

Senate File 364

H-8369

1 Amend Senate File 364, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 35 by inserting:

4 <Sec. _____. Section 148B.2, subsection 2, Code 2011,
5 is amended to read as follows:

6 2. "*Occupational therapy*" means the therapeutic
7 ~~application of specific tasks used for the purpose of~~
8 ~~evaluation and treatment of problems interfering with~~
9 ~~functional performance in persons impaired by physical~~
10 ~~illness or injury, emotional disorder, congenital or~~
11 ~~developmental disability, or the aging process in~~
12 ~~order to achieve optimum function, for maintenance of~~
13 ~~health and prevention of disability use of occupations,~~
14 ~~including everyday life activities with individuals,~~
15 ~~groups, populations, or organizations to support~~
16 ~~participation, performance, and function in roles and~~
17 ~~situations in home, school, workplace, community, and~~
18 ~~other settings. Occupational therapy services are~~
19 ~~provided for habilitation, rehabilitation, and the~~
20 ~~promotion of health and wellness to those who have~~
21 ~~or are at risk for developing an illness, injury,~~
22 ~~disease, disorder, condition, impairment, disability,~~
23 ~~activity limitation, or participation restriction.~~
24 Occupational therapy addresses the physical, cognitive,
25 psychosocial, sensory-perceptual, and other aspects of
26 performance in a variety of contexts and environments
27 to support engagement in occupations that affect
28 physical and mental health, well-being, and quality of
29 life.

30 Sec. _____. Section 148B.3, subsection 5, Code 2011,
31 is amended by striking the subsection.

32 Sec. _____. Section 148B.3, subsection 6, Code 2011,
33 is amended to read as follows:

34 6. A nonresident performing occupational therapy
35 services in the state who is not licensed under
36 this chapter, if the services are performed for not
37 more than ninety thirty days in a calendar year in
38 association with an occupational therapist licensed
39 under this chapter, and the nonresident meets either of
40 the following requirements:

41 a. The nonresident is licensed under the law of
42 another state which has licensure requirements at least
43 as stringent as the requirements of this chapter, ~~or.~~

44 b. The nonresident meets the requirements for
45 certification as an occupational therapist registered
46 (O.T.R.), or a certified occupational therapy assistant
47 (C.O.T.A.) established by the American national board
48 for certification in occupational therapy association.

49 Sec. _____. Section 148B.4, Code 2011, is amended to
50 read as follows:

1 **148B.4 Limited permit.**

2 1. A limited permit to practice occupational
3 therapy may be granted to persons a person who have
4 has completed the education and experience academic
5 and field work requirements of for occupational
6 therapists under this chapter and has not yet taken or
7 received the results of the entry-level certification
8 examination. This permit shall A permit granted
9 pursuant to this subsection shall be valid for a period
10 of time as determined by the board by rule and shall
11 allow the person to practice occupational therapy under
12 the direction and appropriate supervision of a licensed
13 an occupational therapist and shall be valid until
14 the date on which the results of the next qualifying
15 examination have been made public licensed under this
16 chapter. This The permit shall expire when the person
17 is issued a license under section 148B.5 or if the
18 person is notified that the person did not pass the
19 examination. The limited permit shall not be renewed
20 if the applicant has failed the examination.

21 2. A limited permit to assist in the practice of
22 occupational therapy may be granted to a person who
23 has completed the academic and field work requirements
24 for occupational therapy assistants under this chapter
25 and has not yet taken or received the results of the
26 entry-level certification examination. A permit
27 granted pursuant to this subsection shall be valid for
28 a period of time as determined by the board by rule
29 and shall allow the person to assist in the practice
30 of occupational therapy under the direction and
31 appropriate supervision of an occupational therapist
32 licensed under this chapter. The permit shall expire
33 when the person is issued a license under section
34 148B.5 or if the person is notified that the person did
35 not pass the examination. The limited permit shall not
36 be renewed.

