

A model bill for the registration of occupational therapists

As you will note, this bill proposes only to prohibit the use of the term "Registered Occupational Therapists" or letters implying such a title except by persons registered by the appropriate registration board after presenting proof of the qualifications required by the board and after passing such examinations as may be required by the registration board. It does not attempt to prohibit the practice of occupational therapy by any person. It does, however, provide a specific penalty for a registered occupational therapist who diagnoses or attempts to practice occupational therapy except under the prescription, direction and supervision of a licensed physician. Provision is made in the bill for the registration without examination of any occupational therapist practicing prior to the enactment of the bill and who possesses the qualifications set out in the bill.

In general, this is the basic theory underlying all nursing practice acts and is the basic theory incorporated in a model bill recently drafted for the American Physiotherapists.

AN ACT relating to the practice of occupational therapy by registered occupational therapists.

Be It Enacted Insert here the proper enacting clause for the state:

Section 1. Definitions. In this Act, unless the context otherwise requires,

(1) "Occupational therapy" means the prescribing or application of any activity, mental or physical, to aid in the recovery from disease or injury.

(2) "Occupational therapist" means a person who practices occupational therapy.

(3) "Board" means the Insert here the proper name of the state department, board, or other agency charged with the duty of licensing practitioners of medicine. In the event that it is not deemed desirable to impose the duty of examination and registration and enforcement of the Act on the board of medical examiners appropriate reference must be made here to the agency to be created for those duties and a separate section must be inserted in the bill, probably section 2, creating the agency and laying down qualification for membership in that agency, the methods of its appointment, and the terms of service in the agency.

(4) Words importing the masculine gender may be applied to females.

Section 2. Practice Without Registration Forbidden. A person who has not been registered by the Board as an occupational therapist shall not represent himself as being so registered.

Section 3. Conditions of Registration. The Board shall not register any person as an occupational therapist who does not conform to the following conditions:

- (a) He shall be at least 21 years old.
- (b) He shall be of good moral character.
- (c) He shall have been graduated by an approved high school.
- (d) He shall have been graduated by a school of occupational therapy approved by the Board; and
- (e) He shall have passed to the satisfaction of the Board an examination conducted by it to determine his fitness for practice as an occupational therapist, provided, however, that within six months after the effective date of this Act the Board may register without examination any person practicing occupational therapy in this state prior to the enactment of this Act and who possesses the qualifications set forth in subparagraphs (a), (b), (c) and (d) of this section.

Section 4. Application for Registration. A person who desires to be registered as an occupational therapist shall apply to the Board, in writing, on a blank furnished by the Board. He shall embody that application evidence under oath, satisfactory to the Board, of his possessing the qualifications preliminary to examination required by this Act. He shall pay to the Board at the time of filing his application a fee of Insert amount of fee.

Section 5. Examinations. The Board shall examine applicants for registration as occupational therapists at such times and places as it may determine. It may employ registered occupational therapists to aid it in such examinations. The examinations shall embrace such subjects as the Board deems necessary to determine the applicant's fitness and shall include practical demonstrations and written and oral tests of such fitness.

Section 6. Registration. The Board shall register as an occupational therapist each applicant who proves to the satisfaction of the Board his fitness for registration under the terms of this Act. It shall issue to each person registered a certificate of registration, which shall be prima facie evidence of the right of the person to whom it is issued to represent himself as a registered occupational therapist, subject to the conditions and limitations of this Act.

Section 7. Renewal of Registration. Every registered occupational therapist shall, during State here month and year when first renewal of registration is required, and during Insert here the month named above every third year thereafter, apply to the Board for an extension of his registration and pay a fee of Insert amount of fee. Registration that is not so extended, in the first instance before April 1, Insert year when registration is first effective, and thereafter before April 1 every third year, shall automatically lapse. The Board may in its discretion revive and extend a lapsed registration on the payment of all past unpaid extension fees.

