

1 HB464
2 150510-1
3 By Representative McClendon
4 RFD: Boards, Agencies and Commissions
5 First Read: 20-MAR-13

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8 SYNOPSIS: Under existing law, the Alabama State
9 Occupational Therapy Practice Act governs the
10 practice of occupational therapists, occupational
11 therapy assistants, and occupational therapy aides
12 in the state.

13 This bill would provide further for the
14 definition of occupational therapy.

15 This bill would include licensed assistants
16 to a physician acting pursuant to a valid
17 supervisory agreement, licensed certified
18 registered nurse practitioners in a collaborative
19 practice agreement with a licensed physician, and
20 licensed psychologists among those persons
21 permitted to refer a patient for occupational
22 therapy treatment.

23 This bill would exempt occupational
24 therapists performing services in a wellness or
25 community setting from the referral requirement.

26 This bill would allow a licensee to include
27 academic credentials with license acronyms.

1 This bill would increase the number of
2 consecutive terms a board member may serve from two
3 to three.

4 This bill would provide for the employment
5 and compensation of an executive director.

6 This bill would delete certain requirements
7 for degree or certificate conferral.

8 This bill would provide for the revocation
9 of an active limited permit upon failure of the
10 permit holder to pass the qualifying examination.

11 This bill would allow the executive
12 director, at the request of the secretary of the
13 board, to mail a copy of a complaint to the
14 accused.

15 This bill would also make certain technical
16 corrections.

17
18 A BILL

19 TO BE ENTITLED

20 AN ACT

21
22 To amend Sections 34-39-3, 34-39-4, 34-39-5,
23 34-39-6, 34-39-7, 34-39-8, 34-39-11, and 34-39-16, Code of
24 Alabama 1975, relating to the Alabama State Occupational
25 Therapy Practice Act; to provide further for the definition of
26 occupational therapy; to include licensed assistants to a
27 physician acting pursuant to a valid supervisory agreement,

1 licensed certified registered nurse practitioners in a
2 collaborative practice agreement with a licensed physician,
3 and licensed psychologists among those permitted to refer a
4 patient for occupational therapy treatment; to exempt
5 occupational therapists performing services in a wellness or
6 community setting from the referral requirement; to allow a
7 licensee to include academic credentials with license
8 acronyms; to increase the number of consecutive terms a board
9 member may serve from two to three; to provide for the
10 employment and compensation of an executive director; to
11 delete certain requirements for degree or certificate
12 conferral; to provide for the revocation of an active limited
13 permit upon failure of the permit holder to pass the
14 qualifying examination; to allow the executive director, at
15 the request of the secretary, to mail complaints; and to make
16 certain technical corrections.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 34-39-3, 34-39-4, 34-39-5,
19 34-39-6, 34-39-7, 34-39-8, 34-39-11, and 34-39-16 of the Code
20 of Alabama 1975, are amended to read as follows:

21 "§34-39-3.

22 "In this chapter, the following terms shall have the
23 respective meanings provided in this section unless the
24 context clearly requires a different meaning:

25 "(1) ASSOCIATION. The Alabama Occupational Therapy
26 Association.

1 "(2) BOARD. The Alabama State Board of Occupational
2 Therapy.

3 "(3) LICENSE. A valid and current certificate of
4 registration issued by the Alabama State Board of Occupational
5 Therapy.

