

## HOUSE BILL NO. HB0188

Board of occupational therapy amendments.

Sponsored by: Representative(s) Krone

A BILL

for

1 AN ACT relating to the Occupational Therapy Practice Act;  
2 amending definitions; adding definitions; amending  
3 licensing requirements; requiring national certification  
4 for licensure; providing for re-entry of previously  
5 licensed persons; amending the experience requirement for  
6 board membership; amending board meeting requirements; and  
7 providing for an effective date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 33-40-102(a)(ii), by creating new  
12 paragraphs (v) and (vi) and by renumbering (v) as (vii),  
13 33-40-103(a), 33-40-105(a) by creating a new paragraph  
14 (iv), 33-40-106(a)(intro), (iii) and (iv), 33-40-107(b),  
15 33-40-110(a) and by creating a new subsection (f),

1 33-40-111 and 33-40-114(a) and (c)(intro) are amended to  
2 read:

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4 **33-40-102. Definitions.**

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6 (a) As used in this act:

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8 (ii) "~~Certified~~ Occupational therapy assistant"  
9 means a person licensed to assist in the practice of  
10 occupational therapy, under this act, and who works under  
11 the supervision of a registered occupational therapist and  
12 has not maintained national certification;

13

14 (v) "Occupational therapy" is the therapeutic  
15 use of everyday life activities, or occupations, with  
16 individuals or groups for the purpose of participation in  
17 roles and situations in home, school, workplace, community  
18 and other settings. Occupational therapy services are  
19 provided for the purpose of promoting health and wellness  
20 and to those who have or are at risk for developing an  
21 illness, injury, disease, disorder, condition, impairment,  
22 disability, activity limitation or participation  
23 restriction. Occupational therapy addresses the physical,

1 cognitive, psychosocial, sensory and other aspects of  
2 performance in a variety of contexts to support engagement  
3 in everyday life activities that affect health, wellbeing  
4 and quality of life. This may be accomplished through  
5 face-to-face interaction or appropriate use of occupational  
6 therapy telehealth services. The practice of occupational  
7 therapy includes:

8  
9 (A) Methods or strategies selected to  
10 direct the process of interventions such as:

11  
12 (I) Establishment, remediation or  
13 restoration of a skill or ability that has not yet  
14 developed or is impaired;

15  
16 (II) Compensation, modification or  
17 adaptation of activity or environment to enhance  
18 performance;

19  
20 (III) Maintenance and enhancement of  
21 capabilities without which performance in everyday life  
22 activities would decline;

23

1                   (IV) Health and wellness promotion to  
2 enable or enhance performance in everyday life activities.

3  
4                   (B) Evaluation of factors affecting  
5 activities of daily living, instrumental activities of  
6 daily living, education, work, play, leisure and social  
7 participation, including:

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9                   (I) Client factors, including body  
10 functions such as neuromuscular, sensory, visual,  
11 perceptual and cognitive, and body structures such as  
12 cardiovascular, digestive, integumentary and genitourinary  
13 systems;

14  
15                   (II) Habits, routines, roles and  
16 behavior patterns;

17  
18                   (III) Cultural, physical,  
19 environmental, social and spiritual contexts and activity  
20 demands that affect performance;

21  
22                   (IV) Performance skills, including  
23 motor, process, communication and interaction skills.

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(C) Interventions and procedures to promote or enhance safety and performance in activities of daily living, instrumental activities of daily living, education, work, play, leisure and social participation, including:

(I) Therapeutic use of occupations, exercises and activities;

(II) Training in self-care, self-management, home management and community or work reintegration;

(III) Development, remediation or compensation of physical, cognitive, neuromuscular, sensory functions and behavioral skills;

(IV) Therapeutic use of self, including one's personality, insights, perceptions and judgments, as part of the therapeutic process;

1                   (V) Education and training of  
2 individuals, including family members, caregivers and  
3 others;

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5                   (VI) Care coordination, case  
6 management and transition services;

7  
8                   (VII) Consultative services to groups,  
9 programs, organizations or communities;

10  
11                   (VIII) Modification of home, work,  
12 school or community environments and adaptation of  
13 processes, including the application of ergonomic  
14 principles;

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16                   (IX) Assessment, design, fabrication,  
17 application, fitting and training in assistive technology,  
18 adaptive devices and orthotic devices and training in the  
19 use of prosthetic devices;

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21                   (X) Assessment, recommendation and  
22 training in techniques to enhance functional mobility,  
23 including wheelchair management;

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(XI) Driver rehabilitation and  
community mobility;

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(XII) Management of feeding, eating  
and swallowing to enable eating and feeding performance;

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8

(XIII) Application of physical agent  
modalities and use of a range of specific therapeutic  
procedures, such as wound care management, techniques to  
enhance sensory, perceptual and cognitive processing and  
manual therapy techniques, to enhance performance skills.

13

14

(vi) "Occupational therapy telehealth" means the  
provision of occupational therapy services across a  
distance, using telecommunications technology for  
evaluation, intervention or consultation without requiring  
the therapist and recipient to be physically located in the  
same place;

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21

~~(v)~~ (vii) "This act" means W.S. 33-40-101 through  
33-40-117.

