

6.12.1979
Amended (302-11)-
Dr. Paul ...
(8 + 20)
REC'D JAN 27 1979

Reprinted 4/18

SENATE FILE 97

By NYSTROM, SMALL, COLEMAN,
WILLITS and READINGER

Failed
Passed Senate, Date 3-12-79 (p 727) Passed House, Date _____
Vote: Ayes 21 Nays 35 Vote: Ayes _____ Nays _____

Approved March 10, 1980
Revised to recommended (p 129)
Reconsidered Passed Senate 4-11-79 (p 1195)

38-10 **A BILL FOR**

1 An Act providing for the licensing of occupational therapists
2 and occupational therapy assistants and subjecting persons
3 to penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

9 1. "Board" means the board of occupational therapy
10 examiners.

11 2. "Occupational therapy" means the therapeutic application
12 of specific tasks used for the purpose of evaluation,
13 diagnosis, and treatment of problems interfering with
14 functional performance in persons impaired by physical illness
15 or injury, emotional disorder, congenital or developmental
16 disability, or the aging process in order to achieve optimum
17 function, for maintenance of health and prevention of
18 disability. Occupational therapy services include, but are
19 not limited to, activities of daily living, the design,
20 fabrication and application of splints, sensorimotor
21 activities, the use of specifically designed crafts, guidance
22 in the selection and use of adaptive equipment, therapeutic
23 activities to enhance functional performance, prevocational
24 evaluation and training, and consultation concerning the
25 adaptation of physical environments for the handicapped.

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

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

31 Sec. 3. NEW SECTION. PERSONS AND PRACTICES NOT AFFECTED.

32 This Act does not prevent or restrict the practice, services
33 or activities of any of the following:

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

1 is licensed.

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

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

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

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

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

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

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

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

10 Sec. 5. NEW SECTION. REQUIREMENTS FOR LICENSURE.

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

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

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

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

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

30 (1, For an occupational therapist a minimum of six months
31 of supervised field work experience is required.

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

34 c. Successful completion of an examination provided by
35 the board.

1 2. An applicant who has practiced as an occupational
2 therapy assistant for five years and has met the requirements
3 of subsection one (1), paragraph b of this section may take
4 the examination to be licensed as an occupational therapist
5 without meeting the educational requirements of subsection
6 one (1), paragraph a of this section.

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

8 1. The board may waive the examination and grant a license
9 to a person certified prior to the effective date of this
10 Act as an occupational therapist registered (O.T.R.) or a
11 certified occupational therapy assistant (C.O.T.A.) by the
12 American occupational therapy association. The board may
13 waive the examination and grant a license to a person so
14 certified by the association after the effective date of this
15 Act, if the board considers the requirements for that
16 certification to be equivalent to the requirements for
17 licensing in this Act.

18 2. The board shall waive the education and experience
19 requirements for licensure in section five (5), subsection
20 one (1), paragraphs a and b of this Act for applicants for
21 a license who present evidence to the board that they have
22 been engaged in the practice of occupational therapy on and
23 prior to the effective date of this Act. Proof of actual
24 practice shall be presented to the board in a manner as it
25 prescribes by rule. To obtain the benefit of this waiver,
26 an applicant must file an application for examination within
27 one year from the effective date of this Act.

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

35 Sec. 8. NEW SECTION. BOARD OF OCCUPATIONAL THERAPY

1 EXAMINERS--ADMINISTRATIVE PROVISIONS. The board may employ
2 an executive secretary and officers and employees as necessary,
3 and shall determine their duties and fix their compensation.

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

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

15 3. "Profession" ~~shall-mean~~ means medicine and surgery,
16 podiatry, osteopathy, osteopathic medicine and surgery,
17 psychology, chiropractic, nursing, dentistry, dental hygiene,
18 optometry, speech pathology, audiology, pharmacy, physical
19 therapy, occupational therapy, cosmetology, barbering or
20 mortuary science.

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

23 147.2 LICENSE REQUIRED. No person shall engage in the
24 practice of medicine and surgery, podiatry, osteopathy,
25 osteopathic medicine and surgery, psychology, chiropractic,
26 physical therapy, nursing, dentistry, dental hygiene,
27 optometry, speech pathology, audiology, occupational therapy,
28 pharmacy, cosmetology, barbering or mortuary science as defined
29 in the following chapters of this title, unless ~~he-or-she~~
30 ~~shall-have~~ the person has obtained from the state department
31 of health a license for that purpose.