6 "(4) OCCUPATIONAL THERAPY. ~~The application of~~
7 ~~purposeful activity in which one engages for evaluation,~~
8 ~~treatment, and consultation related to problems interfering~~
9 ~~with functional performance in persons impaired or threatened~~
10 ~~by physical illness or injury; psychosocial dysfunction;~~
11 ~~congenital dysfunction; developmental and learning~~
12 ~~dysfunction; the aging process; environmental deprivation or~~
13 ~~anticipated dysfunction; in order to maximize independence,~~
14 ~~prevent disability, and maintain health. Specific occupational~~
15 ~~therapy services include, but are not limited to, evaluation~~
16 ~~techniques such as assessment of sensory motor abilities;~~
17 ~~assessment of the development of self-care activities and~~
18 ~~capacity for independence; assessment of the capacity for work~~
19 ~~readiness and work tasks; assessment of play and leisure~~
20 ~~performance; and assessment of environmental areas for~~
21 ~~individuals with disabilities. Specific occupational therapy~~
22 ~~treatment techniques include activities of daily living (ADL);~~
23 ~~the design, fabrication, and application of selected splints~~
24 ~~or orthotics, or both; sensorimotor activities and exercise;~~
25 ~~the use of specifically designed goal oriented arts and~~
26 ~~crafts; design, fabrication, selection, and use of adaptive~~
27 ~~equipment; therapeutic activities, modalities, and exercises~~

1 ~~to enhance functional performance; work readiness evaluation~~
2 ~~and training.~~

3 "a. The practice of occupational therapy means the
4 therapeutic use of occupations, including everyday life
5 activities with individuals, groups, populations, or
6 organizations to support participation, performance, and
7 function in roles and situations in home, school, workplace,
8 community, and other settings. Occupational therapy services
9 are provided for habilitation, rehabilitation, and the
10 promotion of health and wellness to those who have or are at
11 risk for developing an illness, injury, disease, disorder,
12 condition, impairment, disability, activity limitation, or
13 participation restriction. Occupational therapy addresses the
14 physical, cognitive, psychosocial, sensory-perceptual, and
15 other aspects of performance in a variety of contexts and
16 environments to support engagement in occupations that affect
17 physical and mental health, well-being, and quality of life.
18 The practice of occupational therapy includes:

19 "1. Evaluation of factors affecting activities of
20 daily living (ADL), instrumental activities of daily living
21 (IADL), rest and sleep, education, work, play, leisure, and
22 social participation including all of the following:

23 "(i) Client factors, including body functions, such
24 as neuromusculoskeletal, sensory-perceptual, visual, mental,
25 cognitive, and pain factors; body structures such as
26 cardiovascular, digestive, nervous, integumentary,

1 genitourinary systems, and structures related to movement;
2 values, beliefs, and spirituality.

3 "(ii) Habits, routines, roles, rituals, and behavior
4 patterns.

5 "(iii) Physical and social environments, cultural,
6 personal, temporal, and virtual contexts, and activity demands
7 that affect performance.

8 "(iv) Performance skills, including motor and
9 praxis, sensory-perceptual, emotional regulation, cognitive,
10 communication, and social skills.

11 "2. Methods or approaches selected to direct the
12 process of interventions such as:

13 "(i) Establishment, remediation, or restoration of a
14 skill or ability that has not yet developed, is impaired, or
15 is in decline.

16 "(ii) Compensation, modification, or adaptation of
17 activity or environment to enhance performance, or to prevent
18 injuries, disorders, or other conditions.

19 "(iii) Retention and enhancement of skills or
20 abilities without which performance in everyday life
21 activities would decline.

22 "(iv) Promotion of health and wellness, including
23 the use of self-management strategies, to enable or enhance
24 performance in everyday life activities.

25 "(v) Prevention of barriers to performance and
26 participation, including injury and disability prevention.

1 "3. Interventions and procedures to promote or
2 enhance safety and performance in activities of daily living
3 (ADL), instrumental activities of daily living (IADL), rest
4 and sleep, education, work, play, leisure, and social
5 participation including all of the following:

6 "(i) Therapeutic use of occupations, exercises, and
7 activities.

8 "(ii) Training in self-care, self-management, health
9 management and maintenance, home management, community/work
10 reintegration, and school activities and work performance.

11 "(iii) Development, remediation, or compensation of
12 neuromusculoskeletal, sensory-perceptual, visual, mental, and
13 cognitive functions, pain tolerance and management, and
14 behavioral skills.

