

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 208*
Health Care Committee Substitute Adopted 5/3/05

Short Title: Amend Occupational Therapy Laws/Fees.

(Public)

Sponsors:

Referred to:

February 24, 2005

A BILL TO BE ENTITLED

AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA
OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE
NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE
CEILING ON ITS FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-270.66 reads as rewritten:

"§ 90-270.66. Declaration of purpose.

The North Carolina Occupational Therapy Practice Act is enacted to safeguard the public health, safety and welfare, to protect the public from being harmed by unqualified persons, to assure the highest degree of professional ~~care~~ services and conduct on the part of occupational therapists and occupational ~~therapist~~ therapy assistants, to provide for the establishment of ~~standards of education, licensure requirements,~~ and to insure the availability of occupational therapy services of high quality to persons in need of such services. It is the purpose of this Article to provide for the regulation of persons offering occupational therapy services to the public."

SECTION 2. G.S. 90-270.67 reads as rewritten:

"§ 90-270.67. Definitions.

As used in this Article, unless the context clearly requires a different meaning:

(1) Accrediting body. – The Accrediting Council for Occupational Therapy Education.

~~(1)(1a)~~ "Board" ~~means the~~ Board. – The North Carolina Board of Occupational Therapy.

(1b) Examining body. – The National Board for Certification in Occupational Therapy.

(2) "Occupational therapist" ~~means an~~ Occupational therapist. – An individual licensed in good standing to practice occupational therapy as defined in this Article.

1 (3) ~~"Occupational therapist assistant" means an~~Occupational therapy
2 assistant. – An individual licensed in good standing to assist in the
3 practice of occupational therapy under this Article, who performs
4 activities commensurate with his or her education and training under
5 the supervision of a licensed occupational therapist.

6 (4) ~~"Occupational therapy" means a health care profession providing~~
7 evaluation, treatment and consultation to help individuals achieve a
8 maximum level of independence by developing skills and abilities
9 interfered with by disease, emotional disorder, physical injury, the
10 aging process, or impaired development. Occupational therapists use
11 purposeful activities and specially designed orthotic and prosthetic
12 devices to reduce specific impairments and to help individuals achieve
13 independence at home and in the work place.

14 Occupational therapy. – The therapeutic use of everyday life activities
15 with individuals or groups for the purpose of participation in roles and
16 situations in home, school, workplace, community, or other settings.

17 (5) ~~"Person" means any~~Person. – Any individual, partnership,
18 unincorporated organization, or corporate body, except that only an
19 individual may be licensed under this Article."

20 **SECTION 3.** Article 18D of Chapter 90 of the General Statutes is amended
21 by adding a new section to read:

22 **"§ 90-270.67A. Practice of occupational therapy.**

23 Occupational therapy services are provided to those who have or are at risk for
24 developing an illness, injury, disease, disorder, condition, impairment, disability,
25 activity limitation, or participation restriction. Occupational therapy addresses the
26 physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety
27 of contexts to support engagement in everyday life activities that affect health,
28 well-being, and quality of life. The practice of occupational therapy includes:

29 (a) Various methods that shall include the following:

30 (1) Establishment, remediation, or restoration of a skill that has not yet
31 developed or is impaired.

32 (2) Compensation, modification, or adaptation of activity or environment
33 to enhance performance.

34 (3) Maintenance and enhancement of capabilities without which
35 performance in everyday life activities would decline.

36 (4) Health and wellness promotion to enable or enhance performance in
37 everyday life activities.

38 (5) Prevention of barriers to performance, including disability prevention.

39 (b) Evaluation of factors affecting activities of daily living 'ADL', instrumental
40 activities of daily living 'IADL', education, work, play, leisure, and social participation
41 including:

42 (1) Client factors, including physiological and anatomical systems.

43 (2) Habits, routines, roles, and behavior patterns.

