

AMENDED IN ASSEMBLY JUNE 22, 2000

AMENDED IN SENATE JANUARY 3, 2000

SENATE BILL

No. 1046

Introduced by Senator Murray

February 26, 1999

An act to amend Section 101 of, to add and repeal Section 2570.19 of, and to repeal and add Chapter 5.6 (commencing with Section 2570) of Division 2 of, the Business and Professions Code, relating to occupational therapy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1046, as amended, Murray. Occupational therapy: licensure.

Existing law requires that any person representing himself or herself as an occupational therapist or as an occupational therapy assistant meet certain requirements and qualifications related to the practice of those vocations. Existing law makes it a crime for any person not meeting those requirements and qualifications to use in connection with the person's name a title indicating or implying that he or she is an occupational therapist or occupational therapy assistant.

This bill would repeal those provisions operative July 1, 2001, and would instead enact regulatory provisions providing for the licensure of occupational therapists and the certification of occupational therapy assistants by the California Board of Occupational Therapy created by this measure. The authority for the board would become

inoperative on July 1, ~~2007~~ 2006, and *would be* repealed on January 1, ~~2008~~ 2007.

This bill would make it a crime to practice occupational therapy or to hold oneself out as an occupational therapist or an occupational therapy assistant without a license or certificate, as the case may be, and by creating this new crime, this bill would impose a state-mandated local program.

This bill would also create the Occupational Therapy Fund, into which licensure fees would be deposited by the board, for appropriation by the Legislature. This bill would also authorize a one million dollar loan from the General Fund to the Occupational Therapy Fund, to be repaid with interest over a period of 5 years. The bill would make the loan proceeds available upon appropriation by the Legislature.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 101 of the Business and
- 2 Professions Code is amended to read:
- 3 101. The department is comprised of:
- 4 (a) The Dental Board of California.
- 5 (b) The Medical Board of California.
- 6 (c) The State Board of Optometry.
- 7 (d) The California State Board of Pharmacy.
- 8 (e) The Veterinary Medical Board.
- 9 (f) The California Board of Accountancy.
- 10 (g) The California State Board of Architectural
- 11 Examiners.
- 12 (h) The State Board of Barbering and Cosmetology.
- 13 (i) The Board for Professional Engineers and Land
- 14 Surveyors.
- 15 (j) The Contractors' State License Board.



- 1 (k) The State Board of Funeral Directors and
2 Embalmers.
- 3 (l) The Structural Pest Control Board.
- 4 (m) The Bureau of Home Furnishings and Thermal
5 Insulation.
- 6 (n) The Board of Registered Nursing.
- 7 (o) The Board of Behavioral Sciences.
- 8 (p) The State Athletic Commission.
- 9 (q) The Cemetery Board.
- 10 (r) The State Board of Guide Dogs for the Blind.
- 11 (s) The Bureau of Security and Investigative Services.
- 12 (t) The Court Reporters Board of California.
- 13 (u) The Board of Vocational Nursing and Psychiatric
14 Technicians.
- 15 (v) The California State Board of Landscape
16 Architects.
- 17 (w) The Bureau of Electronic and Appliance Repair.
- 18 (x) The Division of Investigation.
- 19 (y) The Bureau of Automotive Repair.
- 20 (z) The State Board of Registration for Geologists and
21 Geophysicists.
- 22 (aa) The State Board of Nursing Home
23 Administrators.
- 24 (ab) The Respiratory Care Board.
- 25 (ac) The Acupuncture Examining Committee.
- 26 (ad) The Board of Psychology.
- 27 (ae) The California Board of Podiatric Medicine.
- 28 (af) The Physical Therapy Board.
- 29 (ag) The Arbitration Review Program.
- 30 (ah) The Committee on Dental Auxiliaries.
- 31 (ai) The Hearing Aid Dispensers Examining
32 Committee.
- 33 (aj) The Physician Assistant Examining Committee.
- 34 (ak) The Speech-Language Pathology and Audiology
35 Board.
- 36 (al) The Tax Preparers Program.
- 37 (am) The California Board of Occupational Therapy.
- 38 (an) Any other boards, offices, or officers subject to its
39 jurisdiction by law.



1 SEC. 2. Chapter 5.6 (commencing with Section 2570)
2 of Division 2 of the Business and Professions Code is
3 repealed.

4 SEC. 3. Chapter 5.6 (commencing with Section 2570)
5 is added to Division 2 of the Business and Professions
6 Code, to read:

7
8
9

CHAPTER 5.6. OCCUPATIONAL THERAPY

10 2570. This chapter may be cited as the Occupational
11 Therapy Practice Act.

12 2570.1. The Legislature finds and declares that the
13 practice of occupational therapy in California affects the
14 public health, safety, and welfare and there is a necessity
15 for that practice to be subject to regulation and control.

16 2570.2. As used in this chapter, unless the context
17 requires otherwise:

18 (a) ~~“Adequate~~ *“Appropriate supervision of an aide”*
19 means that the responsible occupational therapist shall ~~be~~
20 ~~in the same facility as, and in proximity to, the location~~
21 ~~where the aide is performing~~ *provide direct in-sight*
22 *supervision when the aide is providing* delegated
23 client-related tasks and shall be readily available at all
24 times to provide advice or instruction to the aide. The
25 occupational therapist ~~shall also be~~ *is* responsible for
26 documenting the client’s record concerning the
27 delegated client-related tasks performed by the aide.