32 Sec. 11. Section one hundred forty-seven point three
33 (147.3), Code 1979, is amended to read as follows:

34 147.3 QUALIFICATIONS. An applicant for a license to
35 practice a profession under this title ~~shall~~ is not be

1 ineligible because of age, citizenship, sex, race, religion,
2 marital status or national origin, although the application
3 form may require citizenship information. Any board may
4 consider the past felony record of an applicant only if the
5 felony conviction relates directly to the practice of medicine,
6 podiatry, osteopathy, osteopathy and surgery, chiropractic,
7 nursing, psychology, optometry, speech pathology, audiology,
8 pharmacy, physical therapy, occupational therapy, cosmetology,
9 barbering or mortuary science for which the applicant requests
10 to be licensed. Character references may be required, but
11 shall not be obtained from licensed members of the profession.

12 Sec. 12. Section one hundred forty-seven point thirteen
13 (147.13), Code 1979, is amended to read as follows:

14 147.13 DESIGNATION OF BOARDS. The examining boards
15 provided in section 147.12 shall be designated as follows:
16 For medicine and surgery, and osteopathy, and osteopathic
17 medicine and surgery, medical examiners; for psychology,
18 psychology examiners; for podiatry, podiatry examiners; for
19 chiropractic, chiropractic examiners; for physical therapists,
20 physical therapy examiners; for occupational therapists,
21 occupational therapy examiners; for nursing, board of nursing;
22 for dentistry and dental hygiene, dental examiners; for
23 optometry, optometry examiners; for speech pathology and
24 audiology, speech pathology and audiology examiners; for
25 cosmetology, cosmetology examiners; for barbering, barber
26 examiners; for pharmacy, pharmacy examiners; for mortuary
27 science, mortuary science examiners.

28 Sec. 13. Section one hundred forty-seven point fourteen
29 (147.14), Code 1979, is amended by adding the following new
30 subsection:

31 NEW SUBSECTION. For occupational therapy, two licensed
32 occupational therapists, one licensed occupational therapy
33 assistant, and two persons who are not licensed to practice
34 occupational therapy and who shall represent the general
35 public. A majority of the members of the board constitutes

1 a quorum.

2 Sec. 14. Section one hundred forty-seven point eighty
3 (147.80), Code 1979, is amended by adding the following new
4 subsections:

5 NEW SUBSECTION. License to practice occupational therapy
6 issued upon the basis of an examination given by the board
7 of occupational therapy examiners, license to practice
8 occupational therapy issued under a reciprocal agreement,
9 renewal of a license to practice occupational therapy.

10 NEW SUBSECTION. License to assist in the practice of
11 occupational therapy issued upon the basis of an examination
12 given by the board of occupational therapy examiners, license
13 to assist in the practice of occupational therapy issued under
14 a reciprocal agreement, renewal of a license to assist in
15 the practice of occupational therapy.

16 Sec. 15. Section two hundred fifty-eight A point three
17 (258A.3), subsection two (2), paragraph a, Code 1979, is
18 amended to read as follows:

19 a. Revoke a license, or suspend a license either until
20 further order of the board or for a specified period, upon
21 the grounds specified in sections 114.21, 115.8, 116.21,
22 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24,
23 169.36, 455B.59 and section seven (7) of this Act and chapters
24 135E and 151 or upon any other grounds specifically provided
25 for in this chapter for revocation of the license of a licensee
26 subject to the jurisdiction of that board, or upon failure
27 of the licensee to comply with a decision of the board imposing
28 licensee discipline;

29 Sec. 16. Section two hundred fifty-eight A point four
30 (258A.4), subsection one (1), paragraph f, Code 1979, is
31 amended to read as follows:

32 f. Define by rule acts or omissions which are grounds
33 for revocation or suspension of a license under the provisions
34 of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15,
35 120.10, 147.55, 153.34, 154A.24, 169.36 and, 455B.49 and

1 section seven (7) of this Act and chapters 135E and 151, and
2 to define by rule acts or omissions which constitute
3 negligence, careless acts or omissions within the meaning
4 of section 258A.3, subsection 2, paragraph "b", which licensees
5 are required to report to the board pursuant to section 258A.9,
6 subsection 2;

7 Sec. 17. This Act is effective January first following
8 its enactment.

9 EXPLANATION

10 This bill adopts provisions of a model occupational therapy
11 practice Act for the licensing of occupational therapists
12 and therapy assistants and coordinates those provisions with
13 chapter 147, the health professions practice law, and chapter
14 258A, the continuing education and licensee discipline law.

15 The bill creates a five member board of examiners of two
16 occupational therapists, one assistant, and two citizens.
17 The bill establishes educational, experience, and examination
18 requirements for occupational therapy.

19 The bill will be effective on January first following its
20 enactment.

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SENATE 2
FEBRUARY 22, 1979

SENATE FILE 97

S-3111

- 1 Amend Senate File 97 as follows:
- 2 1. Page 4, by striking lines 7 through 27.