15 "(iv) Therapeutic use of self, including one's
16 personality, insights, perceptions, and judgments, as part of
17 the therapeutic process.

18 "(v) Education and training of individuals,
19 including family members, caregivers, groups, populations, and
20 others.

21 "(vi) Care coordination, case management, and
22 transition services.

23 "(vii) Consultative services to groups, programs,
24 organizations, or communities.

25 "(viii) Modification of environments, including
26 home, work, school, or community, and adaptation of processes,
27 including the application of ergonomic principles.

1 "(ix) Assessment, design, fabrication, application,
2 fitting, and training in seating and positioning, assistive
3 technology, adaptive devices, training in the use of
4 prosthetic devices, orthotic devices, and the design,
5 fabrication, and application of selected splints or orthotics.

6 "(x) Assessment, recommendation, and training in
7 techniques to enhance functional mobility, including
8 management of wheelchairs and other mobility devices.

9 "(xi) Low vision rehabilitation when the patient or
10 client is referred by a licensed optometrist, a licensed
11 ophthalmologist, a licensed physician, a licensed assistant to
12 a physician acting pursuant to a valid supervisory agreement,
13 or a licensed certified registered nurse practitioner in a
14 collaborative practice agreement with a licensed physician.

15 "(xii) Driver rehabilitation and community mobility.

16 "(xiii) Management of feeding, eating, and
17 swallowing to enable eating and feeding performance.

18 "(xiv) Application of physical agent modalities, and
19 use of a range of specific therapeutic procedures such as
20 wound care management, interventions to enhance
21 sensory-perceptual and cognitive processing, and manual
22 therapy, all to enhance performance skills.

23 "(xv) Facilitating the occupational performance of
24 groups, populations, or organizations through the modification
25 of environments and the adaptation of processes.

26 "b. An occupational therapist or occupational
27 therapy assistant is qualified to perform the above activities

1 for which they have received training and any other activities
2 for which appropriate training or education, or both, has been
3 received. Notwithstanding any other provision of this chapter,
4 no occupational therapy treatment programs to be rendered by
5 an occupational therapist, occupational therapy assistant, or
6 occupational therapy aide shall be initiated without the
7 referral of a licensed physician, a licensed chiropractor, a
8 licensed optometrist, a licensed assistant to a physician
9 acting pursuant to a valid supervisory agreement, a licensed
10 certified registered nurse practitioner in a collaborative
11 practice agreement with a licensed physician, a licensed
12 psychologist, or a licensed dentist who shall establish a
13 diagnosis of the condition for which the individual will
14 receive occupational therapy services. In cases of long-term
15 or chronic disease, disability, or dysfunction, or any
16 combination of the foregoing, requiring continued occupational
17 therapy services, the person receiving occupational therapy
18 services shall be reevaluated by a licensed physician, a
19 licensed chiropractor, a licensed optometrist, a licensed
20 assistant to a physician acting pursuant to a valid
21 supervisory agreement, a licensed certified registered nurse
22 practitioner in a collaborative practice agreement with a
23 licensed physician, a licensed psychologist, or a licensed
24 dentist at least annually for confirmation or modification of
25 the diagnosis. Occupational therapists performing services
26 that are not related to injury, disease, or illness that are
27 performed in a wellness or community setting for the purposes

1 of enhancing performance in everyday activities are exempt
2 from this referral requirement. Occupational therapists
3 employed by state agencies and those employed by the public
4 schools and colleges of this state who provide screening and
5 rehabilitation services for the educationally related needs of
6 the students are exempt from this referral requirement.

7 "c. Nothing in this chapter shall be construed as
8 giving occupational therapists the authority to examine or
9 diagnose patients or clients for departures from the normal of
10 human eyes, visual systems or their adjacent structures, or to
11 prescribe or modify ophthalmic materials including, but not
12 limited to, spectacles, contacts, or spectacle-mounted low
13 vision devices.