28 (b) *“Aide”* means an individual who provides
29 supportive services to an occupational therapist and who
30 is trained by an occupational therapist to perform, under
31 ~~adequate~~ *appropriate* supervision, delegated, selected
32 client and nonclient-related tasks for which the aide has
33 demonstrated competency. *An occupational therapist*
34 *licensed pursuant to this chapter may utilize the services*
35 *of one aide engaged in patient-related tasks to assist the*
36 *occupational therapist in his or her practice of*
37 *occupational therapy. An occupational therapy assistant*
38 *shall not supervise an aide engaged in client-related tasks.*

39 (c) *“Appropriate supervision of an occupational*
40 *therapy assistant”* means that the responsible



1 occupational therapist shall at all times be responsible for
2 all occupational therapy services provided to the client.
3 The occupational therapist who is responsible for
4 appropriate supervision shall formulate and document in
5 each client's record, with his or her signature, the goals
6 and plan for that client, and shall make sure that the
7 occupational therapy assistant assigned to that client
8 functions under appropriate supervision. As part of the
9 responsible occupational therapist's appropriate
10 supervision, he or she shall conduct at least weekly review
11 and inspection of all aspects of occupational therapy
12 services by the occupational therapy assistant.

13 *(1) The supervising occupational therapist has the*
14 *continuing responsibility to follow the progress of each*
15 *patient, provide direct care to the patient, and to assure*
16 *that the occupational therapy assistant does not function*
17 *autonomously.*

18 *(2) An occupational therapist shall not supervise more*
19 *occupational therapy assistants, at any one time, than can*
20 *be appropriately supervised in the opinion of the board.*
21 *Two occupational therapy assistants shall be the*
22 *maximum number of occupational therapy assistants*
23 *supervised by an occupational therapist at any one time,*
24 *but the board may permit the supervision of a greater*
25 *number by an occupational therapist if, in the opinion of*
26 *the board, there would be adequate supervision and the*
27 *public's health and safety would be served. In no case*
28 *shall the total number of occupational therapy assistants*
29 *exceed twice the number of occupational therapists*
30 *regularly employed by a facility at any one time.*

31 (d) "Association" means the Occupational Therapy
32 Association of California or a similarly constituted
33 organization representing occupational therapists in this
34 state.

35 (e) "Board" means the California Board of
36 Occupational Therapy.

37 (f) "Examination" means an entry level certification
38 examination for occupational therapists and occupational
39 therapy assistants administered by the National Board for



1 Certification in Occupational Therapy or by another
2 nationally recognized credentialing body.

3 ~~(g) “Functional activities” means any actions that~~
4 ~~serve some useful purpose in activities of daily living or~~
5 ~~occupation.~~

6 ~~(h) “Good standing” means that the person has not~~
7 ~~been convicted of a felony or a misdemeanor or been~~
8 ~~disciplined by the recognized professional certifying or~~
9 ~~standard-setting body, or other state licensing entity,~~
10 ~~within five years prior to application or renewal of the~~
11 ~~person’s license.~~

12 ~~(i)~~
13 ~~(h) “Occupational therapist” means an occupational~~
14 ~~therapist who is licensed by the board individual who~~
15 ~~meets the minimum education requirements specified in~~
16 ~~Section 2570.6 and is licensed pursuant to the provisions~~
17 ~~of this chapter and whose license is in good standing as~~
18 ~~determined by the board to practice occupational~~
19 ~~therapy under this chapter. Only the occupational~~
20 ~~therapist is responsible for the occupational therapy~~
21 ~~assessment of a client, and the development of an~~
22 ~~occupational therapy plan of treatment.~~

23 ~~(j)~~
24 ~~(i) “Occupational therapy assistant” means an~~
25 ~~occupational therapy assistant who is certified by the~~
26 ~~board individual who is certified pursuant to the~~
27 ~~provisions of this chapter, who is in good standing as~~
28 ~~determined by the board, and based thereon, who is~~
29 ~~qualified to assist in the practice of occupational therapy~~
30 ~~under this chapter, and who works under the appropriate~~
31 ~~supervision of a licensed occupational therapist.~~

32 ~~(k) “Occupational therapy practitioner” means an~~
33 ~~occupational therapist licensed by the board or an~~
34 ~~occupational therapy assistant certified by the board.~~

35 ~~(l)~~
36 ~~(j) “Occupational therapy services” means the~~
37 ~~therapeutic use of purposeful and meaningful~~
38 ~~goal directed activities (occupations) which engage the~~
39 ~~individual’s body and mind in meaningful, organized, and~~
40 ~~self directed actions that maximize independence,~~



1 ~~prevent or minimize disability, and maintain health.~~
2 *services of an occupational therapist or the services of an*
3 *occupational therapy assistant under the appropriate*
4 *supervision of an occupational therapist.*

5 ~~(m)~~

6 (k) “Person” means an individual, partnership,
7 unincorporated organization, or corporation.

