

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2066

7 S.P. 757

In Senate, February 8, 1984

8 Reference to the Committee on Business Legislation. Ordered printed and
9 sent down for concurrence.

10 Approved for introduction by the Legislative Council pursuant to Joint
Rule 26.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Clark of Cumberland.

11 Cosponsors: Senator Gill of Cumberland, Senator Charette of
Androscoggin and Representative Murray of Bangor.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to License Occupational Therapists.
18

19 Be it enacted by the People of the State of Maine as
20 follows:

21 32 MRSA, c. 32, is enacted to read.

22 Chapter 32

23 OCCUPATIONAL THERAPISTS

24 §2271. Declaration of purpose

25 In order to safeguard the public health, safety
26 and welfare, to protect the public from incompetent
27 and unauthorized persons; to assure the highest de-
28 gree of professional conduct on the part of occupa-
29 tional therapists and occupational therapy assist-
30 ants; and to assure the availability of occupational
31 therapy services of high quality to persons in need
32 of such services, it is the purpose of this chapter

1 to provide for the regulation of persons offering oc-
2 cupational therapy services.

3 §2272. Definitions

4 As used in this chapter, unless the context oth-
5 erwise indicates, the following terms have the fol-
6 lowing meanings.

7 1. Board. "Board" means the Board of Occupa-
8 tional Therapy Practice established under this chap-
9 ter.

10 2. Occupational therapy. "Occupational therapy"
11 means the evaluation, planning and implementation of
12 a program of purposeful activities to develop or
13 maintain adaptive skills necessary to achieve the
14 maximal physical and mental functioning of the indi-
15 vidual in his daily pursuits. The practice of "occu-
16 pational therapy" includes, but is not limited to,
17 evaluation and treatment of individuals whose abili-
18 ties to cope with the tasks of living are threatened
19 or impaired by developmental deficits, the aging pro-
20 cess, learning disabilities, poverty and cultural
21 differences, physical injury or disease, psychologi-
22 cal and social disabilities or anticipated dysfunc-
23 tion, using:

24 A. Treatment techniques as task-oriented activi-
25 ties to prevent or correct physical or emotional
26 deficits or to minimize the disabling effect of
27 these deficits in the life of the individual;

28 B. Evaluation techniques as assessment of
29 sensory motor abilities, assessment of the devel-
30 opment of self-care activities and capacity for
31 independence, assessment of the physical capacity
32 for prevocational and work tasks, assessment of
33 play and leisure performance and appraisal of
34 living areas for the handicapped; and

35 C. Specific occupational therapy techniques such
36 as activities of daily living skills, the fabri-
37 cation and application of splinting devices,
38 sensory motor activities, the use of specifically
39 designed manual and creative activities, guidance
40 in the selection and use of adaptive equipment,

1 specific exercises to enhance functional perform-
2 ance and treatment techniques for physical capa-
3 bilities for work activities.

4 The techniques are applied in the treatment of indi-
5 vidual patients or clients, in groups or through so-
6 cial systems.

7 3. Occupational therapist. "Occupational thera-
8 pist" means a person licensed to practice occupati-
9 onal therapy under this chapter.

10 4. Occupational therapy aide. "Occupational
11 therapy aide" means a person who assists in the prac-
12 tice of occupational therapy under the direct on-site
13 supervision of an occupational therapist or occupa-
14 tional therapy assistant and whose activities require
15 an understanding of occupational therapy, but do not
16 require professional or advance training in the basic
17 anatomical, biological, psychological and social sci-
18 ences involved in the practice of occupational
19 therapy.

20 5. Occupational therapy assistant. "Occupa-
21 tional therapy assistant" means a person licensed to
22 assist in the practice of occupational therapy, under
23 this chapter who works under the supervision of an
24 occupational therapist.

25 6. Person. "Person" means any individual, part-
26 nership, unincorporated organization or corporation.

