

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1716

H.P. 1227

House of Representatives, May 14, 2019

An Act To Update the Licensing Laws for Occupational Therapy Practice

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MASTRACCIO of Sanford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §2271**, as amended by PL 1997, c. 294, §1, is repealed.

3 **Sec. 2. 32 MRSA §2272, sub-§4**, as repealed and replaced by PL 1997, c. 294,
4 §2, is amended to read:

5 **4. Certification examination.** "Certification examination" means the certification
6 examination for a ~~registered~~ an occupational therapist or the certification examination for
7 ~~certified~~ an occupational therapy assistant, both of which are administered by NBCOT.

8 **Sec. 3. 32 MRSA §2272, sub-§5**, as repealed and replaced by PL 1997, c. 294,
9 §2, is repealed.

10 **Sec. 4. 32 MRSA §2272, sub-§8**, as repealed and replaced by PL 1997, c. 294,
11 §2, is repealed.

12 **Sec. 5. 32 MRSA §2272, sub-§8-A** is enacted to read:

13 **8-A. Director.** "Director" means the Director of the Office of Professional and
14 Occupational Regulation within the department.

15 **Sec. 6. 32 MRSA §2272, sub-§9**, as enacted by PL 1997, c. 294, §2, is amended
16 to read:

17 **9. Level II fieldwork.** "Level II fieldwork" means the experience required to
18 prepare occupational therapy and ~~occupation~~ occupational therapy assistant students to
19 carry out professional responsibilities under appropriate supervision and professional role
20 modeling.

21 ~~A minimum of 6 months, or 940 hours, of level II fieldwork is required for occupational~~
22 ~~therapy educational programs.~~

23 ~~A minimum of 12 weeks, or 440 hours, of level II fieldwork is required for occupational~~
24 ~~therapy assistant educational programs.~~

25 **Sec. 7. 32 MRSA §2272, sub-§12-A**, as amended by PL 1999, c. 386, Pt. I, §1, is
26 repealed.

27 **Sec. 8. 32 MRSA §2272, sub-§§12-B and 12-C** are enacted to read:

28 **12-B. Occupational therapy assistant.** "Occupational therapy assistant" means an
29 individual who has passed the certification examination of the NBCOT for an
30 occupational therapy assistant or who was certified as an occupational therapy assistant
31 prior to June 1977 and who is licensed to practice occupational therapy under this chapter
32 in the State under the supervision of a licensed occupational therapist.

33 **12-C. Occupational therapy practitioner.** "Occupational therapy practitioner"
34 means an individual who is licensed as an occupational therapist or an occupational
35 therapy assistant.

1 **Sec. 9. 32 MRSA §2272, sub-§14**, as enacted by PL 1997, c. 294, §2, is amended
2 to read:

3 **14. Supervision of OTA.** "Supervision of ~~COTA~~ OTA" means initial directions and
4 periodic inspection of the service delivery and provision of relevant in-service training.
5 The supervising licensed occupational therapist shall determine the frequency and nature
6 of the supervision to be provided based on the clients' required level of care and the
7 ~~COTA's~~ OTA's caseload, experience and competency.

8 **Sec. 10. 32 MRSA §2276, sub-§1-A**, as amended by PL 1999, c. 386, Pt. I, §2, is
9 further amended to read:

10 **1-A. License required.** A person may not practice, or profess to be authorized to
11 practice occupational therapy, as an occupational therapist or ~~certified~~ occupational
12 therapy assistant in this State or use the words "occupational therapist," ~~registered~~
13 licensed occupational therapist," "occupational therapy assistant" or "~~certified licensed~~
14 occupational therapy assistant" or the letters "O.T.," "~~O.T.R.~~," "O.T.A.," "~~C.O.T.A.~~" or
15 other words or letters to indicate that the person using the words or letters is a licensed
16 occupational therapist or ~~certified~~ licensed occupational therapy assistant, or that may
17 misrepresent to the public that the person has received formalized training in the field of
18 occupational therapy, unless that person is licensed in accordance with this chapter.

19 This subsection is not intended to prohibit occupational therapy students and occupational
20 therapy assistant students completing fieldwork from using the letters "O.T.S." and
21 "O.T.A.S." respectively.

22 **Sec. 11. 32 MRSA §2279, sub-§1**, as enacted by PL 1983, c. 746, §2, is repealed.

23 **Sec. 12. 32 MRSA §2281**, as amended by PL 2013, c. 217, Pt. J, §3, is further
24 amended to read:

25 **§2281. Waiver of requirements for licensure**

26 The board shall grant a license to any person who, prior to July 25, 1984, successfully
27 completed an examination administered by the Psychological Corporation under contract
28 with the American Occupational Therapy Certification Board if that person meets the
29 requirements of section 2279, ~~subsections 1 and~~ subsection 3.

30 **Sec. 13. 32 MRSA §2282**, as amended by PL 2007, c. 402, Pt. L, §7, is repealed.

31 **Sec. 14. 32 MRSA §2283, sub-§2-A** is enacted to read:

32 **2-A. Inactive status.** An occupational therapy practitioner who is no longer actively
33 practicing occupational therapy within this State may apply for inactive license status.
34 The holder of an inactive license may not practice occupational therapy in the State. The
35 holder of an inactive license must renew the license annually and pay the renewal fee as
36 set under section 2285. An occupational therapist with an inactive license who wishes to
37 reinstate that holder's license to active status must pay the license fee as set under section
38 2285. An occupational therapy assistant with an inactive license who wishes to reinstate
39 that holder's license to active status must pay the license fee as set under section 2285 and

1 submit documentation of supervision from an occupational therapist licensed in this State
2 on a form provided by the board.

3 **Sec. 15. 32 MRSA §2283, sub-§3**, as amended by PL 1991, c. 509, §17, is
4 repealed.

5 **Sec. 16. 32 MRSA §2284, sub-§2**, as enacted by PL 1997, c. 294, §11, is
6 repealed.

7 **Sec. 17. 32 MRSA §2285**, as repealed and replaced by PL 2007, c. 402, Pt. L, §10
8 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

9 **§2285. Fees**

10 ~~The Director of the Office of Professional and Occupational Regulation within the~~
11 ~~department~~ director may establish by rule fees for purposes authorized under this chapter
12 in amounts that are reasonable and necessary for their respective purposes, except that the
13 fee for any one purpose may not exceed \$120. Rules adopted pursuant to this section are
14 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

15 **Sec. 18. Maine Revised Statutes headnote amended; revision clause.** In
16 the Maine Revised Statutes, Title 32, chapter 32, in the chapter headnote, the words
17 "occupational therapists" are amended to read "occupational therapy practice" and the
18 Revisor of Statutes shall implement this revision when updating, publishing or
19 republishing the statutes.

20 **SUMMARY**

21 This bill updates language in the laws governing occupational therapy practice,
22 including occupational therapists and occupational therapy assistants, establishes an
23 inactive license status for licensees and repeals the continuing education requirement for
24 licensees. The bill also repeals a residency provision for applicants and the character
25 reference requirement for foreign-trained applicants.