

OCCUPATIONAL THERAPISTS (Generally) Definition, Licensing, State Board

675.210 Definitions for ORS 675.210 to 675.340. As used in ORS 675.210 to 675.340, unless the context requires otherwise: (1) "Board" means the Occupational Therapy Licensing Board.

(2) "Occupational therapist" means a person licensed to practice occupational therapy under ORS 675.210 to 675.340.

(3) "Occupational therapy" means the analysis and use of purposeful activity with individuals who are limited by physical injury or illness, developmental or learning disabilities, psycho-social dysfunctions or the aging process in order to maximize independence, prevent disability and maintain health. The practice of occupational therapy encompasses evaluation, treatment and consultation. Specific occupational therapy services includes but is not limited to: Activities of daily living (ADL); perceptual motor and sensory integrated activity; development of work and leisure skills; the design, fabrication or application of selected orthotics or prosthetic devices; the use of specifically designed crafts; guidance in the selection and use of adaptive equipment; exercises to enhance functional performance; prevocational evaluation and training; performing and interpreting manual muscle and range of motion test; and appraisal and adaptation of environments for people with mental and physical disabilities. The services are provided individually, in groups, or through social systems.

(4) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of an occupational therapist.

(5) "Person" means any individual, partnership, unincorporated association or corporate body, except only an individual may be licensed under ORS 675.210 to 675.340.

675.220 Representation as occupational therapist or therapy assistant prohibited without license; exception. (1) No person shall practice occupational therapy or purport to be an occupational therapist or occupational therapy assistant, or as being able to practice occupational therapy, or to render occupational therapy services, or use the abbreviations designated by the Occupational Therapy Licensing Board under ORS 675.320 unless the person is licensed in accordance with ORS 675.210 to 675.340.

(2) ORS 675.210 to 675.340 do not apply to:

(a) Employment as an occupational therapist or occupational therapy assistant in an institution or an agency of the federal government.

(b) Persons licensed under any other law of this state to do any acts included in the definition of occupational therapy in ORS 675.210 or persons working under the direction of any such person.

(c) The practice of occupational therapy which is incidental to the planned program of study for students enrolled in an occupational therapist or occupational therapy assistant program approved by the board.

675.222 Employing unlicensed person prohibited. No person shall hire or employ a person to practice as an occupational therapist or as an occupational therapy assistant unless the person hired or employed is licensed in accordance with ORS

(Licensing) **675.230 Application for licensing.** Any person desiring to be licensed as an occupational therapist or occupational therapy assistant shall apply in writing to the

Occupational Therapy Licensing Board in the form and manner provided by the board. Each application shall include or be accompanied by evidence, satisfactory to the board, that the applicant possesses the qualifications prescribed in ORS 675.240 for applicants for licensing as an occupational therapist, or in ORS 675.250 for applicants for licensing as an occupational therapy assistant.

675.240 Qualifications for licensing as occupational therapist; rules. Except as provided in ORS 675.270, each applicant for licensure under ORS 675.210 to 675.340 as an occupational therapist shall: (1) Have successfully completed an educational program in occupational therapy recognized by the Occupational Therapy Licensing Board, with concentration in biological or physical science, psychology and sociology, and with education in selected manual skills.

(2) Pass to the satisfaction of the board an examination adopted by the board to determine the fitness of the applicant for practice as an occupational therapist or be entitled to be licensed as provided in ORS 675.270.

(3) Have successfully completed at least six months of supervised field work that complies with rules adopted by the board.

(4) Comply with continuing education requirements as adopted by the board by rule.

(5) If the applicant has been unlicensed for more than three years, complete a board-approved reentry program or retake the board-approved national examination to determine fitness for practice as an occupational therapist.

675.250 Qualifications for licensing as occupational therapy assistant; rules.

Except as provided in ORS 675.270, an applicant for licensure under ORS 675.210 to 675.340 as an occupational therapy assistant shall: (1) Be at least 18 years of age.

(2) Have successfully completed the academic requirements of an educational program for occupational therapy assistants recognized by the Occupational Therapy Licensing Board.

(3) Pass an examination approved by the board to determine the fitness of the applicant for practice as an occupational therapy assistant.

(4) Have successfully completed at least two months of supervised field work that complies with rules adopted by the board.

(5) Comply with continuing education requirements as adopted by the board by rule.

(6) If the applicant has been unlicensed for more than three years, complete a board-approved reentry program or retake the board-approved national examination to determine fitness for practice as an occupational therapy assistant.