S-3111 FILED *Out of order 3/1/79* BY ROLF V. CRAFT
FEBRUARY 21, 1979 *(p 148)*

*House State Court 4/13
Amended per 50917 D. Pass 1/30/80 (p 278)*

SENATE FILE 97

By NYSTROM, SMALL, COLEMAN,
WILLITS and READINGER

(AS AMENDED AND PASSED BY THE SENATE APRIL 11, 1979)

Passed Senate, Date ¹⁸⁻³¹⁻⁸⁰ 1-25-80 (p. 553) Passed House, Date 2-14-80 (p. 516)

Vote: Ayes 34 Nays 6 Vote: Ayes 81 Nays 12

Approved March 10, 1980

A BILL FOR

1 An Act providing for the licensing of occupational therapists
2 and occupational therapy assistants and subjecting persons
3 to penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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————— = New Language
by the Senate

* = Language Stricken
by the Senate

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

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

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

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9 1. "Board" means the board of occupational therapy
10 examiners.

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

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

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

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

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

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

34 3. A person pursuing a course of study leading to a degree
35 or certificate in occupational therapy in an accredited or

1 approved educational program, if the activities and services
2 constitute a part of a supervised course of study and the
3 person is designated by a title which clearly indicates his
4 or her status as a student or trainee.

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

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

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

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

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

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

1 examination.

2 Sec. 5. NEW SECTION. REQUIREMENTS FOR LICENSURE.

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

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

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

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

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

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

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

26 c. Successful completion of an examination provided by
27 the board.

28 2. An applicant who has practiced as an occupational
29 therapy assistant for five years and has met the requirements
30 of subsection one (1), paragraph b of this section may take
31 the examination to be licensed as an occupational therapist
32 without meeting the educational requirements of subsection
33 one (1), paragraph a of this section.

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

35 1. The board may waive the examination and grant a license

1 to a person certified prior to the effective date of this
2 Act as an occupational therapist registered (O.T.R.) or a
3 certified occupational therapy assistant (C.O.T.A.) by the
4 American occupational therapy association.

5 2. The board shall waive the education and experience
6 requirements for licensure in section five (5), subsection
7 one (1), paragraphs a and b of this Act for applicants for
8 a license who present evidence to the board that they have
9 been engaged in the practice of occupational therapy on and
10 prior to the effective date of this Act. Proof of actual
11 practice shall be presented to the board in a manner as it
12 prescribes by rule. To obtain the benefit of this waiver,
13 an applicant must file an application for examination within
14 one year from the effective date of this Act.

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

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

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

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

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

9 3. "Profession" ~~shall-mean~~ means medicine and surgery,
10 podiatry, osteopathy, osteopathic medicine and surgery,
11 psychology, chiropractic, nursing, dentistry, dental hygiene,
12 optometry, speech pathology, audiology, pharmacy, physical
13 therapy, occupational therapy, cosmetology, barbering or
14 mortuary science.

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

17 147.2 LICENSE REQUIRED. No person shall engage in the
18 practice of medicine and surgery, podiatry, osteopathy,
19 osteopathic medicine and surgery, psychology, chiropractic,
20 physical therapy, nursing, dentistry, dental hygiene,
21 optometry, speech pathology, audiology, occupational therapy,
22 pharmacy, cosmetology, barbering or mortuary science as defined
23 in the following chapters of this title, unless he-or-she
24 ~~shall-have~~ the person has obtained from the state department
25 of health a license for that purpose.

26 Sec. 11. Section one hundred forty-seven point three
27 (147.3), Code 1979, is amended to read as follows:

28 147.3 QUALIFICATIONS. An applicant for a license to
29 practice a profession under this title ~~shall~~ is not be
30 ineligible because of age, citizenship, sex, race, religion,
31 marital status or national origin, although the application
32 form may require citizenship information. Any board may
33 consider the past felony record of an applicant only if the
34 felony conviction relates directly to the practice of medicine,
35 podiatry, osteopathy, osteopathy and surgery, chiropractic,

1 nursing, psychology, optometry, speech pathology, audiology,
2 pharmacy, physical therapy, occupational therapy, cosmetology,
3 barbering or mortuary science for which the applicant requests
4 to be licensed. Character references may be required, but
5 shall not be obtained from licensed members of the profession.

6 Sec. 12. Section one hundred forty-seven point thirteen
7 (147.13), Code 1979, is amended to read as follows:

8 147.13 DESIGNATION OF BOARDS. The examining boards
9 provided in section 147.12 shall be designated as follows:
10 For medicine and surgery, and osteopathy, and osteopathic
11 medicine and surgery, medical examiners; for psychology,
12 psychology examiners; for podiatry, podiatry examiners; for
13 chiropractic, chiropractic examiners; for physical therapists,
14 physical therapy examiners; for occupational therapists,
15 occupational therapy examiners; for nursing, board of nursing;
16 for dentistry and dental hygiene, dental examiners; for
17 optometry, optometry examiners; for speech pathology and
18 audiology, speech pathology and audiology examiners; for
19 cosmetology, cosmetology examiners; for barbering, barber
20 examiners; for pharmacy, pharmacy examiners; for mortuary
21 science, mortuary science examiners.

