

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

A BILL ENTITLED

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)

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

24 **Article – Health Occupations**

25 10–302.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

26 10–308.

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

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

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

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

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

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

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

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

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

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

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

20 (ii) The nature of the crime;

21 (iii) The circumstances surrounding the crime;

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

23 (v) Subsequent work history;

24 (vi) Employment and character references; and

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

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

29 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
30 October 1, 2018.