

CHAPTER 1045
OCCUPATIONAL THERAPY PRACTICE
S. F. 97

AN ACT providing for the licensing of occupational therapists and occupational therapy assistants and subjecting persons to penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. TITLE AND PURPOSE. This Act may be cited and referred to as the "Occupational Therapy Practice Act".

The purpose of this Act is to provide for the regulation of persons offering occupational therapy services to the public in order to safeguard the public health, safety and welfare.

Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act:

1. "Board" means the board of physical and occupational therapy examiners.

2. "Occupational therapy" means the therapeutic application of specific tasks used for the purpose of evaluation and treatment of problems interfering with functional performance in persons impaired by physical illness or injury, emotional disorder, congenital or developmental disability, or the aging process in order to achieve optimum function, for maintenance of health and prevention of disability.

3. "Occupational therapist" means a person licensed under this Act to practice occupational therapy.

4. "Occupational therapy assistant" means a person licensed under this Act to assist in the practice of occupational therapy.

Sec. 3. NEW SECTION. PERSONS AND PRACTICES NOT AFFECTED. This Act does not prevent or restrict the practice, services or activities of any of the following:

1. A person licensed in this state by any other law from engaging in the profession or occupation for which the person is licensed.

2. A person employed as an occupational therapist or occupational therapy assistant by the government of the United States, if that person provides occupational therapy solely under the direction or control of the organization by which he or she is employed.

3. A person pursuing a course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program, if the activities and services constitute a part of a supervised course of study and the person is designated by a title which clearly indicates his or her status as a student or trainee.

4. A person fulfilling the supervised field work experience requirements of section five (5) of this Act, if the activities and services constitute a part of the experience necessary to meet the requirements of that section.

5. A nonresident performing occupational therapy services in this state who is not licensed under this Act, if the services are performed for not more than thirty days a calendar year in association with an occupational therapist licensed under this Act, and the nonresident meets the qualifications for licensing under this Act except for the qualifying examination.

6. A nonresident performing occupational therapy services in the state who is not licensed under this Act, if the services are performed for not more than ninety days in a calendar year in association with an occupational therapist licensed under this Act, and

a. The nonresident is licensed under the law of another state which has licensure requirements at least as stringent as the requirements of this Act, or

b. The nonresident meets the requirements for certification as an occupational therapist registered (O.T.R.), or a certified occupational therapy assistant (C.O.T.A.) established by the American occupational therapy association.

Sec. 4. NEW SECTION. LIMITED PERMIT. A limited permit may be granted to persons who have completed the education and experience requirements of this Act. This permit shall allow the person to practice occupational therapy under the supervision of a licensed occupational therapist and shall be valid until the date on which the results of the next qualifying examination have been made public. This limited permit shall not be renewed if the applicant has failed the examination.

Sec. 5. NEW SECTION. REQUIREMENTS FOR LICENSURE.

1. An applicant applying for a license as an occupational therapist or as an occupational therapy assistant must file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

a. Successful completion of the academic requirements of an educational program in occupational therapy recognized by the board.

(1) For an occupational therapist, the program must be one accredited by the American medical association in collaboration with the American occupational therapy association.

(2) For an occupational therapy assistant, the program must be one approved by the American occupational therapy association.

b. Successful completion of a period of supervised field work experience at a recognized educational institution or a training program approved by the educational institution where the applicant met the academic requirements.

(1) For an occupational therapist a minimum of six months of supervised field work experience is required.

(2) For an occupational therapy assistant, a minimum of two months of supervised field work experience is required.

c. Successful completion of an examination provided by the board. Such examination shall be conducted no more than once every six (6) months.

2. An applicant who has practiced as an occupational therapy assistant for five years and has met the requirements of subsection one (1), paragraph b of this section may take the examination to be licensed as an occupational

therapist without meeting the educational requirements of subsection one (1), paragraph a of this section.

Sec. 6. NEW SECTION. WAIVER OF REQUIREMENTS FOR LICENSING.

1. The board may waive the examination and grant a license to a person certified prior to the effective date of this Act as an occupational therapist registered (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) by the American occupational therapy association.

2. The board shall waive the education and experience requirements for licensure in section five (5), subsection one (1), paragraphs a and b of this Act for applicants for a license who present evidence to the board that they have been engaged in the practice of occupational therapy on and prior to the effective date of this Act. Proof of actual practice shall be presented to the board in a manner as it prescribes by rule. To obtain the benefit of this waiver, an applicant must successfully complete the examination within one year from the effective date of this Act. However, the waiver is conditional upon the applicant satisfying the education and experience requirements of section five (5), subsection one (1), paragraphs a and b of this Act within five years of the waiver being granted and if those requirements are not satisfied at the expiration of those five years the board shall revoke the license.

3. The board may waive the examination and grant a license to an applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or a territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this Act.

Sec. 7. NEW SECTION. BOARD OF OCCUPATIONAL THERAPY EXAMINERS--POWERS AND DUTIES. The board shall adopt rules relating to professional conduct to carry out the policy of this Act, including but not limited to rules relating to professional licensing and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this state.

Sec. 8. NEW SECTION. BOARD OF OCCUPATIONAL THERAPY EXAMINERS--ADMINISTRATIVE PROVISIONS. The board may employ an executive secretary and officers and employees as necessary, and shall determine their duties and fix their compensation.

Sec. 9. Section one hundred forty-seven point one (147.1), subsections two (2) and three (3), Code 1979, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering or funeral director ~~shall-mean~~ means a person licensed under this title.

3. "Profession" ~~shall--mean~~ means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology,

pharmacy, physical therapy, occupational therapy, cosmetology, barbering or mortuary science.

