

Senate Study Bill 3092 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to the regulation of persons offering
2 occupational therapy services and making penalties
3 applicable.

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

1 Section 1. Section 148B.2, subsection 2, Code 2011, is
2 amended to read as follows:

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

24 Sec. 2. Section 148B.3, subsection 5, Code 2011, is amended
25 by striking the subsection.

26 Sec. 3. Section 148B.3, subsection 6, Code 2011, is amended
27 to read as follows:

28 6. A nonresident performing occupational therapy services
29 in the state who is not licensed under this chapter, if the
30 services are performed for not more than ~~ninety~~ thirty days in
31 a calendar year in association with an occupational therapist
32 licensed under this chapter, and the nonresident meets either
33 of the following requirements:

34 a. The nonresident is licensed under the law of another
35 state which has licensure requirements at least as stringent as

1 the requirements of this chapter, ~~or~~.

2 *b.* The nonresident meets the requirements for certification
3 as an occupational therapist registered (O.T.R.), or
4 a certified occupational therapy assistant (C.O.T.A.)
5 established by the ~~American~~ national board for certification in
6 occupational therapy association.

7 Sec. 4. Section 148B.4, Code 2011, is amended to read as
8 follows:

9 **148B.4 Limited permit.**

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

27 2. A limited permit to assist in the practice of
28 occupational therapy may be granted to a person who has
29 completed the academic and field work requirements for
30 occupational therapy assistants under this chapter and has
31 not yet taken or received the results of the entry-level
32 certification examination. A permit granted pursuant to this
33 subsection shall be valid for a period of time as determined
34 by the board by rule and shall allow the person to assist in
35 the practice of occupational therapy under the direction and

1 appropriate supervision of an occupational therapist licensed
2 under this chapter. The permit shall expire when the person
3 is issued a license under section 148B.5 or if the person is
4 notified that the person did not pass the examination. The
5 limited permit shall not be renewed.

6 Sec. 5. Section 148B.6, Code 2011, is amended to read as
7 follows:

8 **148B.6 Waiver of requirements for licensing.**

9 ~~1.~~ The board may waive the examination and grant a
10 license ~~to:~~

11 1. To a person certified prior to January 1, 1981, as an
12 occupational therapist registered (O.T.R.) or a certified
13 occupational therapy assistant (C.O.T.A.) by the American
14 ~~Occupational Therapy Association~~ occupational therapy
15 association.

16 ~~2. The board shall waive the education and experience~~
17 ~~requirements for licensure in section 148B.5, subsections~~
18 ~~1 and 2, for applicants for a license who present evidence~~
19 ~~to the board that they have been engaged in the practice of~~
20 ~~occupational therapy on and prior to January 1, 1981. Proof~~
21 ~~of actual practice shall be presented to the board in a manner~~
22 ~~as it prescribes by rule. To obtain the benefit of this~~
23 ~~waiver, an applicant must successfully complete the examination~~
24 ~~within one year from January 1, 1981. However, the waiver is~~
25 ~~conditional upon the applicant satisfying the education and~~
26 ~~experience requirements of section 148B.5, subsections 1 and~~
27 ~~2, within five years of the waiver being granted and if those~~
28 ~~requirements are not satisfied at the expiration of those five~~
29 ~~years the board shall revoke the license.~~

30 ~~3.~~ 2. The board may waive the examination and grant a
31 ~~license to~~ To an applicant who presents proof of current
32 licensure as an occupational therapist or occupational therapy
33 assistant in another state, the District of Columbia, or a
34 territory of the United States which requires standards for
35 licensure considered by the board to be equivalent to the

1 requirements for licensure of this chapter.

2 Sec. 6. NEW SECTION. 148B.8 Unlawful practice.

3 1. A person shall not practice occupational therapy or
4 assist in the practice of occupational therapy, provide
5 occupational therapy services, hold oneself out as an
6 occupational therapist or occupational therapy assistant or
7 as being able to practice occupational therapy or assist in
8 the practice of occupational therapy, or provide occupational
9 therapy services in this state unless the person is licensed
10 under this chapter.

11 2. It is unlawful for any person not licensed as an
12 occupational therapist in this state or whose license is
13 suspended or revoked to use in connection with the person's
14 name or place of business in this state the words "*occupational*
15 *therapist*", "*licensed occupational therapist*", or any word,
16 title, letters, or designation that implies that the person is
17 an occupational therapist.