14 "(5) OCCUPATIONAL THERAPIST. A person licensed to
15 practice occupational therapy whose license is in good
16 standing.

17 "(6) OCCUPATIONAL THERAPY ASSISTANT. A person
18 licensed to assist in the practices of occupational therapy
19 under the supervision of, or with the consultation of, a
20 licensed occupational therapist whose license is in good
21 standing.

22 "(7) OCCUPATIONAL THERAPY AIDE. A person who assists
23 in the delivery of occupational therapy, who works under
24 direct on-site supervision of an occupational therapist or
25 occupational therapy assistant, or both, and whose activities
26 require an understanding of occupational therapy but do not
27 require professional or advanced training in the basic

1 anatomical, biological, psychological, and social sciences
2 involved in the practice of occupational therapy. No activity
3 listed under paragraph a. of subdivision (4) may be performed
4 by an occupational therapy aide.

5 "(8) PERSON. A human person only, not a legal
6 entity.

7 "(9) WITH THE CONSULTATION OF. The collaboration of
8 two or more persons on a regularly scheduled basis for the
9 purpose of planning, review, or evaluation of occupational
10 therapy services.

11 "§34-39-4.

12 "(a) No person may present ~~himself/herself~~ himself
13 or herself as an occupational therapist or an occupational
14 therapy assistant in this state unless he or she is licensed
15 in accordance with ~~the provisions of~~ this chapter. No firm,
16 partnership, association, or corporation may advertise or
17 otherwise offer to provide or convey the impression that it is
18 providing occupational therapy unless an individual holding a
19 current valid license or limited permit under this chapter is
20 or will at the appropriate time be rendering the occupational
21 therapy services to which reference is made.

22 "(b) It is unlawful for any person not licensed as
23 an occupational therapist or an occupational therapy assistant
24 or whose license has been suspended or revoked to use in
25 connection with ~~his/her~~ his or her name or place of business
26 the words "occupational therapist," "licensed occupational
27 therapist," "occupational therapy assistant," "licensed

1 occupational therapy assistant," or the letters "O.T.,"
2 "L.O.T.," "O.T.R./L.," "O.T.A.," "L.O.T.A.," "C.O.T.A./L.,"
3 thereby indicating or implying that he/she is qualified to
4 practice in this state as a licensed occupational therapist or
5 a licensed occupational therapy assistant. At the discretion
6 of the licensee, academic credentials including MS, OTR/L to
7 indicate a master's degree, and OTD to indicate a clinical
8 doctorate, may also be used in conjunction with the licensure
9 acronyms. It is unlawful also for any person not licensed
10 under this chapter to show in any other way, orally, in
11 writing, in print, or by sign, directly or by implication that
12 ~~he/she~~ he or she is engaged in performing occupational therapy
13 services.

14 "§34-39-5.

15 "Nothing in this chapter shall be construed as
16 preventing or restricting the practice, services, or
17 activities of any of the following persons:

18 "(1) Any person licensed under any other law of the
19 state from engaging in the profession for which he or she is
20 licensed.

21 "(2) Any person employed as an occupational
22 therapist or an occupational therapy assistant by the
23 government of the United States, if the person provides
24 occupational therapy solely under the direction or control of
25 the organization by which he or she is employed.

26 "(3) Any person pursuing a course of study leading
27 to a degree ~~or certificate~~ in occupational therapy at an

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

5 "(4) Any person fulfilling the supervised fieldwork
6 experience requirements of subdivision (2) of Section 34-39-8.

7 "§34-39-6.

8 "(a) There is established the Alabama State Board of
9 Occupational Therapy.