22 Sec. 13. Section one hundred forty-seven point fourteen
23 (147.14), Code 1979, is amended by adding the following new
24 subsection:

25 NEW SUBSECTION. For occupational therapy, two licensed
26 occupational therapists, one licensed occupational therapy
27 assistant, and two persons who are not licensed to practice
28 occupational therapy and who shall represent the general
29 public. A majority of the members of the board constitutes
30 a quorum.

31 Sec. 14. Section one hundred forty-seven point eighty
32 (147.80), Code 1979, is amended by adding the following new
33 subsections:

34 NEW SUBSECTION. License to practice occupational therapy
35 issued upon the basis of an examination given by the board

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1 of occupational therapy examiners, license to practice
2 occupational therapy issued under a reciprocal agreement,
3 renewal of a license to practice occupational therapy.

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4 NEW SUBSECTION. License to assist in the practice of
5 occupational therapy issued upon the basis of an examination
6 given by the board of occupational therapy examiners, license
7 to assist in the practice of occupational therapy issued under
8 a reciprocal agreement, renewal of a license to assist in
9 the practice of occupational therapy.

2000, 20054, 2

10 Sec. 15. Section two hundred fifty-eight A point three
11 (258A.3), subsection two (2), paragraph a, Code 1979, is
12 amended to read as follows:

13 a. Revoke a license, or suspend a license either until
14 further order of the board or for a specified period, upon
15 the grounds specified in sections 114.21, 115.8, 116.21,
16 117.29, 118.13, 118A.15, 120.10, 147.55, 153.34, 154A.24,
17 169.36, 455B.59 and section seven (7) of this Act and chapters
18 135E and 151 or upon any other grounds specifically provided
19 for in this chapter for revocation of the license of a licensee
20 subject to the jurisdiction of that board, or upon failure
21 of the licensee to comply with a decision of the board imposing
22 licensee discipline;

23 Sec. 16. Section two hundred fifty-eight A point four
24 (258A.4), subsection one (1), paragraph f, Code 1979, is
25 amended to read as follows:

26 f. Define by rule acts or omissions which are grounds
27 for revocation or suspension of a license under the provisions
28 of sections 114.21, 115.8, 116.21, 117.29, 118.13, 118A.15,
29 120.10, 147.55, 153.34, 154A.24, 169.36 and, 455B.49 and
30 section seven (7) of this Act and chapters 135E and 151, and
31 to define by rule acts or omissions which constitute
32 negligence, careless acts or omissions within the meaning
33 of section 258A.3, subsection 2, paragraph "b", which licensees
34 are required to report to the board pursuant to section 258A.9,
35 subsection 2;

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1 Sec. 17. This Act is effective January first following
2 its enactment.

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SF 97
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SENATE FILE 97

H-5157

1 Amend amendment H-5111 to Senate File 97, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking line 2 and inserting
5 in lieu thereof the following:

6 "1. Page 3, by striking lines 11 through 17
7 and inserting in lieu thereof the following:

8 "(1) For an occupational therapist, the
9 program must be one accredited by the American
10 medical association.""

H-5157 FILED *Placed out of* BY HANSON of Delaware
FEBRUARY 5, 1980 *order upon*
with of 5111
2/14 (of 511)

SENATE FILE 97

H-5054

1 Amend Senate File 97 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, line 9, by inserting after the word
4 "of" the words "physical and".

5 2. Page 6, by striking lines 13 through 15 and
6 inserting in lieu thereof the following:

7 "chiropractic, chiropractic examiners; for physical
8 therapists and occupational therapists, physical and
9 occupational therapy examiners; for nursing, board
10 of nursing;".

11 3. Page 6, by inserting after line 21 the
12 following:

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

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

24 4. Page 6, by striking lines 25 through 30 and
25 inserting in lieu thereof the following:

26 "NEW SUBSECTION. For physical therapy and
27 occupational therapy, three members licensed to
28 practice physical therapy, two members licensed to
29 practice occupational therapy, and two members who
30 are not licensed to practice physical therapy or
31 occupational therapy and who shall represent the
32 general public. A quorum shall consist of a majority
33 of the members of the board."

34 5. Page 6, by inserting after line 30 the
35 following:

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

39 In addition to any other fee provided by law, a
40 fee may be set by the respective examining boards
41 for each license and renewal of a license to practice
42 medicine, surgery, podiatry, osteopathy, osteopathic
43 medicine and surgery, chiropractic, nursing, dentistry,
44 dental hygiene, optometry, pharmacy, physical therapy,
45 occupational therapy, and veterinary medicine, which
46 fee shall be based on the annual cost of collecting
47 information for use by the department of health in
48 the administration of the system of health manpower
49 statistics established by this section. The fee shall
50 be collected, transmitted to the treasurer of state

H-5054
Page Two

1 and deposited in the general fund of the state in
2 the manner in which license and renewal fees of the
3 respective professions are collected, transmitted,
4 and deposited in the general fund."