675.270 Licensing without examination; fee. (1) The Occupational Therapy Licensing Board may license without examination any person who applies and meets the requirements under ORS 675.210 to 675.340, and: (a) Is currently certified as an occupational therapist registered (O.T.R.) or certified occupational therapy assistant (C.O.T.A.) by the National Board for Certification in Occupational Therapy; or (b) Presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States that requires standards for licensure considered by the Occupational Therapy Licensing Board to be equivalent to the requirements for licensure under ORS 675.210 to 675.340. (2) Each applicant under this section shall pay a license fee, in an amount established by the board, at the time of filing an application under this section.

675.280 License period; fee; issuance of certificate; certificate as evidence; posting. Licenses issued under ORS 675.210 to 675.340 shall expire on May 31 of even-numbered years. The Occupational Therapy Licensing Board shall license any person who meets the requirements of ORS 675.210 to 675.340 upon payment of a license fee in an amount established by the board. The board shall issue a certificate to each person licensed. The certificate shall be prima facie evidence of the right of the person to whom it is issued to purport to be a licensed occupational therapist or occupational therapy assistant subject to the provisions of ORS 675.210 to 675.340. The certificate shall be posted in a conspicuous place on the premises of the occupational therapy employer.

675.290 License renewal procedure; delinquent fee. Each licensed occupational therapist or occupational therapy assistant shall apply to the Occupational Therapy Licensing Board prior to the expiration of a license for a renewal of a license. Each applicant for renewal of a license shall pay a renewal fee, in an amount established by the board, at the time of filing a renewal application. Any license that is not renewed before June 1 of even-numbered years, or before such date as may be specified by board rule, shall automatically lapse. The board may revive and renew any lapsed license upon payment to it of a delinquent fee in the amount of \$50. However, late renewal of a license may not be granted more than three years after its expiration.

675.300 Grounds and procedures for denial, refusal to renew, suspension or revocation of license; confidentiality of information. (1) The Occupational Therapy Licensing Board may deny, suspend, revoke or refuse to renew a license or may impose probationary conditions where the licensee or applicant has:

- (a) Committed unprofessional conduct as defined by the standards established by the board;
- (b) Obtained or attempted to obtain a license by means of fraud, misrepresentation or concealment of material facts;
- (c) Violated any provision of ORS 675.210 to 675.340 or any order or rule adopted by the board; or
- (d) Committed gross negligence or incompetence in the performance of professional duties.

(2) The board may suspend or revoke the license of any person licensed under ORS 675.210 to 675.340 if the licensee has an impairment as defined in ORS 676.303.

(3) When the board proposes to refuse to issue or renew a license or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS chapter 183.

(4) Judicial review of orders under subsection (3) of this section shall be conducted in accordance with ORS chapter 183.

(5) Information that the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175.

(State Board) **675.310 Occupational Therapy Licensing Board.** (1) There is created the Occupational Therapy Licensing Board. The board is composed of five members appointed by the Governor and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All members of the board must be residents of this state. Of the members of the board:

(a) Two must be licensed occupational therapists in this state with no less than three years of experience in occupational therapy immediately preceding their appointment;

(b) One must be a licensed occupational therapy assistant; and

(c) Two must be members of the public who are not:

(A) Otherwise eligible for appointment to the board; or

(B) A spouse, domestic partner, child, parent or sibling of an individual who is a licensed occupational therapist or licensed occupational therapy assistant.

(2)(a) Board members required to be occupational therapists or occupational therapy assistants may be selected by the Governor from a list of three to five nominees for each vacancy, submitted by:

(A) The Occupational Therapy Association of Oregon, if the vacancy is in an occupational therapist position; or

(B) Any professional organization representing occupational therapy assistants, if the vacancy is in an occupational therapy assistant position.

(b) In selecting the members of the board, the Governor shall strive to balance the representation on the board according to:

(A) Geographic areas of this state; and

(B) Ethnic group.

(3)(a) Board members serve a term of four years, but a member serves at the pleasure of the Governor. The terms shall be staggered so that no more than two terms end each year. A member is eligible for reappointment. If a vacancy occurs in the membership of the board for any reason, the Governor shall make an appointment to become immediately effective for the expired term.

(b) A board member shall be removed immediately from the board if, during the member's term, the member:

(A) Is not a resident of this state;

(B) Has been absent from three consecutive board meetings, unless at least one absence is excused;

(C) Is not a licensed occupational therapist or a retired occupational therapist who was a licensed occupational therapist in good standing at the time of retirement, if the board member was appointed to serve on the board as an occupational therapist; or

(D) Is not a licensed occupational therapy assistant or a retired occupational therapy assistant who was a licensed occupational therapy assistant in good standing at the time of retirement, if the board member was appointed to serve on the board as an occupational therapy assistant.

(4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495. The board may provide by rule for compensation to board members for the performance of official duties at a rate that is greater than the rate provided in ORS 292.495.