8 ~~(n)~~

9 (l) “Practice of occupational therapy” ~~encompasses~~
10 *means the therapeutic use of purposeful and meaningful*
11 *goal-directed activities (occupations) which engage the*
12 *individual’s body and mind in meaningful, organized, and*
13 *self-directed actions that maximize independence,*
14 *prevent or minimize disability, and maintain health.*
15 *Occupational therapy services encompasses occupational*
16 *therapy assessment, treatment, education of, and*
17 *consultation with, individuals who have been referred for*
18 *occupational therapy services subsequent to diagnosis of*
19 *disease or disorder (or who are receiving occupational*
20 *therapy services as part of an Individualized Education*
21 *Plan (IEP) pursuant to the federal Individuals with*
22 *Disabilities Education Act (IDEA)).* ~~Assessment~~
23 *Occupational therapy assessment identifies performance*
24 *abilities and limitations that are necessary for*
25 *self-maintenance, learning, work, and other similar*
26 *meaningful activities.* ~~Treatment—Occupational therapy~~
27 *treatment is focused on developing, improving, or*
28 *restoring functional daily living skills, compensating for*
29 *and preventing dysfunction, or minimizing disability.*
30 ~~Techniques—Occupational therapy techniques~~ that are
31 used for treatment involve teaching activities of daily
32 living (*excluding speech language skills*); ~~using~~
33 ~~specifically designed functional activities~~; designing or
34 fabricating selective temporary orthotic devices, and
35 applying or training in the use of assistive technology or
36 orthotic and prosthetic devices (*excluding gait training*);
37 ~~developing or restoring sensorimotor, cognitive, or~~
38 ~~psychosocial components of performance (excluding~~
39 ~~speech language skills).~~ ~~Consultation.~~ *Occupational*
40 *therapy consultation provides expert advice to enhance*



1 function and quality of life. Consultation or treatment
2 may involve modification of tasks or environments to
3 allow an individual to achieve maximum independence.
4 Services are provided individually, in groups, or through
5 social groups.

6 (1) Nothing in this chapter shall be construed as
7 authorizing an occupational therapist to practice physical
8 therapy, as defined in Section 2620, or speech-language
9 pathology and audiology, as defined in Section 2530.2,
10 *nursing, as defined in Section 2725, psychology, as defined*
11 *in Section 2903, or spinal manipulation or other forms of*
12 *healing, except as authorized in this section.*

13 ~~(2) Nothing in this chapter shall be construed as~~
14 ~~authorizing an~~ *An occupational therapist to may provide*
15 *feeding or swallowing assessment, evaluation, or*
16 *intervention without board-approved education and*
17 ~~training competencies.~~ *when the therapist has*
18 *demonstrated to the satisfaction of the board that he or*
19 *she has met the education, training, and competency*
20 *requirements that shall be developed by the board in*
21 *collaboration with the Speech-language Pathology and*
22 *Audiology Board.*

23 (3) Nothing in this chapter shall be construed as
24 authorizing an occupational therapist to seek
25 reimbursement for services other than occupational
26 therapy services as defined in this chapter.

27 *(m) On and after January 1, 2004, any occupational*
28 *therapist providing hand therapy services shall be*
29 *certified by the Hand Therapy Certification Commission*
30 *and shall maintain this certification in order to continue*
31 *to provide hand therapy services.*

32 (1) *“Hand therapy” means the treatment of the hand,*
33 *wrist, and forearm.*

34 (2) *Techniques used by hand therapists to augment*
35 *occupational therapy treatment are physical agent*
36 *modalities and massage.*

37 (3) *On and after January 1, 2001, occupational*
38 *therapists who are seeking certification by the Hand*
39 *Therapy Commission, and who have duly notified the*
40 *board in writing of their intent to seek that certification,*



1 *may provide hand therapy services under the supervision*
2 *of an occupational therapist or physical therapist certified*
3 *by the Hand Therapy Certification Commission in order*
4 *to complete the experience requirements for*
5 *certification.*

6 *(4) The board shall promulgate rules and regulations*
7 *specifically pertaining to the practice of hand therapy by*
8 *a person licensed under this chapter.*

9 *(n) In developing the rules and regulations required*
10 *under this section, the board shall collaborate with the*
11 *Physical Therapy Board and the Board of Registered*
12 *Nursing.*

13 2570.3. (a) No person shall practice occupational
14 therapy or hold himself or herself out as an occupational
15 therapist, ~~or occupational therapy assistant~~, or as being
16 able to practice occupational therapy, or to render
17 occupational therapy services in this state unless he or she
18 is licensed as an occupational therapist ~~or certified as an~~
19 ~~occupational therapy assistant~~ under the provisions of this
20 chapter. *No person shall hold himself or herself out as an*
21 *occupational therapy assistant or work as an occupational*
22 *therapist assistant under the supervision of an*
23 *occupational therapist unless he or she is certified as an*
24 *occupational therapy assistant under the provisions of this*
25 *chapter.*

26 (b) Only an individual may be licensed or certified
27 under this chapter.

