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HOUSE BILL NO. 309

Offered January 14, 2004

Prefiled January 9, 2004

A BILL to amend and reenact §§ 54.1-2956.1, 54.1-2956.3, 54.1-2956.4 and 54.1-2956.5 of the Code of Virginia, relating to the practice of occupational therapy.

Patron—Purkey

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2956.1, 54.1-2956.3, 54.1-2956.4 and 54.1-2956.5 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2956.1. Powers of Board concerning occupational therapy.

The Board shall be empowered to take such actions as may be necessary to ensure the competence and integrity of any person who *practices occupational therapy* or claims to be an occupational therapist or who holds himself out to the public as an occupational therapist or who engages in the practice of occupational therapy, and to that end it may license practitioners as occupational therapists.

In addition, the Board shall designate in regulation those credentialing organizations from which a person may obtain certification as an occupational therapy assistant in order to hold himself out to be or advertise that he is an occupational therapy assistant or use the designation "O.T.A." or any variation thereof.

§ 54.1-2956.3. Advisory Board of Occupational Therapy; composition; appointment.

The Advisory Board shall be comprised of five members appointed by the Governor for four-year terms. Three members shall be, at the time of appointment, *licensed* occupational therapists who have practiced for not less than three years, one member shall be a physician licensed to practice medicine in the Commonwealth, and one member shall be appointed by the Governor from the Commonwealth at large. Any vacancy occurring during a member's term shall be filled for the unexpired balance of that term.

§ 54.1-2956.4. Advisory Board of Occupational Therapy; powers.

The Advisory Board shall, under the authority of the Board:

1. Recommend to the Board, for its ~~enactment~~ *promulgation* into regulation, the criteria for licensure as an occupational therapist and the standards of professional conduct for holders of licenses.

2. Assess the qualifications of applicants for licensure and recommend licensure when applicants meet the required criteria. The recommendations of the Advisory Board on licensure of applicants shall be presented to the Board, which shall then issue or deny licenses. Any applicant who is aggrieved by a denial of recommendation on licensure of the Advisory Board may appeal to the Board.

3. *Recommend to the Board, for its promulgation into regulation, credentialing organizations to be approved for certification of occupational therapy assistants.*

4. Receive investigative reports of professional misconduct and unlawful acts and recommend sanctions when appropriate. Any recommendation of sanctions shall be presented to the Board, which may then impose sanctions or take such other action as may be warranted by law.

4 5. Assist in such other matters dealing with occupational therapy as the Board may in its discretion direct.

§ 54.1-2956.5. Unlawful to practice occupational therapy without license; restriction of titles for occupational therapy assistants.

A. It shall be unlawful for any person not holding a current and valid license from the Board to *practice occupational therapy* or to claim to be an occupational therapist or to assume the title "Occupational Therapist," "Occupational Therapist, Licensed," "Licensed Occupational Therapist," or any similar term, or to ~~assume~~ *use* the designations "O.T." or "O.T.L." *or any variation thereof.* However, a person who has graduated from a duly accredited educational program in occupational therapy may practice with the title "Occupational Therapist, License Applicant" or "O.T.L.-Applicant" until he has taken and received the results of any examination required by the Board or until one year from the date of graduation, whichever occurs sooner.

B. *In addition, no person shall hold himself out to be or advertise that he is an occupational therapy assistant or use the designation "O.T.A." or any variation thereof unless such person has obtained certification as an occupational therapy assistant from a credentialing organization approved in regulation by the Board.*

C. This section shall not be construed to prohibit any person ~~operating~~ *from assisting in the provision*

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59 *of occupational therapy services* under the supervision of an occupational therapist pursuant to such
60 requirements as may be imposed by the Board ~~from claiming to practice occupational therapy or from~~
61 ~~using the title "Certified Occupational Therapy Assistant" or any variation thereof, or from assuming the~~
62 ~~designations "O.T.A." or "C.O.T.A."~~.

63 **2. That the Board of Medicine shall promulgate regulations to implement the provisions of this act**
64 **to be effective within 280 days of its enactment.**

65 **3. That, notwithstanding the effective date of this act, initial compliance with the provisions herein**
66 **shall be as established by the Board of Medicine pursuant to its regulations.**