18 3. It is unlawful for any person not licensed as an
19 occupational therapy assistant in this state or whose license
20 is suspended or revoked to use in connection with the person's
21 name or place of business in this state, the words "*occupational*
22 *therapy assistant*", "*licensed occupational therapy assistant*", or
23 any word, title, letters, or designation that implies that the
24 person is an occupational therapy assistant.

25 Sec. 7. NEW SECTION. 148B.9 False use of titles prohibited.

26 A person or business entity, including the employees,
27 agents, or representatives of the business entity, shall
28 not use in connection with that person or business entity's
29 business activity, the words "occupational therapy",
30 "occupational therapist", "licensed occupational therapist",
31 "occupational therapist registered", "doctor of occupational
32 therapy", "occupational therapy assistant", "licensed
33 occupational therapy assistant", "certified occupational
34 therapy assistant", or the letters "O.T.", "O.T./L.",
35 "O.T.R./L.", "O.T.D.", "O.T.A.", "O.T.A./L.", "C.O.T.A.", or

1 any words, abbreviations, or insignia indicating or implying
2 that occupational therapy is provided or supplied unless such
3 services are provided by or under the direction and supervision
4 of an occupational therapist licensed pursuant to this chapter.

5

EXPLANATION

6 This bill amends Code chapter 148B, regulating persons
7 offering occupational therapy services. The bill amends the
8 definition of "occupational therapy" to mean the therapeutic
9 use of occupations, including everyday life activities to
10 support participation, performance, and function in roles and
11 situations in a variety of settings. The bill states that
12 occupational therapy services are provided for habilitation,
13 rehabilitation, and the promotion of health and wellness. The
14 bill states that occupational therapy addresses physical,
15 cognitive, psychosocial, sensory-perceptual, and other aspects
16 of performance to support engagement in occupations that affect
17 physical and mental health, well-being, and quality of life.

18 The bill strikes Code section 148B.3(5), regarding the
19 limited practice of a nonresident performing occupational
20 therapy services in the state. The bill amends Code section
21 148B.3(6) to decrease the number of days in which a nonresident
22 performing occupational therapy services in the state who is
23 not licensed under Code chapter 148B can perform services in
24 a calendar year from 90 to 30 days. The bill also amends Code
25 section 148B.3(6) to provide that a nonresident practicing in
26 the state without a license pursuant to the Code chapter must
27 meet the requirements for certification as an occupational
28 therapist or a certified occupational therapy assistant
29 established by the national board for certification in
30 occupational therapy.

31 The bill amends Code section 148B.4 to state that a limited
32 permit to practice occupational therapy or to assist in the
33 practice of occupational therapy may be granted to a person who
34 has completed the academic and field work requirements, but
35 has not taken or has not received results from the entry-level

1 certification examination. The limited permit is valid for a
2 period determined by the board by rule and allows a person to
3 practice occupational therapy, or to assist in the practice
4 of occupational therapy, under the direction and appropriate
5 supervision of an occupational therapist licensed under the
6 Code chapter. The limited permit expires when the person is
7 issued a license under Code section 148B.5 or the person is
8 notified that the person did not pass the examination. The
9 limited permit may not be renewed.

10 The bill amends Code section 148B.6 by striking a provision
11 regarding the waiver of the education and experience
12 requirements for licensure of applicants who present evidence
13 of engagement in the practice of occupational therapy on or
14 prior to January 1, 1981.

15 The bill provides that it is unlawful for a person to
16 practice occupational therapy or to assist in that practice,
17 or claim to be an occupational therapist or occupational
18 therapy assistant, or claim to practice occupational therapy
19 or assist in the practice of occupational therapy, or provide
20 occupational therapy services in the state without a license.
21 The bill specifies that a person not licensed in the state
22 as an occupational therapist or an assistant in the practice
23 of occupational therapy shall not use words that would imply
24 the person is an occupational therapist or an assistant to an
25 occupational therapist.

26 The bill also specifies that a person shall not use words or
27 other abbreviations in connection with that person's business
28 activity that would imply that occupational therapy is provided
29 unless the services are provided under the direction and
30 supervision of an occupational therapist licensed under Code
31 chapter 148B.

32 A person who violates this bill may be subject to licensing
33 sanctions and, unless a specific penalty is otherwise provided,
34 is guilty of a serious misdemeanor pursuant to Code section
35 147.86.