28 2570.4. Nothing in this chapter shall be construed as
29 preventing or restricting the practice, services, or
30 activities of any of the following persons:

31 (a) Any person licensed, certified, or otherwise
32 recognized in this state by any other law or regulation
33 when that person is engaged in the profession or
34 occupation for which he or she is licensed, certified, or
35 otherwise recognized.

36 (b) Any person pursuing a supervised course of study
37 leading to a degree or certificate in occupational therapy
38 at an accredited educational program, if the person is
39 designated by a title which clearly indicates his or her
40 status as a student or trainee.



1 (c) Any person fulfilling the supervised fieldwork
2 experience requirements of subdivision (c) of Section
3 2570.6, if the experience constitutes a part of the
4 experience necessary to meet the requirement of that
5 provision.

6 (d) Any person performing occupational therapy
7 services in the state, if those services are performed for no
8 more than 45 days in a calendar year in association with
9 an occupational therapist licensed under this chapter,
10 and if either of the following conditions is satisfied:

11 (1) The person is licensed under the laws of another
12 state which has licensure requirements at least as
13 stringent as the requirements of this chapter.

14 (2) The person successfully completes the entry-level
15 certification examination requirement described in
16 subdivision (b) of Section 2570.7.

17 (e) Any person employed as an aide.

18 2570.5. (a) A limited permit may be granted to any
19 person who has completed the education and experience
20 requirements of this chapter.

21 (b) A person who meets the qualifications to be
22 admitted to the examination for licensure or certification
23 under this chapter and is awaiting the announcement of
24 the results of the next succeeding examination, according
25 to the application requirements for a limited permit, may
26 practice as an occupational therapist or as an occupational
27 therapy assistant under the direction and appropriate
28 supervision of an occupational therapist duly licensed
29 under this chapter. If that person fails to qualify for or pass
30 the first announced examination, all privileges under this
31 section shall automatically cease upon due notice to the
32 applicant of that failure *and may not be renewed.* ~~Those~~
33 ~~privileges may be renewed upon the applicant's filing for~~
34 ~~a second examination and shall automatically cease upon~~
35 ~~notice to the applicant that he or she has failed to pass the~~
36 ~~second examination. Those privileges may again be~~
37 ~~renewed upon the applicant's written petition to the~~
38 ~~board for permission to file a third application and~~
39 ~~permission being granted by the board, and shall~~
40 ~~automatically cease upon due notice that he or she has~~



1 ~~failed to pass the third examination. Those privileges shall~~
2 ~~not be renewed beyond the third examination.~~

3 (c) A limited permit shall be subject to other
4 requirements set forth in rules adopted by the board.

5 2570.6. An applicant applying for a license as an
6 occupational therapist or certification as an occupational
7 therapy assistant shall file with the board a written
8 application provided by the board, showing to the
9 satisfaction of the board that he or she meets all of the
10 following requirements:

11 (a) That the applicant is in good standing *and has not*
12 *committed acts or crimes constituting grounds for denial*
13 *of a license under Section 480.*

14 (b) (1) That the applicant has successfully completed
15 the academic requirements of an educational program
16 for occupational therapists or occupational therapy
17 assistants that is accredited by the American
18 Occupational Therapy Association's Accreditation
19 Council for Occupational Therapy Education (ACOTE).

20 (2) The curriculum of an education program for
21 occupational therapists shall contain the content
22 specifically required in the ACOTE accreditation
23 standards, including all of the following subjects:

24 (A) Biological, behavioral, and health sciences.

25 (B) Structure and function of the human body,
26 including anatomy, kinesiology, physiology, and the
27 neurosciences.

28 (C) Human development throughout the life span.

29 (D) Human behavior in the context of sociocultural
30 systems.

31 (E) Etiology, clinical course, management, and
32 prognosis of disease processes and traumatic injuries, and
33 the effects of those conditions on human functioning.

34 (F) Occupational therapy theory—and—practice,
35 *practice, and process which shall include the following:*

36 (i) *Human performance which shall include*
37 *occupational performance throughout the life cycle,*
38 *human interaction, roles, values, and the influences of the*
39 *nonhuman environment.*



- 1 (ii) Activity processes which shall include the
2 following:
- 3 (I) Theories underlying the use of purposeful activity
4 and the meaning and dynamics of activity.
- 5 (II) Performance of selected life tasks and activities.
- 6 (III) Analysis, adaptation, and application of
7 purposeful activity as therapeutic intervention.
- 8 (IV) Use of self, dyadic, and group interaction.
- 9 (iii) Theoretical approaches, including those related
10 to purposeful activity, human performance, and
11 adaptation.
- 12 (iv) Application of occupational therapy theory to
13 practice, which shall include the following:
- 14 (I) Assessment and interpretation, observation,
15 interviews, history, standardized and nonstandardized
16 tests.
- 17 (II) Directing, planning and implementation, which
18 shall include: therapeutic intervention related to daily
19 living skills and occupational components; therapeutic
20 adaptation, including methods of accomplishing daily life
21 tasks, environmental adjustments, orthotics, and assistive
22 devices and equipment; and health maintenance,
23 including energy conservation, joint protection, body
24 mechanics, and positioning; prevention programs to
25 foster age-appropriate recommendations to maximize
26 treatment gains.
- 27 (III) Program termination including reevaluation,
28 determination of discharge, summary of occupational
29 therapy outcome, and appropriate recommendations to
30 maximize treatment gains.
- 31 (IV) Documentation.
- 32 (v) Development and implementation of quality
33 assurance.
- 34 (vi) Management of occupational therapy service,
35 which shall include:
- 36 (I) Planning services for client groups.
- 37 (II) Personnel management, including occupational
38 therapy assistants, aides, volunteers, and level I students.



