

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)

S
D. OR R.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

L.D. 2243
(Filing No. S- 331)

STATE OF MAINE
SENATE
111TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to S.P. 837, L.D. 2243,
Bill, "AN ACT to License Occupational Therapists."

Amend the Bill in section 2 in that part designated "§2273." by striking out all of subsection 4 (page 6, lines 20 to 23 in L.D) and inserting in its place the following:

'4. Compensation. Members of the board shall receive no compensation for their services, but shall be entitled to expenses on the same basis as provided for state employees.'

Further amend the Bill in section 2 in that part designated "§2276." by striking out all of subsection 1 (page 7, lines 33 to 38 in L.D.) and inserting in its place the following:

'1. License required. No person may practice, or hold himself out as authorized to practice, as an occupational therapist in this State or use the words "occupational therapist" or the letters "O.T." or other words or letters to indicate that the person using the words or letters is a licensed occupational therapist, unless he is licensed in accordance with this chapter.'

Further amend the Bill in section 2 by striking out all of that part designated "§2286." (page 13, lines 1 to 34 in L.D.) and inserting in its place the following:

'§2286. Disciplinary actions

1. Complaints. The board may order an investigation of a complaint on its own motion or on written

D. OF R.

1 complaint filed with the board regarding noncompli-
2 ance with or violation of any section of this chapter
3 or of any rules adopted by the board.

4 2. Disciplinary actions; grounds. The board may
5 suspend or revoke a license pursuant to Title 5, sec-
6 tion 10004. The board may refuse to renew or the Ad-
7 ministrative Court may revoke, suspend or refuse to
8 renew any license issued under this chapter or any
9 rule or order of the board. The following shall be
10 grounds for an action to refuse to issue, modify,
11 suspend, revoke or refuse to renew the license of a
12 person under this chapter:

13 A. The practice of fraud or deceit in obtaining
14 a license under this chapter or in connection
15 with service rendered within the scope of the li-
16 cence issued;

17 B. Unprofessional conduct. A licensee shall be
18 deemed to have engaged in unprofessional conduct
19 if he violates any standard of professional be-
20 havior which has been established in the practice
21 for which the licensee is licensed;

22 C. Subject to the limitations of Title 5, chap-
23 ter 341, conviction of a crime which involves
24 dishonesty or false statement or which relates
25 directly to the practice for which the licensee
26 is licensed or conviction of any crime for which
27 imprisonment for one year or more may be imposed;
28 or

29 D. Any violation of this chapter or rules
30 adopted by the board.

31 3. Reinstatement. An application for reinstate-
32 ment may be made to the board one year from the date
33 of revocation of a license. The board may accept or
34 reject an application for reinstatement and hold a
35 hearing to consider the reinstatement.'

D. OF R.

SENATE AMENDMENT " A " to S.P. 837, L.D. 2243

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

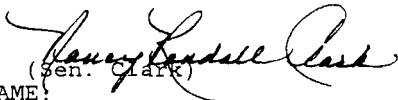
STATEMENT OF FACT

This amendment addresses concerns expressed concerning the enforceability of the proposed licensing statute. This amendment would make it unlawful for a person to hold himself out as an occupational therapist, occupational therapy assistant or "O.T." unless licensed under this chapter. This same enforcement mechanism is used by some of the other licensing boards.

The disciplinary provisions are also amended to conform to similar provisions for other boards. Rather than give the board extensive authority to remove licenses, that authority is generally retained by the Administrative Court, except in limited types of circumstances, carefully enumerated in the Revised Statutes, the Maine Administrative Procedure Act, Title 5, chapter 375.

Another small change is made in the amendment to clarify that the board's expenses will be paid on the same basis as those of state employees.

6407032184


(Sen. Clark)

NAME:

COUNTY: CUMBERLAND

Reproduced and Distributed pursuant to Senate Rule 11-A.

March 22, 1984

(S-331)