

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 349

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO OCCUPATIONAL THERAPY; AMENDING SECTION 54-3702, IDAHO CODE, TO
2 CLARIFY LANGUAGE REGARDING LICENSURE OF CERTAIN PERSONS AND TO MAKE
3 TECHNICAL CORRECTIONS; AMENDING SECTION 54-3704, IDAHO CODE, TO REMOVE
4 OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
5 54-3709, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AND AMENDING SECTION
6 54-3714, IDAHO CODE, TO CLARIFY LANGUAGE REGARDING THE QUALIFICATIONS
7 OF OCCUPATIONAL THERAPY LICENSURE BOARD MEMBERS.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 54-3702, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 54-3702. DEFINITIONS. As used in this chapter:

13 (1) "Association" means the Idaho occupational therapy association.

14 (2) "Board" means the occupational therapy licensure board of Idaho as
15 set out in section 54-3717, Idaho Code.

16 (3) "Bureau" means the bureau of occupational licenses.

17 (4) "Department" means the department of self-governing agencies.

18 (5) "Good standing" means the individual's license, ~~certification, or~~
19 ~~registration~~ is not currently suspended or revoked by any state regulatory
20 entity.

21 (6) "Graduate occupational therapist" means a person who holds a cer-
22 tificate of graduation from an approved occupational therapy curriculum,
23 who has submitted a completed application for certification by examination,
24 and who may practice occupational therapy in association with and under the
25 supervision of an occupational therapist and under authority of a limited
26 permit.

27 (7) "Graduate occupational therapy assistant" means a person who holds
28 a certificate of graduation from an approved occupational therapy assistant
29 curriculum, who has submitted a completed application for licensure by ex-
30 amination under this chapter and is performing the duties of occupational
31 therapy assistant in association with and under the supervision of an occu-
32 pational therapist and under the authority of a limited permit.

33 (8) "License" means a document issued by the board to a person under
34 this chapter authorizing the person to practice as an occupational therapist
35 or occupational therapy assistant.

36 (9) "Occupational therapist" means a person licensed under this chap-
37 ter to practice occupational therapy.

38 (10) "Occupational therapy" means the care and services provided by or
39 under the direction and supervision of an occupational therapist.

40 (11) "Aide in the delivery of occupational therapy services" means a
41 person who is not licensed by the board and who provides supportive ser-
42 vices to occupational therapists and occupational therapy assistants. An

1 aide shall function only under the guidance, responsibility and line of
 2 sight supervision of the licensed occupational therapist or an occupa-
 3 tional therapy assistant who is appropriately supervised by an occupa-
 4 tional therapist. The aide provides only specifically selected client-related or
 5 nonclient-related tasks for which the aide has been trained and has demon-
 6 strated competence.

7 (12) "Occupational therapy assistant" means a person licensed under
 8 this chapter to practice occupational therapy, and who works under the su-
 9 pervision of an occupational therapist. (†)

10 (13) "Practice of occupational therapy" means the therapeutic use of
 11 everyday life activities (occupations) with individuals or groups for the
 12 purpose of participation in roles and situations in home, school, workplace,
 13 community, and other settings. Occupational therapy services are provided
 14 for the purpose of promoting health and wellness and to those who have or are
 15 at risk for developing an illness, injury, disease, disorder, condition,
 16 impairment, disability, activity limitation, or participation restriction.
 17 Occupational therapy addresses the physical, cognitive, psychosocial, sen-
 18 sory, and other aspects of performance in a variety of contexts to support
 19 engagement in everyday life activities that affect health, well-being and
 20 quality of life. The practice of occupational therapy includes:

21 (a) ~~Develop~~ Development of occupation-based plans, methods or strate-
 22 gies selected to direct the process of interventions such as:

23 (i) Establishment, remediation, or restoration of a skill or
 24 ability that has not yet developed or is impaired.

25 (ii) Compensation, modification, or adaptation of activity or en-
 26 vironment to enhance performance.

27 (iii) Maintenance and enhancement of capabilities without which
 28 performance in everyday life activities would decline.

29 (iv) Health promotion and wellness to enable or enhance perfor-
 30 mance in everyday life activities.

31 (v) Prevention of barriers to performance, including disability
 32 prevention.