1 (III) Departmental operations, including budgeting,
2 scheduling, recordkeeping, safety, and maintenance of
3 supplies and equipment..

4 ~~(G) Fundamentals of activity.~~

5 ~~(H) Occupational therapy process.~~

6 (3) The curriculum of an education program for
7 occupational therapy assistants shall contain the content
8 specifically required in the ACOTE accreditation
9 standards, including all of the following subjects:

10 (A) Biological, behavioral, and health sciences.

11 (B) Structure and function of the normal human body.

12 (C) Human development.

13 (D) Conditions commonly referred to occupational
14 ~~therapy practitioners~~ therapists.

15 (E) Occupational therapy principles and skills, which
16 shall include the following:

17 (i) Human performance, including life tasks and roles
18 as related to the developmental process from birth to
19 death.

20 (ii) Activity processes and skills, which shall include
21 the following:

22 (I) Performance of selected life tasks and activities.

23 (II) Analysis and adaptation of activities.

24 (III) Instruction of individuals and groups in selected
25 life tasks and activities.

26 (iii) Concepts related to occupational therapy
27 practice, which shall include the following:

28 (I) The importance of human occupation as a health
29 determinant.

30 (II) The use of self, interpersonal, and communication
31 skills.

32 (iv) Use of occupational therapy concepts and skills,
33 which shall include the following:

34 (I) Data collection, which shall include structured
35 observation and interviews, history, and structured tests.

36 (II) Participation in planning and implementation,
37 which shall include: therapeutic intervention related to
38 daily living skills and occupational components;
39 therapeutic adaptation, including methods of
40 accomplishing daily life tasks, environmental



1 *adjustments, orthotics, and assistive devices and*
2 *equipment; health maintenance, including mental health*
3 *techniques, energy conservation, joint protection, body*
4 *mechanics, and positioning; and prevention programs to*
5 *foster age-appropriate balance of self-care and work.*

6 *(III) Program termination, including assisting in*
7 *reevaluation, summary of occupational therapy outcome,*
8 *and appropriate recommendations to maximize*
9 *treatment gains.*

10 *(IV) Documentation.*

11 (c) That the applicant has successfully completed a
12 period of supervised fieldwork experience arranged by
13 the recognized educational institution where he or she
14 met the academic requirements of subdivision (b) or
15 arranged by the nationally recognized professional
16 association. The fieldwork requirements shall be as
17 follows:

18 (1) For an occupational therapist, a minimum of 960
19 hours of supervised fieldwork experience, ~~which must~~
20 *shall* be completed within 24 months of the completion of
21 didactic coursework.

22 (2) For an occupational therapy assistant, a minimum
23 of 640 hours of supervised fieldwork experience, ~~which~~
24 ~~must~~ *shall* be completed within 20 months of the
25 completion of didactic coursework.

26 (d) That the applicant has passed an examination as
27 provided in Section 2570.7.

28 (e) That the applicant, at the time of application, is a
29 person over 18 years of age, is not addicted to alcohol or
30 any controlled substance, and has not committed acts or
31 crimes constituting grounds for denial of licensure or
32 certification under Section 2570.17.

33 2570.7. (a) An applicant who has satisfied the
34 requirements of Section 2570.6 may apply for
35 examination for licensure or certification in a manner
36 prescribed by the board. Subject to the provisions of this
37 chapter, an applicant who fails an examination may apply
38 for reexamination.

39 (b) Each applicant for licensure or certification shall
40 successfully complete the entry level certification



1 examination for occupational therapists or occupational
2 therapy assistants administered by the National Board for
3 Certification in Occupational Therapy; or by another
4 nationally recognized credentialing body as approved by
5 the board. The examination shall be appropriately
6 validated. Each applicant shall be examined by written
7 examination to test his or her knowledge of the basic and
8 clinical sciences relating to occupational therapy,
9 occupational therapy techniques and methods, and any
10 other subjects that the board may require to determine
11 the applicant's fitness to practice under this chapter.

12 (c) Applicants for licensure or certification shall be
13 examined at a time and place and under that supervision
14 as the board may require. Examinations shall be given at
15 least twice each year at places determined by the board.
16 The board shall give reasonable public notice of these
17 examinations pursuant to rules adopted by the board.

18 2570.8. (a) The board may grant a license or
19 certificate to any person who, prior to the effective date
20 of this chapter, obtained entry level certification from the
21 National Board for Certification in Occupational
22 Therapy, Inc. (NBCOT) or another nationally
23 recognized credentialing body, as an occupational
24 therapist or as an occupational therapy assistant, and who
25 otherwise meets the requirements of this chapter.

