

## Oregon OT Licensing Board “Scope of Practice”

### CURRENT 2008 OT Scope of Practice:

**The final outcome from the 2007 legislative session is that the OT scope of practice legal definition of “Occupational Therapy” is the same as originally drafted in 1977 and found in ORS 675.210 (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.

However, the legislature also added language to the Board’s powers:

**ORS 675.320 ...(15) To adopt rules that define the scope of the Practice of occupational therapy and that reflect national standards for the practice of occupational therapy.**

The OT Licensing Board adopted their **new Rule defining the definition of Occupational Therapy** to follow the AOTA definition reflecting national standards. There were only a few minor amendments in (L) and (M) that differ from the AOTA model definition into rule:

### **Oregon Administrative Rules 339-010-0005 Definitions**

. . . (6) “Occupational Therapy” further defines scope of practice as meaning the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for the purpose of promoting health and wellness and to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being, and quality of life:

**(a) Occupational Therapists use selected methods or strategies to direct the process of interventions such as:**

- (A) Establish, remediate or restore skill or ability that has not yet developed or is impaired;
- (B) Compensate, modify, or adapt activity or environment to enhance performance;
- (C) Maintain and enhance capabilities without which performance in everyday life activities would decline;

- (D) Promote health and wellness to enable or enhance performance in everyday life activities;
- (E) Prevent barriers to performance, including disability prevention.

**(b) Occupational Therapists evaluate factors affecting activities of daily living (ADL), instrumental activities of daily living (IADL), education, work, play, leisure, and social participation, including:**

- (A) Client factors, including body functions (such as neuromuscular, sensory, visual, perceptual, cognitive) and body structures (such as cardiovascular, digestive, integumentary, genitourinary systems);
- (B) Habits, routines, roles and behavior patterns;
- (C) Cultural, physical, environmental, social, and spiritual contexts and activity demands that affect performance;
- (D) Performance skills, including motor, process, and [communication/] interaction skills.

**(c) Occupational Therapists use the following interventions and procedures to promote or enhance safety and performance in activities of daily living (ADL), instrumental activities of daily living (IADL), education, work, play, leisure, and social participation, including:**

- (A) Therapeutic use of occupations, exercise, and activities;
- (B) Training in self-care, self-management, home management and community/work reintegration;
- (C) Development, remediation, or compensation of physical, cognitive, neuromuscular, sensory functions and behavior skills;
- (D) Therapeutic use of self, including one's personality, insights, perceptions, and judgments, as part of the therapeutic process
- (E) Education and training of individuals, including family members, caregivers, and others;
- (F) Care coordination, case management, and transition services;
- (G) Consultative services to groups, programs, organizations, or communications;
- (H) Modification of environments (home, work, school, or community) and adaptation of processes, including the application of ergonomic principles;
- (I) Assessment, design, fabrication, application, fitting, and training in assistive technology, adaptive device, and orthotic devices, and training in the use of prosthetic devices;
- (J) Assessment, recommendation, and training in techniques to enhance functional mobility, including wheelchair management ;
- (K) Driver rehabilitation and community mobility;
- (L) Management of feeding and eating to enable swallowing performance;
- (M) Application of physical agent modalities, and use of a range of specific therapeutic procedures (such as wound care management; techniques to enhance sensory, perceptual, and cognitive processing, manual therapy techniques) to enhance performance skills as they relate to occupational therapy services.

**HISTORY:**

Proposing the AOTA Model definition as the new Oregon OT Definition

Senate Bill 135 was heard by the Senate Committee in February and April 2007 dealing mostly with the new proposed definition of "occupational therapy". The committee looked at the original language of the AOTA model national definition of Occupational Therapy. They are concerned about the access of care for citizens of Oregon. The Board testified that their

preference is to have the longer AOTA definition which more clearly defines the actual practice of occupational therapy currently in the state.