33 (b) Evaluation of factors affecting a client's occupational perfor-
 34 mance areas of activities of daily living (ADL), instrumental activi-
 35 ties of daily living (IADL), rest and sleep, education, work, play,
 36 leisure, and social participation, including:

37 (i) Client factors, including body functions (such as neuromus-
 38 cular, sensory, visual, perceptual, cognitive), values, beliefs,
 39 and spirituality, and body structures (such as cardiovascular,
 40 digestive, integumentary, genitourinary systems).

41 (ii) Performance patterns, including habits, routines, roles,
 42 and behavior patterns.

43 (iii) Contexts and activity demands that affect performance, in-
 44 cluding cultural, physical, environmental, social, virtual and
 45 temporal.

46 (iv) Performance skills, including sensory perceptual skills,
 47 motor and praxis skills, emotional regulation skills, cognitive
 48 skills, communication and social skills.

49 (c) Interventions and procedures to promote or enhance safety and per-
 50 formance in activities of daily living (ADL), instrumental activities

1 of daily living (IADL), education, work, play, leisure, and social par-
2 ticipation, rest and sleep, including:

3 (i) Therapeutic use of occupations, exercises, and activities.

4 (ii) Training in self-care, self-management, home management,
5 and community/work reintegration.

6 (iii) Development, remediation, or compensation of physical,
7 cognitive, neuromuscular, sensory functions and behavioral
8 skills.

9 (iv) Therapeutic use of self, including one's personality, in-
10 sights, perceptions, and judgments, as part of the therapeutic
11 process.

12 (v) Education and training of individuals, including family mem-
13 bers, caregivers, and others.

14 (vi) Care coordination, case management, and transition ser-
15 vices.

16 (vii) Consultative services to groups, programs, organizations,
17 or communities.

18 (viii) Modification of environments (home, work, school, or com-
19 munity) and adaptation of processes, including the application of
20 ergonomic principles.

21 (ix) Assessment, design, fabrication, application, fitting, and
22 training in assistive technology, adaptive devices, orthotic de-
23 vices, and prosthetic devices.

24 (x) Assessment, recommendation, and training in techniques to
25 enhance functional mobility, including wheelchair management.

26 (xi) Driver rehabilitation and community mobility.

27 (xii) Management of feeding, eating, and swallowing to enable
28 eating and feeding performance.

29 (xiii) Application of superficial, thermal and mechanical physi-
30 cal agent modalities, and use of a range of specific therapeutic
31 procedures (such as basic wound management; techniques to enhance
32 sensory, perceptual, and cognitive processing; therapeutic ex-
33 ercise techniques to facilitate participation in occupations) to
34 enhance performance skills.

35 (xiv) Use of specialized knowledge and skills as attained through
36 continuing education and experience for the application of deep
37 thermal and electrotherapeutic modalities, therapeutic proce-
38 dures specific to occupational therapy and wound care management
39 for treatment to enhance participation in occupations as defined
40 by rules adopted by the board.

41 (d) Engaging in administration, consultation, testing, education and
42 research as related to paragraphs (a), (b) and (c) of this subsection
43 and further established in rule.

44 SECTION 2. That Section 54-3704, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 54-3704. EXEMPTIONS. Nothing in this chapter shall be construed as
47 preventing or restricting the practice, services or activities or requiring
48 licensure pursuant to this chapter of:

1 (1) Any person licensed or regulated by the state of Idaho from engag-
 2 ing in the profession or practice for which they are licensed or regulated,
 3 including, but not limited to, any athletic trainer, chiropractor, dentist,
 4 nurse, physician, podiatrist, physical therapist, optometrist, osteopath,
 5 surgeon or any other licensed or regulated practitioner of the healing arts,
 6 nor restrict employees working under the direct supervision of those persons
 7 referred to in this subsection ~~(1)~~, ~~so~~ as long as such person does not hold
 8 himself or herself out as an occupational therapist, occupational therapy
 9 assistant or a person engaged in the practice of occupational therapy; or

10 (2) Any person employed as an occupational therapist or occupational
 11 therapy assistant by the government of the United States or any agency
 12 thereof, if such person provides occupational therapy solely under the di-
 13 rection or control of the organization by which such person is employed; or

