is concentrated in:

14 1. Biological or physical science;

15 2. Psychology;

16 3. Sociology; and

17 4. Selected treatment modalities; and]

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

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

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

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

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

1 10-304.

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

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

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

6 10-308.

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

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

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

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

17 10-311.

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

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

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

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

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

28 10-312.

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

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

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

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

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

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

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

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

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

15 10-313.

16 (a) The Board may issue a temporary license to an applicant who, except for
17 passing an examination otherwise required under this subtitle, has met the
18 appropriate education and experience requirements of this subtitle for an
19 occupational therapist license or an occupational therapy assistant license under §
20 10-302 of this subtitle.

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

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

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

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

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

35 (3) NOTIFICATION OF PERMANENT LICENSURE.

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

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

4 10-316.

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

9 (B) (1) THE BOARD CHAIRMAN MAY DELEGATE THE AUTHORITY TO
10 CONDUCT A HEARING TO A COMMITTEE CONSISTING OF TWO OR MORE BOARD
11 MEMBERS.

12 (2) THE COMMITTEE SHALL:

13 (I) HOLD AN EVIDENTIARY HEARING; AND

14 (II) PREPARE A RECOMMENDED DECISION FOR CONSIDERATION BY
15 A QUORUM OF THE BOARD.

16 (3) THE COMMITTEE SHALL GIVE NOTICE TO THE INDIVIDUAL OF THE
17 OPPORTUNITY TO FILE EXCEPTIONS AND PRESENT ARGUMENT TO THE BOARD
18 REGARDING THE RECOMMENDED DECISION.

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

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

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

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

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

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

1 10-317.1.

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

4 (1) THE UNAUTHORIZED PRACTICE OF OCCUPATIONAL THERAPY OR
5 LIMITED OCCUPATIONAL THERAPY; OR

6 (2) CONDUCT THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER §
7 10-315 OF THIS TITLE.

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

9 (1) THE BOARD;

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

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

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

14 (1) THE DEFENDANT RESIDES; OR

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

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

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

23 10-319.

24 (a) In this section, ["occupational therapist rehabilitation committee"]
25 "IMPAIRED OCCUPATIONAL THERAPIST PROFESSIONALS COMMITTEE" means a
26 committee that:

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

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

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

32 (1) Is recognized by the Board; and

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

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

4 (1) Solely for the Board; or

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

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

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

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

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

25 (f) A person who acts in good faith and within the scope of jurisdiction of an
26 IMPAIRED occupational therapist PROFESSIONALS [rehabilitation] committee is not
27 civilly liable for any action as a member of the IMPAIRED occupational therapist
28 PROFESSIONALS [rehabilitation] committee or for giving information to,
29 participating in, or contributing to the function of the IMPAIRED occupational
30 therapist PROFESSIONALS [rehabilitation] committee.

31 10-402.

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

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

1 10-403.

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

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

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