26 (b) The board may ~~waive the examination, education,~~
27 ~~or experience requirements of Section 2570.6, and may~~
28 grant a license or certificate to any applicant who
29 presents proof of current licensure as an occupational
30 therapist or occupational therapy assistant in another
31 state, the District of Columbia, or territory of the United
32 States, if that jurisdiction requires standards for licensure
33 considered by the board to ~~be substantially equivalent to~~
34 *meet or exceed* the requirements for licensure or
35 certification under this chapter.

36 (c) An applicant seeking ~~waiver~~ *a license or certificate*
37 under this section based on his or her current practice
38 shall submit to the board all of the following as proof of
39 actual practice within one year of the effective date of this
40 chapter:



1 (1) The applicant’s affidavit containing all of the
2 following information:
3 (A) The location and dates of the applicant’s
4 employment for the relevant period.
5 (B) A description of the capacity in which the
6 applicant was employed, including job title and
7 description of specific duties and the nature of the
8 patients or clientele.
9 (C) The name and job title of the applicant’s
10 supervisor.
11 (2) A written job description.
12 (3) The employer’s affidavit containing all of the
13 following information:
14 (A) The dates of the applicant’s employment for the
15 relevant period.
16 (B) A description of the applicant’s specific duties.
17 (C) The title of the person completing the affidavit.
18 (d) After reviewing the information submitted under
19 subdivision (c), the board may require additional
20 information necessary to enable it to determine whether
21 to grant a ~~waiver~~ *license or certificate* under this section.
22 2570.9. The board shall issue a license or certificate to
23 any applicant who meets the requirements of this
24 chapter, including the payment of the prescribed
25 licensure, certification, or renewal fee, and who meets
26 any other requirement in accordance with applicable
27 state law.
28 2570.10. (a) Any license or certificate issued under
29 this chapter shall be subject to renewal as prescribed by
30 the board and shall expire unless renewed in that manner.
31 The board may provide for the late renewal of a license
32 or certificate upon the payment of a late fee prescribed
33 by rule. Subject to an investigation by the board, no late
34 application for renewal of a license or certificate may be
35 granted more than two years after its expiration.
36 (b) In addition to any other qualifications and
37 requirements for licensure or certification renewal, the
38 board may by rule establish and require the satisfactory
39 completion of continuing competency requirements as a
40 condition of renewal of a license or certificate.



1 2570.11. (a) Upon a written request, the board may
2 grant inactive status to an occupational therapist or
3 occupational therapy assistant who is in good standing,
4 who meets the requirements for licensure under Section
5 2570.6, and who has satisfied all continuing competency
6 requirements, but who does not do either of the
7 following:

8 (1) Practice as an occupational therapist or an
9 occupational therapy assistant.

10 (2) Hold himself or herself out as an occupational
11 therapist or as an occupational therapy assistant.

12 (b) The board may by rule prescribe the length of time
13 that a licensee may remain on inactive status.

14 2570.12. (a) Written requests for reinstatement of
15 licensure or certification may be made to the board one
16 year from the date of the revocation. The board may
17 accept or reject a request for reinstatement.

18 (b) At the request of an occupational therapist or
19 occupational therapy assistant, the board shall hold a
20 hearing in accordance with the Administrative
21 Procedure Act on a denial for reinstatement.

22 2570.13. (a) Consistent with this section, *subdivisions*
23 *(a), (b), and (c) of Section 2570.2*, and accepted
24 professional standards, the board shall adopt rules
25 necessary to assure appropriate supervision of
26 occupational therapy assistants and aides.

27 (b) A certified occupational therapy assistant may
28 practice only under the supervision of an occupational
29 therapist—~~that~~ *who* is authorized to practice occupational
30 therapy in this state.

31 (c) An aide providing delegated, client-related
32 supportive services shall require continuous and direct
33 supervision by an occupational therapist.

34 2570.14. Any initial applicant who has not been
35 actively engaged in the practice of occupational therapy
36 within the past five years shall provide to the board, in
37 addition to the requirements for licensure under Section
38 2570.6, any of the following:



1 (a) Evidence of 120 hours of continued competency as
2 referred to in subdivision (b) of Section 2570.10 for the
3 previous two-year period.

4 (b) Evidence of having completed the entry-level
5 certification examination as described in subdivision (b)
6 of Section 2570.7 within the previous two-year period.

7 (c) Evidence of having successfully completed a
8 board-approved educational program specifically
9 designed for applicants preparing for reentry into the
10 field of occupational therapy.

11 2570.15. Occupational therapists and occupational
12 therapy assistants trained outside of the United States and
13 its possessions shall be required to satisfy the examination
14 requirements of Section 2570.7. The board shall require
15 that these applicants be in good standing and have
16 completed educational and supervised fieldwork
17 requirements substantially equal to those contained in
18 Section 2570.6, before taking the examination.

19 2570.16. The board shall prescribe and publish fees
20 not to exceed one hundred fifty dollars (\$150) per year for
21 each of the following:

- 22 (a) Initial license or certification fee.
- 23 (b) Renewal of license or certification fee.
- 24 (c) Late renewal fee.
- 25 (d) Limited permit fee.
- 26 (e) Any other fees that it determines appropriate.