5 6. Page 6, by inserting before line 31 the
6 following:

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

10 7. License to practice physical therapy issued
11 upon the basis of an examination given by the board
12 of physical and occupational therapy examiners, license
13 to practice physical therapy issued under a reciprocal
14 agreement, renewal of a license to practice physical
15 therapy."

16 7. Page 7, line 1, by inserting after the word
17 "of" the words "physical and".

18 8. Page 7, line 6, by inserting after the word
19 "of" the words "physical and".

20 9. Page 7, by inserting after line 9 the following:

21 "Sec. _____. Section two hundred fifty-eight A point
22 one (258A.1), subsection one (1), paragraph r, Code
23 1979, is amended by striking the paragraph and
24 inserting in lieu thereof the following:

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

28 10. Page 7, by inserting after line 35 the
29 following:

30 "Sec. _____. The members of the board of physical
31 therapy examiners shall become members of the board
32 of physical and occupational therapy examiners and
33 may continue to serve the terms to which they were
34 appointed; however, service on both boards shall be
35 considered together for the purposes of section one
36 hundred forty-seven point nineteen (147.19) of the
37 Code. The governor shall appoint two persons who
38 would be qualified to take or have waived the
39 examination to become a licensed occupational therapist
40 pursuant to this Act to the initial positions for
41 licensed occupational therapists on the board of
42 physical and occupational therapy examiners. The
43 board shall grant these appointees licenses as
44 occupational therapists. One initial appointee shall
45 be appointed to a term of three years and the other
46 to a term of two years."

47 11. By renumbering the sections and correcting
48 internal references to conform with this amendment.

SENATE FILE 97

H-5091

1 Amend Senate File 97 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, line 9, by inserting after the word
4 "of" the words "physical and".

5 2. Page 4, line 13, by striking the words "file
6 an application for" and inserting in lieu thereof
7 the words "successfully complete the".

8 3. Page 6, by striking lines 13 through 15 and
9 inserting in lieu thereof the following: "chiropractic,
10 chiropractic examiners; for physical therapists and
11 occupational therapists, physical and occupational
12 therapy examiners; for nursing, board of nursing;".

13 4. Page 6, by inserting after line 21 the
14 following:

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

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

26 5. Page 6, by striking lines 25 through 30 and
27 inserting in lieu thereof the following:

28 "NEW SUBSECTION. For physical therapy and
29 occupational therapy, three members licensed to
30 practice physical therapy, two members licensed to
31 practice occupational therapy, and two members who
32 are not licensed to practice physical therapy or
33 occupational therapy and who shall represent the
34 general public. A quorum shall consist of a majority
35 of the members of the board."

36 6. Page 6, by inserting after line 30 the
37 following:

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

41 In addition to any other fee provided by law, a
42 fee may be set by the respective examining boards
43 for each license and renewal of a license to practice
44 medicine, surgery, podiatry, osteopathy, osteopathic
45 medicine and surgery, chiropractic, nursing, dentistry,
46 dental hygiene, optometry, pharmacy, physical therapy,
47 occupational therapy, and veterinary medicine, which
48 fee shall be based on the annual cost of collecting
49 information for use by the department of health in
50 the administration of the system of health manpower

1 statistics established by this section. The fee shall
2 be collected, transmitted to the treasurer of state
3 and deposited in the general fund of the state in
4 the manner in which license and renewal fees of the
5 respective professions are collected, transmitted,
6 and deposited in the general fund."

7 7. Page 6, by inserting before line 31 the
8 following:

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

12 7. License to practice physical therapy issued
13 upon the basis of an examination given by the board
14 of physical and occupational therapy examiners, license
15 to practice physical therapy issued under a reciprocal
16 agreement, renewal of a license to practice physical
17 therapy."

18 8. Page 7, line 1, by inserting after the word
19 "of" the words "physical and".

20 9. Page 7, line 6, by inserting after the word
21 "of" the words "physical and".

22 10. Page 7, by inserting after line 9 the
23 following:

24 "Sec. _____. Section two hundred fifty-eight A point
25 one (258A.1), subsection one (1), paragraph r, Code
26 1979, is amended by striking the paragraph and
27 inserting in lieu thereof the following:

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

31 11. Page 7, by inserting after line 35 the
32 following:

33 "Sec. _____. The members of the board of physical
34 therapy examiners shall become members of the board
35 of physical and occupational therapy examiners and
36 may continue to serve the terms to which they were
37 appointed; however, service on both boards shall be
38 considered together for the purposes of section one
39 hundred forty-seven point nineteen (147.19) of the
40 Code. The governor shall appoint two persons who
41 would be qualified to take or have waived the
42 examination to become a licensed occupational therapist
43 pursuant to this Act to the initial positions for
44 licensed occupational therapists on the board of
45 physical and occupational therapy examiners. The
46 board shall grant these appointees licenses as
47 occupational therapists. One initial appointee shall
48 be appointed to a term of three years and the other
49 to a term of two years."