675.320 Powers of board; fees; rules. The Occupational Therapy Licensing Board shall have the following powers in addition to powers otherwise granted under ORS 675.210 to 675.340 or necessary to carry out the provisions of ORS 675.210 to 675.340:

- (1) To organize and elect from its membership a chairperson and vice chairperson, each of whom shall hold office for one year or until the election and qualification of a successor.
- (2) To authorize all necessary disbursements to carry out the provisions of ORS 675.210 to 675.340, including, but not limited to, payment for necessary supplies, office equipment and investigations and such other expenditures as provided for in ORS 675.210 to 675.340.
- (3) To suspend, revoke or invalidate licenses for nonpayment of renewal fees.
- (4) To restore licenses that have been suspended, revoked or voided.
- (5) To adopt license and license renewal fees under ORS 675.270, 675.280 and 675.290. The fees must be approved by the Oregon Department of Administrative Services and may not exceed the cost of administering ORS 675.210 to 675.340.
- (6) To collect license applications and renewal fees.
- (7) To investigate alleged violations of ORS 675.210 to 675.340.
- (8) To enforce the provisions of ORS 675.210 to 675.340 and generally supervise the practice of occupational therapy in this state.
- (9) To make and enforce rules in accordance with ORS chapter 183 for the procedure of the board and for regulating the practice of occupational therapy not inconsistent with the provisions of ORS 675.210 to 675.340.
- (10) To establish minimum requirements for continuing education to be complied with by all licensees under ORS 675.210 to 675.340.
- (11) To establish minimum requirements for limited permit to be complied with by all applicants prior to issuance of limited permit. A limited permit shall be issued to a person at the discretion of the board upon application and payment of a permit fee of \$25.
- (12) To establish official abbreviations that may be used, under ORS 675.220 (1), by persons licensed as occupational therapists or occupational therapy assistants.
- (13) To establish minimum requirements for supervised field work necessary for applicants under ORS 675.240 or 675.250.
- (14) To adopt rules that define the scope of the practice of occupational therapy and that reflect national standards for the practice of occupational therapy.

675.330 Occupational Therapy Licensing Board Account. (1) The Occupational Therapy Licensing Board Account is established in the State Treasury, separate and distinct from the General Fund. All moneys received by the Occupational Therapy Licensing Board under ORS 675.210 to 675.340 shall be deposited into the account and are continuously appropriated to the board to be used only for the administration and enforcement of ORS 675.210 to 675.340 and 675.990 (2). Any interest or other income from moneys in the account shall be credited to the account.

(2) All civil penalties collected or received for violations of or in prosecutions under ORS 675.210 to 675.340 shall be deposited into the Occupational Therapy Licensing Board Account and shall be used only for the administration and enforcement of ORS 675.210 to 675.340.

(3) All fines collected or received for violations of or in prosecutions under ORS 675.210 to 675.340 and 675.990 (2) shall be forwarded to the Department of Revenue for deposit in the Criminal Fine and Assessment Account.

675.332 Duty to report prohibited conduct. Unless state or federal laws relating to confidentiality or the protection of health information prohibit disclosure, an occupational therapist who has reasonable cause to believe that a licensee of another board has engaged in prohibited conduct as defined in ORS 676.150 shall report the prohibited conduct in the manner provided in ORS 676.150.

(Enforcement) **675.335 Investigation of alleged violations; subpoenas.** (1) Upon the complaint of any citizen of this state, or upon its own motion, the Occupational Therapy Licensing Board may investigate any alleged violation of ORS 675.210 to 675.340. The board shall conduct an investigation as described under ORS 676.165.

(2) In the conduct of investigations, the board may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person charged, before the board in person the same as in civil cases;

(d) Require answers to interrogatories;

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation; and

(f) Issue subpoenas

675.336 Civil penalties. (1) In addition to any other liability or penalty provided by law, the Occupational Therapy Licensing Board may impose a civil penalty on a person who violates the provisions of ORS 675.210 to 675.340 in an amount not to exceed \$1,000 for each violation.

(2) The board shall impose civil penalties under this section in the manner provided by ORS 183.745.

(3) All penalties recovered under this section shall be paid into the Occupational Therapy Licensing Board Account established in ORS 675.330 and shall be used only for the administration and enforcement of ORS 675.210 to 675.340.

675.340 Enforcement procedure. The district attorney shall prosecute all persons charged with violations of any of the provisions of ORS 675.210 to 675.340 and 675.990

(2). The director, under the direction of the Occupational Therapy Licensing Board, shall aid the district attorney in the enforcement of ORS 675.210 to 675.340 and 675.990 (2).