27 2570.17. The board may, after a hearing in accordance
28 with the Administrative Procedure Act, deny a license or
29 certificate, refuse to renew a license or certificate, or
30 suspend or revoke the license or certificate of, or place on
31 probation, reprimand, censure, or otherwise discipline, a
32 licensee or certificated person who did any of the
33 following:

- 34 (a) Obtained or attempted to obtain a license by fraud,
35 misrepresentation, or deception.
- 36 (b) Was convicted of a ~~felony~~ *crime that substantially*
37 *relates to the qualifications, functions, or duties of an*
38 *occupational therapist or occupational therapy assistant.*



1 (c) Was grossly negligent in the practice of
2 occupational therapy or in the practice of any other
3 licensed health care occupation or profession.

4 (d) Was adjudged mentally ill or incompetent by a
5 court of competent jurisdiction.

6 (e) Impersonated or acted as a proxy for an applicant
7 in any examination for licensure described in this chapter.

8 (f) Used drugs or intoxicating liquors to the extent that
9 it adversely affected his or her practice.

10 (g) Acted in a manner which is professionally
11 unethical according to generally accepted ethical
12 standards of the occupational therapy profession.

13 (h) Violated any provision of this chapter.

14 2570.18. (a) ~~Unless authorized to practice~~
15 ~~occupational therapy under this chapter~~ *On and after*
16 *January 1, 2002*, a person shall not represent to the public
17 by title, by description of services, methods, or
18 procedures, or otherwise, that the person is authorized to
19 practice occupational therapy in this state, *unless*
20 *authorized to practice occupational therapy under this*
21 *chapter*.

22 (b) Unless licensed to practice as an occupational
23 therapist under this chapter, a person may not use the
24 professional abbreviations “O.T.,” “O.T.R.,” or
25 “O.T.R./L.,” or “Occupational Therapist,” or
26 “Occupational Therapist Registered,” or any other
27 words, letters, or symbols with the intent to represent
28 that the person practices or is authorized to practice
29 occupational therapy.

30 (c) Unless certified to assist in the practice of
31 occupational therapy as an occupational therapy assistant
32 under this chapter, a person may not use the professional
33 abbreviations “O.T.A.,” “C.O.T.A.,” “C.O.T.A./C.” or
34 “Occupational Therapy Assistant,” or “Certified
35 Occupational Therapy Assistant,” or any other words,
36 letters, or symbols, with the intent to represent that the
37 person assists in, or is authorized to assist in, the practice
38 of occupational therapy as an occupational therapy
39 assistant.



1 (d) The unauthorized practice or representation as an
2 occupational therapist or as an occupational therapy
3 assistant constitutes an unfair business practice under
4 Sections 17200 and 17500.

5 2570.185. An occupational therapist shall document
6 his or her evaluation, goals, treatment plan, and summary
7 of treatment in the patient record. Patient records shall
8 be maintained for a period of no less than seven years
9 following the discharge of the patient, except that the
10 records of unemancipated minors shall be maintained at
11 least one year after the minor has reached the age of 18
12 years, and not in any case less than seven years.

13 2570.19. (a) There is hereby created a California
14 Board of Occupational Therapy, hereinafter referred to
15 as the board. The board shall enforce and administer this
16 chapter.

17 (b) The members of the board shall consist of the
18 following:

19 (1) ~~Four~~ *Three* occupational ~~therapy practitioners~~
20 *therapists* who shall have practiced occupational therapy
21 for five years.

22 (2) *One occupational therapy assistant who shall have*
23 *assisted in the practice of occupational therapy for five*
24 *years.*

25 (3) Three public members who shall not be licentiates
26 of the board or of any board referred to in Section 1000
27 or 3600.

28 (c) The Governor shall appoint the ~~four occupational~~
29 ~~therapy practitioner~~ *three occupational therapists and*
30 *one occupational therapy assistant to be* members of the
31 board. The Governor, the Senate Rules Committee, and
32 the Speaker of the Assembly shall each appoint a public
33 member. Not more than one member of the board shall
34 be appointed from the full-time faculty of any university,
35 college, or other educational institution.

36 (d) All members shall be residents of California at the
37 time of their appointment. The occupational ~~therapy~~
38 ~~practitioner~~ *therapist and occupational therapy assistant*
39 members shall have been engaged in rendering
40 occupational therapy services to the public, teaching, or



1 research in occupational therapy for at least ~~three~~ *five*
2 years preceding their appointments.

3 (e) The public members may not be or have ever been
4 occupational therapists or occupational therapy assistants
5 or in training to become occupational therapists or
6 occupational therapy assistants. The public members may
7 not be related to or have a household member who is an
8 occupational therapist or an occupational therapy
9 assistant and may not have had within two years of the
10 appointment a substantial financial interest in a person
11 regulated by the board.

12 (f) The Governor, within 90 days following the
13 operative date of this chapter, shall appoint two board
14 members for a term of one year; ~~two~~, *two board members*
15 for a term of two years; and one *board member* for a term
16 of three years. Appointments made thereafter shall be for
17 three-year terms, but no person shall be appointed to
18 serve more than two consecutive terms. Terms shall
19 begin on the first day of the calendar year and end on the
20 last day of the calendar year or until successors are
21 appointed, except for the first appointed members who
22 shall serve through the last calendar day of the year in
23 which they are appointed, before commencing the terms
24 prescribed by this section. Vacancies shall be filled by
25 appointment for the unexpired term. The board shall
26 annually elect one of its members as president.