Section 8. Refusal, Revocation, and Suspension of Registration. The Board, after due notice and hearing, may refuse to register any applicant, and may refuse to renew the registration of any registered person, and may suspend or revoke the registration of any registered person

(a) Who is habitually drunk or who is addicted to the use of narcotic drugs;

(b) Who has been convicted of violating any state or federal narcotic law;

(c) Who is, in the judgment of the Board, guilty of Insert list of taboed acts and omissions and of any other immoral or unprofessional conduct;

(d) Who has been convicted of any crime involving moral turpitude;

(e) Who is guilty, in the judgment of the Board, of gross negligence in his practice as an occupational therapist;

(f) Who has obtained or attempted to obtain registration by fraud or material misrepresentation;

(g) Who has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane; or

(h) Who has treated or undertaken to treat ailments of human beings otherwise than by occupational therapy and as authorized by this Act, or who has undertaken to practice independent of the prescription, direction or supervision of a person licensed in this state to practice medicine and surgery without limitation.

Section 9. Reciprocity. The Board may, in its discretion, register as an occupational therapist, without examination, on the payment of the required fee, an applicant for registration who is an occupational therapist registered under the laws of another State or Territory, if the requirements for registration of occupational therapists were at the date

of his registration substantially equal to the requirements then in force in this State and if the State or Territory whence the applicant comes accords a similar privilege of registration without examination to holders of certificates as registered occupational therapists under this Act.

Section 10. False Claim of Registration Forbidden. A person who is not registered under this Act as an occupational therapist, or whose registration has been suspended or revoked, or whose registration has lapsed and has not been revived, who uses in connection with his name the words or letters "R.O.T.," "Registered Occupational Therapist," or any other letters, words, or insignia indicating or implying that he is a registered occupational therapist, or who in any other way, orally, or in writing, or in print, or by sign, directly or by implication, represents himself as a registered occupational therapist, shall be punished by a fine not exceeding Insert here amount of maximum fine, or by imprisonment Insert here period of maximum imprisonment, or by both, in the discretion of the court.

Section 11. Fraud in Obtaining Registration Forbidden. A person who makes a willfully false oath or affirmation in any case in which an oath or affirmation is required by this Act, or who obtains or attempts to obtain registration by any fraudulent representation shall be punished by a fine not exceeding Insert here the maximum amount of fine, or by imprisonment for not more than Insert here maximum duration of imprisonment, or by both, in the discretion of the court.

Section 12. Practice of Registered Occupational Therapist Limited. A person registered under this Act as an occupational therapist shall not treat human ailments by occupational therapy or otherwise except

under the supervision and direction of a licensed physician. Nothing in this Act shall be construed as authorizing an occupational therapist, whether registered or not, to practice medicine, osteopathy, chiropractic, naturopathy, or any other form or method of healing. Any person violating the provisions of this section shall be punished by a fine not exceeding Insert here the maximum amount of fine, or by imprisonment not exceeding Insert here maximum duration of imprisonment, or by both, in the discretion of the court.

Section 13. Practice of Occupational Therapy by Unregistered Persons. Nothing contained in this Act shall be construed to limit or prevent the practice of occupational therapy by any person not registered under the Act, if such person does not represent himself to be a registered occupational therapist.

Section 14. Powers and Duties of Board. The Board is authorized to adopt reasonable rules to carry this Act into effect and may amend and rescind such rules at its discretion. The Board shall keep a record of its proceedings under this Act and a register of all persons registered under it. The register shall show the name of every living registrant, his last known place of business and last known place of residence, and the date and number of his registration and certificate as a registered occupational therapist. The Board shall, during the month of May of every year in which the renewal of registration is required, compile a list of registered occupational therapists authorized to practice occupational therapy in the State and shall mail a copy of that list to every state's attorney and every chief of police in the State. Any interested person in the State is entitled to obtain a copy of that list on application to the Board and payment of such amount as may be fixed by the Board, which amount shall not exceed the cost of the list so furnished.

Section 15. Duty of Enforcement. Insert here the proper name of the state department, board or other agency charged with the duty of registering and certifying occupational therapists shall investigate every supposed violation of this Act coming to its notice and shall report to the proper state's attorney all cases that in the judgment of the board warrant prosecution. Every police officer, sheriff, and peace officer shall investigate every supposed violation of this Act that comes to his notice or of which he has received complaint, and apprehend and arrest all violators. It shall be the duty of the attorney general and of the several state's attorneys to prosecute violations of this Act.

Section 16. Constitutionality. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 17. Short Title of Act. This Act may be cited as the "Occupational Therapists Practice Act."