- 1 (3) Cultural, physical, environmental, social and spiritual contexts, and
2 activity demands that affect performance.
- 3 (4) Performance skills, including motor, process, and interaction skills.
- 4 (c) Interventions and procedures to promote or enhance safety and performance
5 in activities of daily living 'ADL', instrumental activities of daily living 'IADL',
6 education, work, play, leisure, and social participation including:
- 7 (1) Therapeutic use of occupations, exercises, and activities.
- 8 (2) Training in self-care, self-management, home management, and
9 community or work reintegration.
- 10 (3) Development, remediation, or compensation of physical, cognitive,
11 neuromuscular, and behavioral skills.
- 12 (4) Therapeutic use of self, including the client's personality, insights,
13 perceptions, and judgments as part of the therapeutic process.
- 14 (5) Education and training of individuals, including family members,
15 caregivers, and others.
- 16 (6) Care coordination, case management, and transition services.
- 17 (7) Consultative services to groups, programs, organizations, or
18 communities.
- 19 (8) Modification of environments, including home, work, school, or
20 community and adaptation of processes, including the application of
21 ergonomic principles.
- 22 (9) Assessment, design, fabrication, application, fitting, and training in
23 assistive technology, adaptive devices, and orthotic devices and
24 training in the use of prosthetic devices.
- 25 (10) Assessment, recommendation, and training in techniques to enhance
26 mobility, including wheelchair management and adaptive driving.
- 27 (11) Management of feeding, eating, and swallowing to enable eating and
28 feeding performance.
- 29 (12) Enhancement of performance skills by application of physical agent
30 modalities and use of a range of specific therapeutic procedures,
31 including wound care management; techniques to enhance sensory,
32 perceptual, and cognitive processing; and manual therapy techniques,
33 excluding spinal manipulation."

34 **SECTION 4.** G.S. 90-270.68 reads as rewritten:

35 "**§ 90-270.68. Establishment of Board, ~~terms of members, terms, vacancies,~~**
36 **removal, meetings, compensation.**

37 (a) Establishment of Board. – The North Carolina Board of Occupational
38 Therapy is created. The Board shall ~~have six members. All members shall be~~ consist of
39 seven members who are appointed by the Governor and shall be residents of this
40 State at the time of and during their ~~appointment.~~ appointment, as follows:

- 41 (1) Three members shall be occupational therapists and one member shall
42 be an occupational ~~therapist assistant; each~~ therapy assistant. Each
43 of these members shall be licensed to practice in North Carolina and have
44 practiced, taught, or engaged in research in occupational therapy for at

1 least three of the five years immediately preceding appointment to the
2 Board.

3 (2) ~~The fifth board~~One member shall be a physician in good standing with
4 the North Carolina Medical Board and licensed by and registered with
5 the North Carolina Medical Board to practice medicine; and medicine
6 in this State.

7 (3) ~~the sixth board~~One member shall represent the public at large and shall
8 be a person who is not a health care provider licensed under this
9 Chapter.Chapter or the spouse of a licensed health care provider.

10 (4) One member shall be a counselor, educator, or school-based
11 professional certified or licensed under North Carolina law who is
12 employed in the North Carolina public school system and is not an
13 occupational therapist or an occupational therapy assistant.

14 ~~The medical doctor, occupational therapists, and occupational therapist~~
15 ~~assistant~~occupational therapist members and the occupational therapy assistant member
16 shall be appointed by the Governor from a list compilednominated by the North
17 Carolina Occupational Therapy Association, Inc., following the use of a ~~nomination~~
18 procedure made available to all occupational therapists and occupational ~~therapist~~
19 therapy assistants licensed and residing in North Carolina. In soliciting nominations and
20 compiling its list, the Association shall give consideration to geographic distribution,
21 clinical specialty, and other factors that will promote representation of all aspects of
22 occupational therapy practice. The records of the nomination procedures shall be filed
23 with the Board and made available for a period of six months following nomination for
24 reasonable inspection by any licensed practitioner of occupational therapy.

25 The physician member shall be nominated by the North Carolina Occupational
26 Therapy Association, Inc., after consultation with the North Carolina Medical Society.
27 The counselor, educator, or school-based professional member shall be nominated by
28 the North Carolina Occupational Therapy Association, Inc., after consultation with the
29 North Carolina School Counselors Association.

30 (b) Terms. – Members of the Board shall serve four-year staggered terms. No
31 member shall serve more than two consecutive four-year terms, unless a member is
32 appointed to fill a vacancy for an unexpired term, then that member may complete the
33 unexpired term and serve one additional four-year term.