27 §2273. Board of Occupational Therapy Practice; es-
28 tablishment; compensation

29 1. Establishment and membership. There is es-
30 tablished within the Department of Business, Occupa-
31 tional and Professional Regulation, a Board of Occu-
32 pational Therapy Practice. The board shall consist
33 of 5 members appointed by the Governor. The persons
34 appointed to the board must have been engaged in ren-
35 dering occupational therapy services to the public,
36 teaching or research in occupational therapy for at
37 least 2 years immediately preceding their appoint-
38 ments. At least 3 board members shall be occupa-
39 tional therapists. One member shall be either an occupa-
40 tional therapist or an occupational therapy assistant

1 if available. These members shall at all times be
2 holders of valid licenses for the practice of occupa-
3 tional therapy in the State, except for the members
4 of the 1st board, all of whom shall fulfill the re-
5 quirements for licensure of this chapter. The re-
6 maining member shall be a member of a health profes-
7 sion or member of the public with an interest in the
8 rights of the consumers of health services.

9 2. Terms of appointment. The Governor, within
10 60 days following enactment of this chapter, shall
11 appoint 2 board members for a term of one year, 2 for
12 a term of 2 years and one for a term of 3 years. Ap-
13 pointments made thereafter shall be for 3-year terms,
14 but no person shall be appointed to serve more than 2
15 consecutive terms. Terms shall begin on the 1st day
16 of the calendar year and end on the last day of the
17 calendar year or until successors are appointed, ex-
18 cept for the 1st appointed members who shall serve
19 through the last calendar day of the year in which
20 they are appointed, before commencing the terms pre-
21 scribed by this section.

22 3. Meetings. The board shall meet during the
23 1st month of each calendar year to select a chairman
24 and for other purposes. At least one additional
25 meeting shall be held before the end of each calendar
26 year. Other meetings may be convened at the call of
27 the chairman or the written request of any 2 board
28 members. A majority of the members of the board
29 shall constitute a quorum for all purposes. All
30 meetings of the board shall be open to the public,
31 except that the board may hold closed sessions for
32 license suspension, revocation or refusals to renew.

33 4. Compensation. Members of the board shall re-
34 ceive no compensation for their services, but shall
35 be entitled to reasonable travel and other expenses
36 incurred in the execution of their powers and duties.

37 §2274. Board of occupational therapy practice; pow-
38 ers and duties

39 1. Powers. The board shall administer and en-
40 force the provisions of this chapter and evaluate the
41 qualifications. The board may issue subpoenas, exam-
42 ine witnesses, administer oaths and may investigate

1 allegations of practices violating the provisions of
2 this chapter.

3 2. Rules. The board shall adopt rules relating
4 to professional conduct to carry out the policy of
5 this chapter, including, but not limited to, regula-
6 tions relating to professional licensure and to the
7 establishment of ethical standards of practice for
8 persons holding a license to practice occupational
9 therapy in this State in accordance with the Maine
10 Administrative Procedures Act, Title 5, chapter 375.

11 3. Hearings and records. The board shall con-
12 duct such hearings and keep such records and minutes
13 as are necessary to carry out its functions. The
14 board shall provide reasonable public notice of the
15 times and places of all hearings authorized under
16 this chapter, in such a manner and at such times as
17 it may determine.

18 §2275. Board of occupational therapy practice; ad-
19 ministrative provisions

20 1. Officers. The board shall appoint a secre-
21 tary and may appoint other officers as it deems nec-
22 essary.

23 §2276. License required

24 1. License Required. No person may practice oc-
25 cupational therapy or present himself out as an occu-
26 pational therapist, or as being able to practice oc-
27 cupational therapy or to render occupational therapy
28 services in this State, unless he is licensed under
29 the provisions of this chapter.

30 2. Individual license. Only an individual may
31 be licensed under this chapter.