50 12. By renumbering the sections and correcting

1 internal references to conform with this amendment.

SENATE FILE 97

H-5117

- 1 Amend Senate File 97 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 1, lines 20 and 21, by striking the A
4 words "licensed under this Act to assist" and
5 inserting in lieu thereof the word "assisting".
6 2. Page 3, line 4, by striking the words "or
7 as an occupational therapy assistant".
8 3. Page 3, by striking lines 10 through 12
9 and inserting in lieu thereof the words "by the
10 board and accredited by the American medical
11 association in".
12 4. Page 3, by striking lines 15 through 17.
13 5. Page 3, line 18, by striking the word
14 "period" and inserting in lieu thereof the words
15 "minimum of six months".
16 6. Page 3, by striking lines 22 through 25.
17 7. Page 4, lines 2 and 3, by striking the words
18 "or a certified occupational therapy assistant
19 (C.O.T.A.)".
20 8. Page 4, line 17, by striking the words "or
21 occupational therapy assistant".
22 9. Page 6, lines 25 through 27, by striking the B
23 words "two licensed occupational therapists, one
24 licensed occupational therapy assistant," and
25 inserting in lieu thereof the words "three licensed
26 occupational therapists".
27 10. Page 7, by striking lines 4 through 9.
28 11. Title Page, line 2, by striking the words
29 "and occupational therapy assistants".

B
2/15 (p. 510)
p. 510

H-5117 FILED By RITSEMA of Sioux
FEBRUARY 1, 1980
A. L. ... B. ... 2/14 (79 510-511)

SENATE FILE 97

H-5122

- 1 Amend Amendment H-5107 to Senate File 97 as
2 follows:
3 1. Page 1, by striking lines 4 and 5 and in-
4 serting in lieu thereof the words "its subdivisions,
5 by".

H-5122 FILED 2/15 2/14 By LURA of Marshall
FEBRUARY 1, 1980 (p. 511)

SENATE FILE 97

H-5111

- 1 Amend Senate File 97 as follows:
2 1. Page 3, by striking lines 11 through 17.
3 2. Page 4, line 31, by striking the word
4 "necessary" and by inserting the words "permitted
5 by law".

H-5111 FILED *W/L 2/14 (p. 511)* BY CONLON of Muscatine
JANUARY 31, 1980

SENATE FILE 97

H-5107

- 1 Amend Senate File 97 as follows:
2 1. Page 1, line 31, by inserting after the
3 word "States," the words "by this state or any of
4 its subdivisions, by a proprietorship or business
5 organization having more than 250 employees, by
6 a medical doctor or osteopath licensed to practice
7 in this state, or by a private nonprofit hospital
8 located in this state,".
9 2. Page 1, line 32, by inserting after the
10 words "of the" the words "person or".

H-5107 FILED *Last 2/14 (p. 511)* BY CONLON of Muscatine
JANUARY 31, 1980

SENATE FILE 97

H-5106

- 1 Amend Senate File 97 as follows:
2 1. Page 3, line 27, by inserting after the
3 word "board" the words ", which examination shall
4 be taken and passed by all persons licensed under
5 this Act at six year intervals as a condition of
6 licensure".

H-5106 FILED *Last 2/14 (p. 512)* BY CONLON of Muscatine
JANUARY 31, 1980

SENATE FILE 97

H-5124

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, line 27, by inserting after the word
- 4 "board." the words "Such examination shall be con-
- 5 ducted no more than once every six (6) months."

H-5124 FILED *Adopted 2/14* By LURA of Marshall
FEBRUARY 1, 1980 (*p. 512*)

SENATE FILE 97

H-5123

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 14, by inserting after the word
- 4 "Act." the words "However, the waiver is conditional
- 5 upon the applicant satisfying the education and
- 6 experience requirements of section five (5), subsection
- 7 one (1), paragraphs a and b of this Act within five
- 8 years of the waiver being granted and if those
- 9 requirements are not satisfied at the expiration of
- 10 those five years the board shall revoke the license."

H-5123 FILED *Adopted 2/14* By LURA of Marshall
FEBRUARY 1, 1980 (*p. 512*)

SENATE FILE 97

H-5127

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 3, by striking lines 34 through 35.
- 4 2. Page 4, by striking lines 1 through 21.
- 5 3. By renumbering other sections as necessary.