Sec. 10. Section one hundred forty-seven point two (147.2), Code 1979, is amended to read as follows:

147.2 LICENSE REQUIRED. No person shall engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, pharmacy, cosmetology, barbering or mortuary science as defined in the following chapters of this title, unless ~~he-or-she-shall-have~~ the person has obtained from the state department of health a license for that purpose.

Sec. 11. Section one hundred forty-seven point three (147.3), Code 1979, is amended to read as follows:

147.3 QUALIFICATIONS. An applicant for a license to practice a profession under this title ~~shall~~ is not be ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. Any board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of medicine, podiatry, osteopathy, osteopathy and surgery, chiropractic, nursing, psychology, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering or mortuary science for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 12. Section one hundred forty-seven point thirteen (147.13), Code 1979, is amended to read as follows:

147.13 DESIGNATION OF BOARDS. The examining boards provided in section 147.12 shall be designated as follows: For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, medical examiners; for psychology, psychology examiners; for podiatry, podiatry examiners; for chiropractic, chiropractic examiners; for physical therapists and occupational therapists, physical and occupational therapy examiners; for nursing, board of nursing; for dentistry and dental hygiene, dental examiners; for optometry, optometry examiners; for speech pathology and audiology, speech pathology and audiology examiners; for cosmetology, cosmetology examiners; for barbering, barber examiners; for pharmacy, pharmacy examiners; for mortuary science, mortuary science examiners.

Sec. 13. Section one hundred forty-seven point fourteen (147.14), subsection one (1), Code 1979, is amended to read as follows:

1. For podiatry, ~~physical-therapy~~, cosmetology, barbering, and mortuary science, three members each, licensed to practice the profession for which the board conducts examinations, and two members who are not licensed to practice the profession for which the board conducts examinations and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 14. Section one hundred forty-seven point fourteen (147.14), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. For physical therapy and occupational therapy, three members licensed to practice physical therapy, two members licensed to practice occupational therapy, and two members who are not licensed to practice physical therapy or occupational therapy and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

Sec. 15. Section one hundred forty-seven point twenty-five (147.25), unnumbered paragraph four (4), Code 1979, is amended to read as follows:

In addition to any other fee provided by law, a fee may be set by the respective examining boards for each license and renewal of a license to practice medicine, surgery, podiatry, osteopathy, osteopathic medicine and surgery, chiropractic, nursing, dentistry, dental hygiene, optometry, pharmacy, physical therapy, occupational therapy, and veterinary medicine, which fee shall be based on the annual cost of collecting information for use by the department of health in the administration of the system of health manpower statistics established by this section. The fee shall be collected, transmitted to the treasurer of state and deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund.

Sec. 16. Section one hundred forty-seven point eighty (147.80), subsection seven (7), Code 1979, is amended to read as follows:

7. License to practice physical therapy issued upon the basis of an examination given by the board of physical and occupational therapy examiners, license to practice physical therapy issued under a reciprocal agreement, renewal of a license to practice physical therapy.

Sec. 17. Section one hundred forty-seven point eighty (147.80), Code 1979, is amended by adding the following new subsections:

NEW SUBSECTION. License to practice occupational therapy issued upon the basis of an examination given by the board of physical and occupational therapy examiners, license to practice occupational therapy issued under a reciprocal agreement, renewal of a license to practice occupational therapy.

NEW SUBSECTION. License to assist in the practice of occupational therapy issued upon the basis of an examination given by the board of physical and occupational therapy examiners, license to assist in the practice of occupational therapy issued under a reciprocal agreement, renewal of a license to assist in the practice of occupational therapy.

Sec. 18. Section two hundred fifty-eight A point one (258A.1), subsection one (1), paragraph r, Code 1979, is amended by striking the paragraph and inserting in lieu thereof the following:

r. The board of physical and occupational therapy examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.

Sec. 19. Section two hundred fifty-eight A point three (258A.3), subsection two (2), paragraph a, Code 1979, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, 169.36, 455B.59 and section seven (7) of this Act and chapters 135E and 151 or upon any other grounds specifically provided for in this chapter

for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 20. Section two hundred fifty-eight A point four (258A.4), subsection one (1), paragraph f, Code 1979, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24, 169.36 and, 455B.49 and section seven (7) of this Act and chapters 135E and 151, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Sec. 21. The members of the board of physical therapy examiners shall become members of the board of physical and occupational therapy examiners and may continue to serve the terms to which they were appointed; however, service on both boards shall be considered together for the purposes of section one hundred forty-seven point nineteen (147.19) of the Code. The governor shall appoint two persons who would be qualified to take or have waived the examination to become a licensed occupational therapist pursuant to this Act to the initial positions for licensed occupational therapists on the board of physical and occupational therapy examiners. The board shall grant these appointees licenses as occupational therapists. One initial appointee shall be appointed to a term of three years and the other to a term of two years.

Sec. 22. This Act is effective January first following its enactment.

Approved March 10, 1980

CHAPTER 1046
OPHTHALMIC DISPENSERS
S. F. 358

AN ACT to provide for certification of ophthalmic dispensers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. DEFINITIONS. For the purpose of this Act, ophthalmic dispenser means a person who prepares and dispenses ophthalmic lenses, spectacles, optical devices and contact lenses by signed written prescription, verbal order, or signed copy of a written prescription, by a physician and surgeon, osteopathic physician, osteopathic physician and surgeon, or optometrist licensed to practice in this state or a person who prepares and dispenses ophthalmic lenses for spectacles to the intended user by duplication by neutralization if the prescribing physician or optometrist