32 §2277. Persons and practices exempt

33 Nothing in this chapter may be construed as pre-
34 venting or restricting the practice, services or ac-
35 tivities of:

36 1. Licensed persons. Any person licensed in
37 this State by any other law from engaging in the pro-
38 fession or occupation for which he is licensed;

1 2. Students or trainees. Any person pursuing a
2 supervised course of study leading to a degree or
3 certificate in occupational therapy at an accredited
4 or approved educational program, if the person is
5 designated by a title which clearly indicates his
6 status as a student or trainee;

7 3. Supervised fieldworkers. Any person fulfill-
8 ing the supervised fieldwork experience requirements
9 of subsection 4, if the experience constitutes a part
10 of the experience necessary to meet the requirement
11 of that section;

12 4. Associates; reciprocity. Any person perform-
13 ing occupational therapy services in the State, if
14 these services are performed for no more than 30 days
15 in a calendar year in association with an occupation-
16 al therapist licensed under this chapter, if:

17 A. The person is licensed under the law of an-
18 other state which has licensure requirements at
19 least as stringent as the requirements of this
20 chapter; or

21 B. The person meets the requirements for certi-
22 fication as an Occupational Therapist Registered,
23 OTR, or a Certified Occupational Therapy Assist-
24 ant, COTA, established by the American Occupa-
25 tional Therapy Association; or

26 5. Occupational therapy aides. Any person em-
27 ployed as an occupational therapy aide.

28 §2278. Temporary license

29 A temporary license may be granted to a person
30 who has completed the education and experience re-
31 quirements of this chapter. This permit allows the
32 person to practice occupational therapy in associa-
33 tion with a licensed occupational therapist. This
34 permit is valid until the person is issued a license
35 under sections 2281 or 2282, or until the results of
36 the national exam taken by the person are available
37 to the board. This limited permit may be renewed one
38 time if the person has failed the examination.

39 §2279. Requirements for licensure

1 An applicant applying for a license as an occupa-
2 tional therapist or as an occupational therapy as-
3 stant shall file a written application provided by
4 the board, showing to the satisfaction of the board
5 that he meets the following requirements.

6 1. Residence. An applicant need not be a resi-
7 dent of this State.

8 2. Character. An applicant shall have demon-
9 strated ethical practice.

10 3. Education. An applicant shall present evi-
11 dence satisfactory to the board of having successful-
12 ly completed the academic requirements of an educa-
13 tional program in occupational therapy recognized by
14 the board.

15 A. The occupational therapy educational program
16 shall be accredited by the Committee on Allied
17 Health Education and Accreditation of the Ameri-
18 can Medical Association in collaboration with the
19 American Occupational Therapy Association.

20 B. The occupational therapy assistant education-
21 al program shall be approved by the American Oc-
22 cupational Therapy Association.

23 4. Experience. An applicant shall submit to the
24 board evidence of having successfully completed a pe-
25 riod of supervised fieldwork experience arranged by
26 the recognized educational institution where he met
27 the academic requirements or by the nationally recog-
28 nized professional association.

29 A. For an occupational therapist, a minimum of 6
30 months of supervised fieldwork experience is re-
31 quired.

32 B. For an occupational therapy assistant, a min-
33 imum of 2 months of supervised fieldwork experi-
34 ence is required.

35 5. Examination. An applicant for licensure, as
36 an occupational therapist or as an occupational
37 therapy assistant, shall pass an examination as pro-
38 vided for in section 2280.

1 6. Licensure. An applicant may be licensed as
2 an occupational therapist if he, has practiced as an
3 occupational therapy assistant for 4 years, has com-
4 pleted the requirements of subsection 4, paragraph A,
5 before January 1, 1988, and has passed the examina-
6 tion for occupational therapists.

7 §2280. Examination for licensure of occupational
8 therapists and occupational therapy assist-
9 ants

10 1. Fees. Only a person satisfying the require-
11 ments of section 2279, subsections 1, 2, 3 and 4, may
12 apply for examination in such a manner as the board
13 shall prescribe. The application shall be accompa-
14 nied by the nonrefundable fee prescribed by section
15 2285. A person who fails an examination may apply
16 for reexamination upon payment of the prescribed fee.