23

1           **33-40-103. License required.**

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3           (a) ~~Effective on July 1, 1992,~~ No person shall  
4 practice occupational therapy for compensation or hold  
5 himself out as an occupational therapist, registered  
6 occupational therapist, occupational therapy assistant or  
7 certified occupational therapy assistant or as being able  
8 to practice occupational therapy in Wyoming unless he is  
9 licensed under this act.

10

11           **33-40-105. Limited permit.**

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13           (a) A limited permit may be granted to allow a person  
14 to practice occupational therapy under the general  
15 supervision of a registered occupational therapist. This  
16 permit shall expire six (6) months after issuance when the  
17 person is issued a license under W.S. 33-40-109. The  
18 limited permit may be renewed once. The limited permit:

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20                   (iv) May be granted to allow a person to work  
21 under supervision while waiting to take or awaiting results  
22 of a national certification examination.

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1           **33-40-106. Requirements for licensure; continuing**  
2 **education.**

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4           (a) An applicant applying for a license as ~~a~~  
5 ~~registered~~an occupational therapist or as ~~a certified~~an  
6 occupational therapy assistant shall file a specified  
7 written application showing to the satisfaction of the  
8 board that the applicant:

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10           (iii) Has successfully completed supervised  
11 fieldwork experience arranged by the recognized educational  
12 institution where the applicant met the academic  
13 requirements or by the nationally recognized professional  
14 association. For a registered occupational therapist, a  
15 minimum of twenty-four (24) weeks of supervised fieldwork  
16 experience is required. For a certified occupational  
17 therapy assistant, a minimum of eight (8) weeks of  
18 supervised fieldwork experience is required;~~and~~

19  
20           (iv) Has ~~passed~~obtained national  
21 certification by successful completion of the national  
22 certification examination ~~as provided in W.S. 33-40-107~~  
23 from the certification agency recognized by the board.

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2           **33-40-107. Examination for license of registered**  
3 **occupational therapists and certified occupational therapy**  
4 **assistants.**

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6           (b) Each applicant for licensure shall be given and  
7 required to pass a written examination on the basic and  
8 clinical sciences relating to occupational therapy,  
9 occupational therapy techniques and methods to determine  
10 the applicant's fitness to practice. The board shall  
11 designate the examination for registered occupational  
12 therapists and the examination for certified occupational  
13 therapy assistants and shall establish standards for  
14 acceptable performance.

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16           **33-40-110. Renewal of license; re-entry.**

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18           (a) Any license issued under this act shall be  
19 subject to annual renewal as provided by the board, however  
20 no late renewal of a license may be granted more than five  
21 ~~(5) years~~ one (1) year after its expiration.

22

1       (f) The board shall establish re-entry provisions for  
2 licensure for persons who have previously practiced in the  
3 field for at least one (1) year but have not engaged in the  
4 practice of occupational therapy for three (3) or more  
5 years prior to applying for a license.

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7       **33-40-111. Foreign trained applicants.**

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9 Occupational therapists and occupational therapy assistants  
10 trained outside of the United States and its ~~possessions~~  
11 ~~territories~~ shall satisfy the examination requirements and  
12 standards of W.S. ~~33-40-106(a)(iv)~~ 33-40-106(a). ~~The board~~  
13 ~~shall require these applicants to meet the standards~~  
14 ~~established in W.S. 33-40-106(a)(i) through (iii).~~

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16       **33-40-114. Board of occupational therapy practice;**  
17 **established; compensation.**

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19       (a) There is established a board of occupational  
20 therapy within the department of administration and  
21 information. The board shall consist of five (5) members  
22 appointed by the governor, who are residents of Wyoming.  
23 Three (3) board members shall be registered occupational

1 therapists who have been engaged in providing occupational  
2 therapy services to the public, teaching or research in  
3 occupational therapy for at least five (5) years  
4 immediately preceding their appointments. One (1) board  
5 member shall be a certified occupational therapy assistant  
6 who shall have been engaged in providing occupational  
7 therapy services to the public, teaching or research in  
8 occupational therapy for at least ~~three (3)~~ five (5) years  
9 immediately preceding his appointment. A registered  
10 occupational therapist may be appointed to this position if  
11 no certified occupational therapy assistant is available  
12 and willing to serve. These four (4) members shall at all  
13 times be holders of valid licenses under this act. The  
14 remaining member shall be a member of the public with an  
15 interest in the rights of the consumers of health services.

16

17 (c) The board shall meet ~~during the first month of~~  
18 ~~each fiscal year~~ annually to select a chairman and for  
19 other purposes. At least one (1) additional meeting shall  
20 be held before the end of each fiscal year. Other meetings  
21 may be convened at the call of the chairman or the written  
22 request of any two (2) board members. A majority of the  
23 members of the board shall constitute a quorum for all

1 purposes. All meetings of the board shall be governed in  
2 accordance with W.S. 16-4-403. In addition the board may  
3 hold closed sessions:

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5 **Section 2.** W.S. 33-40-102(a)(iii) is repealed.

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7 **Section 3.** This act is effective July 1, 2015.

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9

(END)