10 "(1) The board shall consist of five members, four
11 of whom shall be involved in the practice of occupational
12 therapy, of which one shall be an occupational therapy
13 assistant. The remaining member shall be a member of another
14 health profession or a member of the public with an interest
15 in the rights or the concerns of health services. Each member
16 of the board shall be a citizen of this state. The
17 occupational therapy board members shall be appointed by the
18 Governor from a list submitted by the Alabama Occupational
19 Therapy Association. In appointing members to the board, the
20 association and the Governor, to the extent possible, shall
21 select those persons whose appointments ensure that the
22 membership of the board is inclusive and reflects the racial,
23 gender, geographic, urban/rural, and economic diversity of the
24 state. Those board members who are occupational therapists, of
25 which one shall be a minority, and occupational therapy
26 assistants shall have been engaged in rendering services to
27 the public, teaching, or research in occupational therapy for

1 at least three years, and shall at all times be holders of
2 valid licenses for the practice of occupational therapy in
3 Alabama. Except for the members in the initial board, all
4 members who are occupational therapists and occupational
5 therapy assistants shall fulfill the requirements for
6 licensure pursuant to this chapter. Terms of appointment for
7 the initial board members shall be as follows: Two members
8 shall serve a one-year term; two members shall serve a
9 two-year term; and one member shall serve a three-year term.

10 "(2) The board shall, within 90 days after April 17,
11 1990, be selected as provided in subdivision (1). At the
12 expiration of the initial terms, board members shall be
13 appointed in the same manner as initial appointments, each for
14 a period of three years. No person shall be appointed to serve
15 more than ~~two~~ three consecutive terms.

16 "(3) Terms shall begin on the first day of the
17 calendar year and end on the last day of the calendar year, or
18 until successors are appointed, except for the initial members
19 who shall serve through the last calendar day of the year in
20 which they are appointed before the commencement of the terms
21 prescribed by subdivision (1).

22 "(4) Within 45 days after April 17, 1990, and
23 annually thereafter, the association shall submit two or three
24 names for each position on the board to be filled. In the
25 event of a midterm vacancy in one of the positions on the
26 board, the Governor shall appoint a member to fill the

1 unexpired term from a list submitted by the association in the
2 same manner as provided in subdivision (1).

3 "(5) The Governor, after notice and opportunity for
4 hearing by the board, may remove any member of the board for
5 neglect of duty, incompetence, revocation or suspension of the
6 license of the member, or other dishonorable conduct. After
7 removal, the Governor shall appoint a successor to the
8 unexpired term from a list of two or three names submitted by
9 the association.

10 "(6) The board shall elect from its membership a
11 chairperson, a secretary, and a treasurer. A majority of the
12 members of the board shall constitute a quorum. The board
13 shall meet during the first month of the calendar year to
14 select officers. No board member may hold the same position as
15 an officer of the board for more than two consecutive years.
16 At least one additional meeting shall be held before the end
17 of the calendar year. Further meetings may be convened at the
18 call of the chairperson, or on the request of any three board
19 members.

20 "(7) Members may be reimbursed for all reasonable
21 and necessary expenses actually incurred in the performance of
22 their duties in accordance with the laws of the State of
23 Alabama and regulations of the State Personnel Director.

24 "(b) There is established a separate special revenue
25 fund in the State Treasury known as the Alabama State Board of
26 Occupational Therapy Fund. All receipts collected by the board
27 pursuant to this chapter shall be deposited in this fund and

1 used only to carry out the provisions of this chapter.
2 Receipts shall be disbursed only by warrant of the state
3 Comptroller upon the State Treasurer, upon itemized vouchers
4 approved by the chairperson. No funds shall be withdrawn or
5 expended except as budgeted and allotted according to the
6 provisions of Sections 41-4-80 to 41-4-96, inclusive, and
7 Sections 41-19-1 to 41-19-12, inclusive, and only in amounts
8 as stipulated in the general appropriations bill or other
9 appropriation bills.

10 "§34-39-7.

11 "(a) The board shall administer, coordinate, and
12 enforce this chapter.

13 "(b) The board shall, within 90 days of the time at
14 which it is appointed, notify all current practitioners of
15 occupational therapy in the state, as identified by the
16 American Occupational Therapy Certification Board, of the
17 enactment of this chapter and its otherwise becoming a law.