17 2. Content. Each applicant for licensure shall
18 be examined by written examination to test his knowl-
19 edge of the basic and clinical sciences relating to
20 occupational therapy, occupational therapy techniques
21 and methods and such other subjects as the board may
22 require to determine the applicant's fitness to prac-
23 tice. The board shall approve an examination for oc-
24 cupational therapists and an examination for occupa-
25 tional therapy assistants and establish standards for
26 an acceptable performance.

27 3. Time and place. Applicants for licensure
28 shall be examined at a time and place and under such
29 supervision as the board may require. Examinations
30 shall be given at least twice each year at such
31 places as the board may determine. The board shall
32 give reasonable public notice of these examinations
33 in accordance with its rules.

34 4. Scores; review. Applicants may obtain their
35 examination scores and may review their papers in ac-
36 cordance with rules as the board may establish.

37 §2281. Waiver of requirements for licensure

38 The board shall grant a license to any person
39 who, prior to the effective date of this chapter, has
40 successfully completed an examination administered by

1 the Psychological Corporation under contract with the
2 American Occupational Therapy Association if he meets
3 the requirements of section 2279, subsections 1, 2, 3
4 and 4.

5 §2282. Issuance of license

6 The board shall issue a license to any person who
7 meets the requirements of this chapter upon payment
8 of the prescribed license fee.

9 §2283. Renewal of license

10 1. Biennial renewal. Any license issued under
11 this chapter shall be subject to biennial renewal and
12 shall expire, unless renewed in the manner prescribed
13 by the rules of the board, upon the payment of a re-
14 newal fee. The board may provide for the late renew-
15 al of a license upon the payment of a late fee in ac-
16 cordance with its rules, but no late renewal of a li-
17 cence may be granted more than 30 days after its ex-
18 piration.

19 2. Inactive status. Upon request, the board
20 shall grant inactive status to a licensee who, does
21 not practice as an occupational therapist or an occu-
22 pational therapy assistant, does not present himself
23 as an occupational therapist or an occupational
24 therapy assistant and maintains any continuing compe-
25 tency requirements established by the board.

26 3. Continue competency. Each license renewal
27 shall be accompanied with evidence of continuing
28 competencies.

29 §2284. Foreign trained applicants

30 Foreign trained occupational therapists and occu-
31 pational therapy assistants shall satisfy the exami-
32 nation requirements of section 2279. The board shall
33 require foreign trained applicants to furnish proof
34 of demonstrated ethical practice and completion of
35 educational and supervised fieldwork requirements
36 substantially equal to those contained in section
37 2279 before taking the examination.

38 §2285. Fees

1 The board shall prescribe and publish fees for
2 the following.

3 1. Initial license. Initial license fee shall
4 not exceed \$80.

5 2. Renewal. Biennial renewal of license fee
6 shall not exceed \$80.

7 3. Late renewal. Late renewal fee shall not ex-
8 ceed \$20.

9 4. Temporary license. Temporary license fee
10 shall not exceed \$25.

11 These fees shall be set in such an amount as to
12 reimburse the State, to the extent feasible, for the
13 cost of the services rendered.

14 §2286. Suspension and revocation of license; refusal
15 to renew

16 1. Suspension; revocation; denial; nonrenew-
17 al. The board may deny a license or refuse to renew
18 a license, may suspend or revoke a license or may im-
19 pose probationary conditions if the licensee or ap-
20 plicant for license has been found guilty of unpro-
21 fessional conduct which has endangered or is likely
22 to endanger the health, welfare or safety of the pub-
23 lic. Unprofessional conduct includes, but is not
24 limited to, the following:

25 A. Obtaining a license by means of fraud, mis-
26 representation or concealment of material facts;

27 B. Being guilty of unprofessional conduct, as
28 defined by the rules established by the board, or
29 violating the code of ethics adopted and pub-
30 lished by the board;

31 C. Being convicted of a crime in any court, ex-
32 cluding civil violations or infractions;

33 D. Violating any lawful order or rule rendered
34 or adopted by the board; or

35 E. Violating any provision of this chapter.