H-5127 FILED *11/25 2/14* By LURA of Marshall
FEBRUARY 1, 1980 (*p. 512*)

SENATE FILE 97

H-5125

- 1 Amend Amendment H-5107 to Senate File 97 as
- 2 follows:
- 3 1. Page 1, line 6 by inserting after the word
- 4 "doctor" the words ", chiropractic doctor".

H-5125 FILED *11/25 2/14* By LURA of Marshall
FEBRUARY 1, 1980 (*p. 511*)

SENATE FILE 97

H-5119

- 1 Amend Senate File 97 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 5, line 4, by striking the words "dental
4 hygienist," and inserting in lieu thereof the words
5 "dental-hygienist;".
6 2. Page 5, line 11, by striking the words "dental
7 hygiene," and inserting in lieu thereof the words
8 "dental-hygiene;".
9 3. Page 5, line 20, by striking the words "dental
10 hygiene," and inserting in lieu thereof the words
11 "dental-hygiene;".
12 4. Page 6, line 16, by striking the words "and
13 dental hygiene" and inserting in lieu thereof the
14 words "and-dental-hygiene".

H-5119 FILED *4/12 3/14* By RITSEMA of Sioux
FEBRUARY 1, 1980 (*f. 512*)

SENATE FILE 97

H-5118

- 1 Amend Senate File 97 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 5, line 6, by striking the words
4 "practitioner of cosmetology," and inserting
5 in lieu thereof the words "praetitiener-of
6 eesmetology;".
7 2. Page 5, line 13, by striking the word
8 "cosmetology," and inserting in lieu thereof
9 the word "eesmetology;".
10 3. Page 5, line 22, by striking the word
11 "cosmetology," and inserting in lieu thereof
12 the word "eesmetology;".
13 4. Page 6, line 2, by striking the word
14 "cosmetology," and inserting in lieu thereof
15 the word "eesmetology;".
16 5. Page 6, lines 18 and 19, by striking the
17 words "for cosmetology, cosmetology examiners;"
18 and inserting in lieu thereof the words "for
19 cosmetology;-eesmetology-examiners;".

H-5118 FILED By RITSEMA of Sioux
FEBRUARY 1, 1980

Filed not germane 2/14 (f. 514)

SENATE FILE 97

H-5121

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, line 5, by striking the words "speech
- 4 pathologist, audiologist," and inserting in lieu
- 5 thereof the words "speech-pathologist, audiologist".
- 6 2. Page 5, line 12, by striking the words
- 7 "speech pathology, audiology," and inserting in lieu
- 8 thereof the words "speech-pathology, audiology".
- 9 3. Page 5, line 21, by striking the words
- 10 "speech pathology, audiology," and inserting in lieu
- 11 thereof the words "speech-pathology, audiology".
- 12 4. Page 6, line 1, by striking the words "speech
- 13 pathology, audiology," and inserting in lieu thereof
- 14 the words "speech-pathology, audiology".
- 15 5. Page 6, lines 17 and 18, by striking the words
- 16 "for speech pathology and audiology, speech pathology
- 17 and audiology examiners;" and inserting in lieu thereof
- 18 the words "for-speech-pathology-and-audiology, speech
- 19 pathology-and-audiology-examiners;".

H-5121 FILED *Revised not* By RITSEMA OF Sioux
FEBRUARY 1, 1980 *german*
2/14 (p. 513)

SENATE FILE 97

H-5120

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, line 7, by striking the words
- 4 "practitioner of barbering" and inserting in
- 5 lieu thereof the words "practitioner-of-barbering".
- 6 2. Page 5, line 13, by striking the word "barbering"
- 7 and inserting in lieu thereof the word "barbering".
- 8 3. Page 5, line 22, by striking the word "barbering"
- 9 and inserting in lieu thereof the word "barbering".
- 10 4. Page 6, line 3, by striking the word "barbering"
- 11 and inserting in lieu thereof the word "barbering".
- 12 5. Page 6, lines 19 and 20 by striking the words
- 13 "for barbering, barber examiners;" and inserting in
- 14 lieu thereof the words "for-barbering, -barber-examiners;".

H-5120 FILED By RITSEMA of Sioux
FEBRUARY 1, 1980

Revised not german 2/14 (p. 514)

SENATE FILE 97

H-5126

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 28 through 35.
- 4 2. Page 3, by striking line 1.
- 5 3. By renumbering other sections as necessary.

H-5126 FILED *H/D 2/14* By LURA of Marshall
FEBRUARY 1, 1980 (*p. 511*)

SENATE FILE 97

H-5137

- 1 Amend Senate File 97 as follows:
- 2 1. Page 8, by inserting after line 2 the
- 3 following:
- 4 "Sec. ____ . This Act is repealed January 1, 1986."