34 (c) Vacancies. – In the event that a member of the Board cannot complete a term
35 of office, the vacancy shall be filled by appointment by the Governor, in accordance
36 with the procedures set forth in this section, for the remainder of the unexpired term.
37 Vacancies shall be filled by the Governor within 45 days of receipt of the nominations
38 from the North Carolina Occupational Therapy Association, Inc., or, in the case of
39 public members, within 45 days of the receipt of notice of vacancy.

40 (d) Removal. – The Board may remove any of its members for neglect of duty,
41 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
42 shall be disqualified from participating in Board business until the charges are resolved.

43 (e) Meetings. – Each year the Board shall meet and designate a~~chairman~~
44 chairperson, a vice-chairperson, and a secretary-treasurer from among its members. The

1 Board may hold additional meetings upon call of the ~~chairman~~ chairperson or any two
2 board members. A majority of the Board membership shall constitute a quorum.

3 (f) Compensation. – Members of the Board shall receive no compensation for
4 their services, but shall be entitled to travel, per diem, and other expenses authorized by
5 G.S. 93B-5."

6 **SECTION 5.** G.S. 90-270.69 reads as rewritten:

7 "**§ 90-270.69. Powers and duties of the Board.**

8 The Board shall have the following powers and duties:

- 9 (1) ~~Examine~~ Establish and determine the qualifications and fitness of
10 applicants for licensure to practice occupational therapy in this
11 ~~State;~~ State.
- 12 (2) Conduct investigations, subpoena individuals and records, and do all
13 other things necessary and proper to discipline persons licensed under
14 this Article and to enforce this ~~Article;~~ Article.
- 15 (2a) Communicate disciplinary actions to relevant State and federal
16 authorities and to other state occupational therapy licensing authorities.
- 17 (3) Issue and renew, and deny, suspend, revoke or refuse to issue or renew
18 any license under this ~~Article;~~ Article.
- 19 (4) Adopt, amend, or repeal any reasonable rules or regulations necessary
20 to carry out the purposes of this Article, including but not limited to
21 rules establishing ethical standards of ~~practice;~~ practice.
- 22 (5) Employ professional, clerical, investigative or special personnel
23 necessary to carry out the provisions of this Article, and purchase or
24 rent office space, equipment and ~~supplies;~~ supplies.
- 25 (6) Adopt a seal by which it shall authenticate its proceedings, official
26 records, and ~~licenses;~~ licenses.
- 27 (7) Conduct administrative hearings in accordance with Chapter 150B of
28 the General Statutes when a "contested case" as defined in
29 G.S. 150B-2(2) arises under this ~~Article;~~ Article.
- 30 (8) Establish reasonable fees for ~~applications for examination; initial,~~
31 ~~provisional, applications, limited permits, initial~~ and renewal
32 ~~licenses;~~ licenses, and other services provided by the ~~Board;~~ Board.
- 33 (9) Submit an annual report to the Governor and General Assembly of all
34 its official actions during the preceding year, together with any
35 recommendations and findings regarding improvement of the
36 profession of occupational ~~therapy;~~ therapy.
- 37 (10) Publish and make available upon request the licensure standards
38 prescribed under this Article and all rules and regulations established
39 by the ~~Board;~~ Board.
- 40 (11) ~~Approve educational curricula and field work experience accredited by~~
41 ~~the American Medical Association and American Occupational~~
42 ~~Therapy Association for persons seeking licensure under this~~
43 ~~Article.~~ Conduct a training program as needed for new board members
44 designed to familiarize new members with their duties."

1 **SECTION 6.** G.S. 90-270.70 reads as rewritten:

2 "**§ 90-270.70. Requirements for licensure.**

3 (a) Any individual who desires to be licensed as an occupational therapist or
4 occupational ~~therapist-therapy~~ assistant shall file a written application with the Board on
5 forms provided by the Board, showing to the satisfaction of the Board that the applicant:

6 (1) Is of good moral character; and

7 (2) Has passed an examination approved by the Board as provided in this
8 Article.