18 "(c) The board shall adopt and publish rules and
19 regulations relating to the professional conduct to carry out
20 the policies of this chapter, including but not limited to
21 regulations relating to professional licensure, registration,
22 and the establishment of ethical standards of practice. The
23 State Board of Medical Examiners and the Alabama State Board
24 of Occupational Therapy must jointly approve any rule,
25 regulation, or policy that interprets, explains, or enumerates
26 the permissible acts, functions, or services rendered by an
27 occupational therapist, occupational therapy assistant, or

1 occupational therapy aide as those acts, functions, and
2 services are defined in Section 34-39-3. Any rule, regulation,
3 or policy adopted in violation of this requirement is invalid.

4 "(d) The board shall evaluate the qualifications of
5 all applicants for licensure under this chapter and shall
6 maintain a register of all persons holding a license and a
7 record of all inspections made.

8 "(e) The board shall approve all examinations of
9 applicants for licensure at least twice a year, shall
10 determine the qualifications and authorize the issuance of
11 licenses to qualified occupational therapists and
12 occupational therapy assistants, and shall renew, suspend, or
13 revoke the licenses in the manner provided.

14 "(f) The board may investigate complaints and
15 allegations concerning the violation of this chapter and may
16 examine witnesses, issue subpoenas, and administer oaths in
17 connection with these investigations. Hearings may be
18 conducted, provided reasonable public notice is given and
19 records and minutes are kept in accordance with the rules and
20 regulations of the board.

21 "(g) The board shall make an annual report to the
22 Governor which shall contain an account of duties performed,
23 actions taken, and appropriate recommendations.

24 "(h) The board shall establish a budget in
25 accordance with the requirements of the state.

26 "(i) The board may establish and publish reasonable
27 fees as established in Section 34-39-14.

1 "(j) The board may employ and discharge an executive
2 ~~secretary~~ director and any officers and employees as may be
3 necessary, and shall determine their duties and fix their
4 compensation in accordance with applicable state statutes. The
5 board shall hire and establish the responsibilities and salary
6 of all employees.

7 "§34-39-8.

8 "An applicant for licensure as an occupational
9 therapist or as an occupational therapy assistant shall be a
10 citizen of the United States or, if not a citizen of the
11 United States, a person who is legally present in the United
12 States with appropriate documentation from the federal
13 government, and shall file a written application on forms
14 provided by the board, showing to the satisfaction of the
15 board fulfillment of all of the following requirements:

16 "(1) Applicant shall present evidence satisfactory
17 to the board of having successfully completed all of the
18 academic requirements of for degree or certificate conferral
19 from an educational program in occupational therapy recognized
20 by the board. The program shall be accredited by the
21 Accreditation Council for Occupational Therapy Education of
22 the American Occupational Therapy Association, Incorporated.

23 ~~"a. For an occupational therapist, such a program~~
24 ~~shall be accredited by the Accreditation Council for~~
25 ~~Occupational Therapy Education of the American Occupational~~
26 ~~Therapy Association, Inc.; or an individual may have~~

1 ~~successfully completed the career mobility program of the~~
2 ~~American Occupational Therapy Association.~~

3 ~~"b. For an occupational therapy assistant, the~~
4 ~~program shall be accredited by the American Occupational~~
5 ~~Therapy Association, Inc.~~

6 ~~"(2) Applicant shall submit to the board evidence of~~
7 ~~having successfully completed a period of supervised fieldwork~~
8 ~~experience at a recognized educational institution or a~~
9 ~~training program approved by the educational institution where~~
10 ~~he or she met the academic requirements.~~

11 ~~"a. For an occupational therapist, a minimum of 24~~
12 ~~weeks supervised fieldwork experience is required.~~

13 ~~"b. For an occupational therapy assistant, a minimum~~
14 ~~of eight weeks supervised fieldwork experience is required.~~