H-5137 FILED *Lusk 2/14* By CONLON of Muscatine
FEBRUARY 4, 1980 (*p. 516*)

SENATE FILE 97

H-5136

- 1 Amend Senate File 97 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, by striking line 7 and inserting in
- 4 lieu thereof the following: "or practitioner of
- 5 barbering ~~or funeral director shall mean~~ means"
- 6 2. Page 5, lines 13 and 14, by striking the
- 7 words "barbering or mortuary science" and inserting
- 8 in lieu thereof the following: "or barbering or
- 9 mortuary-science".
- 10 3. Page 5, line 22, by striking the words
- 11 "barbering or mortuary science" and inserting in
- 12 lieu thereof the following: "or barbering or
- 13 mortuary-science".
- 14 4. Page 6, line 3, by striking the words
- 15 "barbering or mortuary science" and inserting in
- 16 lieu thereof the following "or barbering or
- 17 mortuary-science".
- 18 5. Page 6, lines 20 and 21, by striking the
- 19 words "examiners; for mortuary science, mortuary
- 20 science examiners" and inserting in lieu thereof
- 21 the following: "examiners; ~~for mortuary science;~~
- 22 mortuary-science-examiners".

H-5136 FILED *H/D 2/14* By RITSEMA of Sioux
FEBRUARY 4, 1980 (*p. 514*)

HOUSE AMENDMENT TO SENATE FILE 97

S-5140

1 Amend Senate File 97 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, line 9, by inserting after the word
4 "of" the words "physical and".

5 2. Page 3, line 27, by inserting after the word
6 "board." the words "Such examination shall be conducted
7 no more than once every six (6) months."

8 3. Page 4, line 13, by striking the words "file
9 an application for" and inserting in lieu thereof
10 the words "successfully complete the".

11 4. Page 4, line 14, by inserting after the word
12 "Act." the words "However, the waiver is conditional
13 upon the applicant satisfying the education and
14 experience requirements of section five (5), subsection
15 one (1), paragraphs a and b of this Act within five
16 years of the waiver being granted and if those
17 requirements are not satisfied at the expiration of
18 those five years the board shall revoke the license."

19 5. Page 6, by striking lines 13 through 15 and
20 inserting in lieu thereof the following: "chiropractic,
21 chiropractic examiners; for physical therapists and
22 occupational therapists, physical and occupational
23 therapy examiners; for nursing, board of nursing;".

24 6. Page 6, by inserting after line 21 the
25 following:

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

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

37 7. Page 6, by striking lines 25 through 30 and
38 inserting in lieu thereof the following:

39 "NEW SUBSECTION. For physical therapy and
40 occupational therapy, three members licensed to
41 practice physical therapy, two members licensed to
42 practice occupational therapy, and two members who
43 are not licensed to practice physical therapy or
44 occupational therapy and who shall represent the
45 general public. A quorum shall consist of a majority
46 of the members of the board."

47 8. Page 6, by inserting after line 30 the
48 following:

49 "Sec. _____. Section one hundred forty-seven point
50 twenty-five (147.25), unnumbered paragraph four (4),

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Page 2

1 Code 1979, is amended to read as follows:

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

18 9. Page 6, by inserting before line 31 the
19 following:

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

23 7. License to practice physical therapy issued
24 upon the basis of an examination given by the board
25 of physical and occupational therapy examiners, license
26 to practice physical therapy issued under a reciprocal
27 agreement, renewal of a license to practice physical
28 therapy."

29 10. Page 7, line 1, by inserting after the word
30 "of" the words "physical and".

31 11. Page 7, line 6, by inserting after the word
32 "of" the words "physical and".

33 12. Page 7, by inserting after line 9 the
34 following:

35 "Sec. _____. Section two hundred fifty-eight A point
36 one (258A.1), subsection one (1), paragraph r, Code
37 1979, is amended by striking the paragraph and
38 inserting in lieu thereof the following:

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

42 13. Page 7, by inserting after line 35 the
43 following:

44 "Sec. _____. The members of the board of physical
45 therapy examiners shall become members of the board
46 of physical and occupational therapy examiners and
47 may continue to serve the terms to which they were
48 appointed; however, service on both boards shall be
49 considered together for the purposes of section one
50 hundred forty-seven point nineteen (147.19) of the

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Page 3

1 Code. The governor shall appoint two persons who
2 would be qualified to take or have waived the
3 examination to become a licensed occupational therapist
4 pursuant to this Act to the initial positions for
5 licensed occupational therapists on the board of
6 physical and occupational therapy examiners. The
7 board shall grant these appointees licenses as
8 occupational therapists. One initial appointee shall
9 be appointed to a term of three years and the other
10 to a term of two years."
11 14. Renumbering the sections and correcting
12 internal references to conform with this amendment.

S-5140 FILED
FEBRUARY 18, 1980

RECEIVED FROM THE HOUSE

Senate concurred 2/25 (p. 552)

SENATE FILE 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.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 97, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved March 10, 1980

ROBERT D. RAY
Governor