27 (g) The board shall meet and hold at least one regular
28 meeting annually in the Cities of Sacramento, Los
29 Angeles, and San Francisco. The board may convene
30 from time to time until its business is concluded. Special
31 meetings of the board may be held at any time and place
32 designated by the board.

33 (h) Notice of each meeting of the board shall be given
34 in accordance with the Bagley-Keene Open Meeting Act
35 (Article 9 (commencing with Section 11120) of Chapter
36 1 of Part 1 of Division 3 of Title 2 of the Government
37 Code).

38 (i) Members of the board shall receive no
39 compensation for their services but shall be entitled to



1 reasonable travel and other expenses incurred in the
2 execution of their powers and duties.

3 (j) The appointing power shall have the power to
4 remove any member of the board from office for neglect
5 of any duty imposed by state law, for incompetency, or for
6 unprofessional or dishonorable conduct.

7 (k) A loan is hereby authorized from the General
8 Fund to the Occupational Therapy Fund on and after July
9 1, 2000, in an amount of up to one million dollars
10 (\$1,000,000) to fund operating, personnel, and other
11 startup costs of the board. The loan shall be repaid to the
12 General Fund over a period of five years, and the amount
13 paid shall also include interest at the rate accruing to
14 moneys in the Pooled Money Investment Account. The
15 loan proceeds shall be available to the board upon
16 appropriation by the Legislature.

17 (l) This section shall become inoperative on July 1,
18 ~~2007~~ 2006, and, as of January 1, ~~2008~~ 2007, is repealed,
19 unless a later enacted statute, which becomes effective on
20 or before January 1, ~~2007~~ 2006, deletes or extends the
21 dates on which it becomes inoperative and is repealed.
22 *The repeal of this section renders the board subject to the*
23 *review required by Division 1.2 (commencing with*
24 *Section 473).*

25 2570.20. (a) The board shall administer, coordinate,
26 and enforce the provisions of this chapter, evaluate the
27 qualifications, and approve the examinations for
28 licensure under this chapter. The board may issue
29 subpoenas, examine witnesses, administer oaths, and
30 investigate allegations of practices violating the
31 provisions of this chapter.

32 (b) The board shall adopt rules, in accordance with the
33 Administrative Procedure Act, relating to professional
34 conduct to carry out the purpose of this chapter,
35 including, but not limited to, rules relating to professional
36 licensure or certification and to the establishment of
37 ethical standards of practice for persons holding a license
38 to practice occupational therapy and for persons certified
39 to assist in the practice of occupational therapy in this
40 state.



1 (c) The board shall hear all matters, including, but not
2 limited to, any contested case or any petition for
3 reinstatement, restoration, or modification of probation.
4 Except as otherwise provided in this chapter, all hearings
5 shall be conducted in accordance with the Administrative
6 Procedure Act. If a contested case is heard by the board,
7 the hearing officer who presided at the hearing shall be
8 present during the board's consideration of the case and,
9 if requested, shall assist and advise the board. At the
10 conclusion of the hearing, the board shall deny an
11 application for, or suspend or revoke, or impose
12 probationary conditions upon a license or approval. The
13 board shall keep records and minutes necessary to carry
14 out its functions.

15 (d) The board may adopt rules in accordance with the
16 Administrative Procedure Act that it deems necessary to
17 carry out the purpose of this chapter.

18 2570.21. Subject to applicable civil service laws, the
19 board may employ and discharge its executive officer and
20 those officers and employees as it deems necessary; and
21 shall determine their duties and fix their compensation.

22 2570.22. All fees collected by the board shall be paid
23 into the State Treasury and shall be credited to the
24 Occupational Therapy Fund which is hereby created.
25 The money in the fund shall be available, upon
26 appropriation by the Legislature, for expenditure by the
27 board to defray its expenses and to otherwise administer
28 this chapter.

29 2570.23. Any person who violates Section 2570.3 is
30 guilty of a misdemeanor, and upon conviction thereof
31 shall be punished by a fine of not more than five thousand
32 dollars (\$5,000), or by imprisonment of not more than one
33 year in a county jail, or by both that fine and
34 imprisonment.

35 2570.24. If any provision of this chapter, or the
36 application thereof to any person or circumstance, is held
37 invalid, that invalidity shall not affect other provisions or
38 applications of this chapter which can be given effect
39 without the invalid provision or application, and to this

1 end, the provisions of this chapter are declared to be
2 severable.

3 ~~2570.25. This chapter shall become operative on July~~
4 ~~1, 2001.~~

5 SEC. 4. This act shall become operative ~~July~~ *January*
6 1, 2001.

7 SEC. 5. No reimbursement is required by this act
8 pursuant to Section 6 of Article XIII B of the California
9 Constitution because the only costs that may be incurred
10 by a local agency or school district will be incurred
11 because this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition
15 of a crime within the meaning of Section 6 of Article
16 XIII B of the California Constitution.