Initially, the Board requested and the committee concurred, that the longer definition from AOTA with a few amendments, asked for by the Speech and Physical Therapist lobbyists, the committee was preferable. However, legislative counsel would not draft a long scope of practice and said only a short definition was required and the rest of the scope could be put into rule. Therefore, the Board decided that the current definition, although old, would be preferable to a new short, and somewhat vague definition, that took out a lot of the language currently in the present rule.

Below is SB 135A. Language adds the provision to put scope of practice into rule, and keeps the statutory language to require CE and a Re-entry program for all occupational therapist applicants. These changes require any applicant to have the same Continuing Education requirement as renewal applicants in Oregon and the need for those not currently licensed for more than three years to go through a Re-entry program or retake the NBCOT exam.

The short new definition seen in the original SB 135 was taken out of the bill as seen in SB 135A. However, the last sentence in the bill says specifically that the Board has the power to further define the scope of practice in rule based on the national standards. The Board already adopted by rule most of the AOTA model language on scope of OT practice (shown above).

**If you have any questions please contact the Director, Felicia Holgate at 971-673-0198 or e-mail her at [Felicia.M.Holgate@state.or.us](mailto:Felicia.M.Holgate@state.or.us).**

**SB 135A** 74th OREGON LEGISLATIVE ASSEMBLY--2007 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } . LC 755

**A-Engrossed Senate Bill 135** Ordered by the Senate April 12  
Including Senate Amendments dated April 12 Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Occupational Therapy Licensing Board)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Revises certain provisions relating to occupational therapy.

A BILL FOR AN ACT

Relating to Occupational Therapy Licensing Board; amending ORS 675.240, 675.250, 675.310 and 675.320.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 675.240 is amended to read: 675.240. 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. + }

SECTION 2. ORS 675.250 is amended to read:

675.250. 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. + }

SECTION 3. ORS 675.310 is amended to read:

675.310. (1) There is created in The Department of Human Services the Occupational Therapy Licensing Board. { - It shall be - } { + The board is + } composed of five members { - , - } appointed by the Governor { - , three of whom - } { + . Two members + } shall be licensed occupational therapists in this state with no less than three years of experience in occupational therapy immediately preceding their appointment { - , and two of whom - } { + . One member shall be a licensed occupational therapy assistant. Two members + } shall be members of the { - consuming - } public. Board members required to be occupational therapists may be selected by the Governor from { - a list of no less than eight - } nominees submitted by the Occupational Therapy Association of Oregon { + and the board + }. { - However, one member of the board may be a licensed occupational therapy assistant. - }

(2) Members are entitled to compensation and expenses as provided in ORS 292.495.

(3) Members shall serve a term of four years and may not serve more than two consecutive terms.

SECTION 4. ORS 675.320 is amended to read:

675.320. 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 { - president and secretary - } { + chairperson and vice chairperson + }, each of whom shall hold office for one year or until the election and qualification of a successor.

(2) To appoint a director to perform such duties as the board shall prescribe, and whose compensation shall be fixed by the board subject to ORS 240.245.

(3) 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.

(4) To suspend, revoke or invalidate licenses for nonpayment of renewal fees.

(5) To restore licenses that have been suspended, revoked or voided.

(6) 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.

(7) To collect license applications and renewal fees.

(8) To investigate alleged violations of ORS 675.210 to 675.340.

(9) To enforce the provisions of ORS 675.210 to 675.340 and generally supervise the practice of occupational therapy in this state.

(10) 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.

(11) To establish minimum requirements for continuing education to be complied with by all licensees under ORS 675.210 to 675.340 { - prior to reissuing licenses - } .

(12) 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.

(13) To establish official abbreviations that may be used, under ORS 675.220 (1), by persons licensed as occupational therapists or occupational therapy assistants.

(14) To establish minimum requirements for supervised field work necessary for applicants under ORS 675.240 or 675.250.

{ + (15) To adopt rules that define the scope of the practice of occupational therapy and that reflect national standards for the practice of occupational therapy. + }

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