14 (3) Any person pursuing a supervised course of study leading to a degree
 15 or certificate in occupational therapy in an accredited or approved educa-
 16 tional program, if the person is designated by a title which clearly indi-
 17 cates a student or trainee status; or

18 (4) Any person fulfilling the supervised fieldwork experience require-
 19 ments of section 54-3706, Idaho Code, if the experience constitutes a part of
 20 the experience necessary to meet the requirement of that section; or

21 (5) Any person who, for purposes of continuing education, consulting,
 22 and/or training, ~~who~~ is performing occupational therapy services in this
 23 state, for no more than sixty (60) days in a calendar year in association with
 24 an occupational therapist licensed under this chapter, if:

25 ~~(a) The person is a licensed as an occupational therapist or occupa-~~
 26 ~~tional therapy assistant in good standing in another state; or~~

27 ~~(b) The person is certified as an occupational therapist registered~~
 28 ~~(OTR) or a certified occupational therapy assistant (COTA) by the na-~~
 29 ~~tional board for certification of occupational therapy or a successor~~
 30 ~~organization as established in rule.~~

31 SECTION 3. That Section 54-3709, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 54-3709. WAIVER OF REQUIREMENTS -- LICENSE ENDORSEMENT. ~~(1) The li-~~
 34 ~~censure board shall grant a license to any person certified prior to the ef-~~
 35 ~~fective date of this chapter and practicing in Idaho as an occupational ther-~~
 36 ~~apist registered (OTR) or a certified occupational therapy assistant (COTA)~~
 37 ~~by the national board for certification in occupational therapy or a prede-~~
 38 ~~cessor organization as established in rule. The licensure board may waive~~
 39 ~~the examination, education, or experience requirements and grant a license~~
 40 ~~to any person certified by the national board for certification after the~~
 41 ~~effective date of this chapter if the board determines the requirements for~~
 42 ~~such certification are equivalent to the requirements for licensure in this~~
 43 ~~chapter.~~

44 ~~(2) The licensure board may waive the examination, education, or expe-~~
 45 ~~rience requirements and grant a license to any applicant who shall present~~
 46 ~~proof of current licensure as an occupational therapist or occupational~~
 47 ~~therapy assistant in another state, the District of Columbia, or territory~~
 48 ~~of the United States which requires standards for licensure considered by~~

1 the board to be equivalent to the requirements for licensure pursuant to this
2 chapter.

3 SECTION 4. That Section 54-3714, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-3714. LICENSURE BOARD. (1) The occupational therapy licensure
6 board of Idaho shall consist of five (5) members who shall be appointed by and
7 serve at the pleasure of the governor, three (3) of whom shall be ~~registered~~
8 occupational therapists (~~OTR's~~), one (1) of whom shall be ~~a certified~~ an
9 occupational therapy assistant (~~COTA~~), and one (1) of whom shall be a member
10 of the public with an interest in the rights of consumers of occupational
11 therapy services. All members of the board shall be residents of Idaho. The
12 governor may consider recommendations for appointment to the board from the
13 association and from any individual residing in this state. The persons
14 appointed to the licensure board who are required to be licensed under this
15 chapter shall have been engaged in rendering occupational therapy services
16 to the public, teaching, or research in occupational therapy for at least
17 five (5) years immediately preceding their appointments and shall at all
18 times be holders of a valid license and be in good standing without restric-
19 tion upon such license.

20 (2) Appointments shall be for three (3) year terms, but no person shall
21 be appointed to serve more than two (2) consecutive terms. Terms shall begin
22 on the first day of the calendar year and end on the last day of the calendar
23 year or until successors are appointed.

24 (3) The licensure board shall annually hold a meeting and elect a chair-
25 man who shall preside at meetings of the licensure board. In the event the
26 chairman is not present at any licensure board meeting, the licensure board
27 may by majority vote of the members present appoint a temporary chairman.
28 A majority of the members of the licensure board shall constitute a quorum.
29 Other meetings may be convened at the call of the chairman or the written re-
30 quest of any two (2) licensure board members.

31 (4) Each member of the licensure board shall be compensated as provided
32 in section 59-509(n), Idaho Code.