37 Sec. _____. Section 148B.6, Code 2011, is amended to
38 read as follows:

39 **148B.6 Waiver of requirements for licensing.**

40 ~~1.~~ The board may waive the examination and grant a
41 license:

42 1. ~~to~~ To a person certified prior to January
43 1, 1981, as an occupational therapist registered
44 (O.T.R.) or a certified occupational therapy assistant
45 (C.O.T.A.) by the American Occupational Therapy
46 Association occupational therapy association.

47 2. ~~The board shall waive the education and~~
48 ~~experience requirements for licensure in section~~
49 ~~148B.5, subsections 1 and 2, for applicants for a~~
50 ~~license who present evidence to the board that they~~

1 ~~have been engaged in the practice of occupational~~
2 ~~therapy on and prior to January 1, 1981. Proof of~~
3 ~~actual practice shall be presented to the board in a~~
4 ~~manner as it prescribes by rule. To obtain the benefit~~
5 ~~of this waiver, an applicant must successfully complete~~
6 ~~the examination within one year from January 1, 1981.~~
7 ~~However, the waiver is conditional upon the applicant~~
8 ~~satisfying the education and experience requirements of~~
9 ~~section 148B.5, subsections 1 and 2, within five years~~
10 ~~of the waiver being granted and if those requirements~~
11 ~~are not satisfied at the expiration of those five years~~
12 ~~the board shall revoke the license.~~

13 ~~3. 2. The board may waive the examination and~~
14 ~~grant a license to To an applicant who presents proof~~
15 ~~of current licensure as an occupational therapist~~
16 ~~or occupational therapy assistant in another state,~~
17 ~~the District of Columbia, or a territory of the~~
18 ~~United States which requires standards for licensure~~
19 ~~considered by the board to be equivalent to the~~
20 ~~requirements for licensure of this chapter.~~

21 ~~Sec. ____.~~ **NEW SECTION. 148B.8 Unlawful practice.**

22 1. A person shall not practice occupational therapy
23 or assist in the practice of occupational therapy,
24 provide occupational therapy services, hold oneself out
25 as an occupational therapist or occupational therapy
26 assistant or as being able to practice occupational
27 therapy or assist in the practice of occupational
28 therapy, or provide occupational therapy services in
29 this state unless the person is licensed under this
30 chapter.

31 2. It is unlawful for any person not licensed as an
32 occupational therapist in this state or whose license
33 is suspended or revoked to use in connection with the
34 person's name or place of business in this state the
35 words "*occupational therapist*", "*licensed occupational*
36 *therapist*", or any word, title, letters, or designation
37 that implies that the person is an occupational
38 therapist.

39 3. It is unlawful for any person not licensed as an
40 occupational therapy assistant in this state or whose
41 license is suspended or revoked to use in connection
42 with the person's name or place of business in this
43 state, the words "*occupational therapy assistant*",
44 "*licensed occupational therapy assistant*", or any word,
45 title, letters, or designation that implies that the
46 person is an occupational therapy assistant.

47 ~~Sec. ____.~~ **NEW SECTION. 148B.9 False use of titles**
48 **prohibited.**

49 A person or business entity, including the
50 employees, agents, or representatives of the

1 business entity, shall not use in connection with
2 that person or business entity's business activity,
3 the words "occupational therapy", "occupational
4 therapist", "licensed occupational therapist", "doctor
5 of occupational therapy", "occupational therapy
6 assistant", "licensed occupational therapy assistant",
7 or the letters "O.T.", "O.T./L.", "O.T.D.", "O.T.A.",
8 "O.T.A./L.", or any words, abbreviations, or insignia
9 indicating or implying that occupational therapy
10 is provided or supplied unless such services are
11 provided by or under the direction and supervision of
12 an occupational therapist licensed pursuant to this
13 chapter.>

14 2. Title page, line 1, by striking <of> and
15 inserting <and regulation of persons offering
16 occupational therapy services, and>

17 3. By renumbering as necessary.

KOESTER of Polk