15 ~~"(3)(2) Applicant shall pass an examination as~~
16 ~~provided for in Section 34-39-9.~~

17 ~~"§34-39-11.~~

18 ~~"(a) The board shall issue a license to any person~~
19 ~~who meets the requirements of this chapter upon payment of the~~
20 ~~license fee as described in Section 34-39-14.~~

21 ~~"(b) The board shall issue a limited permit to~~
22 ~~persons who have completed the educational and fieldwork~~
23 ~~experience requirements of this chapter. This permit shall~~
24 ~~allow the person to practice occupational therapy under the~~
25 ~~supervision of an occupational therapist who holds a current~~
26 ~~license in this state and shall be valid until the date on~~
27 ~~which the results of the ~~next~~ qualifying examination have been~~

1 made public. This limited permit shall not be renewed if the
2 applicant has failed the examination. Failure of the
3 examination shall result in revocation of an active limited
4 permit.

5 "(c) Any person who is issued a license as an
6 occupational therapist under the terms of this chapter may use
7 the words "occupational therapist," "licensed occupational
8 therapist," "occupational therapist registered," or may use
9 the letters "O.T.," "L.O.T.," or "O.T.R./L." in connection
10 with his/her name or place of business to denote registration
11 hereunder.

12 "(d) Any person who is issued a license as an
13 occupational therapy assistant under the terms of this chapter
14 may use the words "occupational therapy assistant," "licensed
15 occupational therapy assistant," "certified occupational
16 therapy assistant," or may use the letters "O.T.A.,"
17 "L.O.T.A.," or "C.O.T.A./L." in connection with his or her
18 name or place of business to denote registration hereunder.

19 "§34-39-16.

20 "(a) Any person may file a complaint with the board
21 against any licensed occupational therapist or licensed
22 occupational therapy assistant in the state charging the
23 person with having violated ~~the provisions of~~ this chapter.
24 The complaint shall set forth specifications of charges in
25 sufficient detail so as to disclose to the accused fully and
26 completely the alleged acts of misconduct for which he or she
27 is charged. When ~~such~~ a complaint is filed, the secretary of

1 the board, or the executive director at the request of the
2 secretary, shall mail a copy thereof to the accused by
3 ~~registered~~ return receipt mail at his or her address of
4 record, with a written notice of the time and place of hearing
5 thereof, advising him or her that he or she may be present in
6 person and by counsel if he or she so desires, to offer
7 evidence and be heard in his or her defense.

8 "(b) At the time and place fixed for the hearing,
9 the board shall receive evidence upon the subject matter under
10 consideration and shall accord the person against whom charges
11 are preferred a full and fair opportunity to be heard in his
12 or her defense. The board shall be bound by the rules of
13 evidence in contested cases under Section 41-22-13 of the
14 Alabama Administrative Procedure ~~Statute~~ Act and all oral
15 testimony considered by the board ~~must~~ shall be under oath. If
16 the board finds that the licensed occupational therapist or
17 the licensed occupational therapy assistant has violated ~~the~~
18 ~~provisions of this chapter, it shall immediately~~ the board may
19 suspend or revoke his or her licensure, levy a reasonable fine
20 not to exceed one thousand dollars (\$1,000) per violation, or
21 restrict his or her license and require the licensee to report
22 regularly to the board on matters related to the reasons for
23 the restricted license, or any combination of these.

24 "(c) The action of the board in suspending,
25 revoking, or refusing to issue a license may be appealed to
26 the Circuit Court of Montgomery County accompanied by a bond
27 to be approved by the court. The notice of appeal shall be

1 filed within 30 days from the receipt of such order or
2 ruling. Appeals shall be governed by the judicial review
3 provisions of Section 41-22-20 of the Alabama Administrative
4 Procedure ~~Statute~~ Act, except that the review procedure
5 provided therein shall not suspend the action of the board nor
6 stay the enforcement of any order in the suspension,
7 revocation, or refusal of a license."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.