9 Applicants for licensure as an occupational therapist must also have successfully
10 completed an accredited occupational therapy educational curriculum and the required
11 supervised field work experience of at least six months' duration.~~fieldwork as~~
12 determined by the Board. Applicants for licensure as an occupational ~~therapist-therapy~~
13 assistant must also have successfully completed an accredited occupational therapy
14 assistant educational curriculum and the required supervised field work experience of at
15 least two months' duration.~~fieldwork as determined by the Board.~~

16 (b) Occupational therapists who are trained outside of the United States and its
17 territories shall satisfy the examination and educational requirements as stated in
18 subsection (a) of this section. The Board shall require these applicants to meet
19 examination eligibility requirements as established by the credentialing body recognized
20 by the Board before taking the examination."

21 **SECTION 7.** G.S. 90-270.71 is repealed.

22 **SECTION 8.** G.S. 90-270.72 reads as rewritten:

23 "**§ 90-270.72. Exemption from requirements.**

24 (a) ~~The Board shall waive the examination, education, and field work~~
25 ~~requirements of G.S. 90-270.70 and shall grant a license to any applicant who presents~~
26 ~~evidence satisfactory to the Board that he or she has been engaged in the practice of~~
27 ~~occupational therapy as an occupational therapist or occupational therapist assistant~~
28 ~~before September 1, 1984. Proof of such actual practice shall be presented to the Board~~
29 ~~as established by regulation. To qualify for exemption under this section, the applicant~~
30 ~~shall file an application for licensure no later than September 1, 1985.~~

31 (b) ~~The Board may grant a license without examination to any applicant who~~
32 exempt an applicant from certain licensure requirements if the applicant presents proof
33 satisfactory to the Board of current licensure as an occupational therapist or
34 occupational ~~therapist-therapy~~ assistant in another state or the District of Columbia,
35 Puerto Rico, or Guam, provided the other jurisdiction's licensure standards are
36 considered by the Board to be substantially equivalent to or higher than those prescribed
37 in this Article."

38 **SECTION 9.** G.S. 90-270.73 reads as rewritten:

39 "**§ 90-270.73. Issuance of license.**

40 (a) The Board shall issue a license to any individual who meets the requirements
41 of this Article upon payment of the license fee prescribed in G.S. 90-270.77.

42 (b) Any individual licensed as an occupational therapist under this Article may
43 use the words "occupational therapist" and may use the letters "O.T." or "~~O.T.R./L.~~"
44 'O.T./L.' in connection with his or her name or place of business.

1 (c) Any individual licensed as an occupational ~~therapist-therapy~~ assistant under
2 this Article may use the words "occupational ~~therapist-therapy~~ assistant" and may use
3 the ~~letter-letters~~ "O.T.A." or "~~C.O.T.A./L.~~" 'O.T.A./L.' in connection with his or her
4 name or place of business.

5 (d) Any individual possessing a limited permit to practice occupational therapy
6 may use the words 'occupational therapy limited permittee' or 'occupational therapy
7 assistant limited permittee' and may use the letters 'O.T./L.P.' or 'O.T.A./L.P.' in
8 connection with his or her name or place of business."

9 **SECTION 10.** G.S. 90-270.74 reads as rewritten:

10 **"§ 90-270.74. ~~Provisional licenses.~~ Limited permits.**

11 The Board may grant a ~~provisional license for a period not exceeding nine months~~
12 ~~to any~~ limited permit to an individual who has successfully completed the educational
13 and field work ~~experience~~ requirements ~~and has made application to take the~~
14 ~~examination~~ for examination but has not yet taken or received the results of the
15 examination required under G.S. 90-270.70. A ~~provisional license~~ limited permit shall
16 allow the individual to practice as an occupational therapist or occupational ~~therapist~~
17 ~~therapy~~ assistant under the supervision of an occupational therapist licensed in this State
18 ~~and shall be valid until revoked by the Board. A provisional license~~ State. A limited
19 permit shall expire after 120 days, when the individual is issued a license under
20 G.S. 90-270.73, or if the individual is notified that he or she did not pass the
21 examination, whichever occurs ~~shall not be issued to applicant who has failed the~~
22 ~~examination in this State or another jurisdiction.~~ first. The provisions of this section shall
23 expire October 1, 2007."

24 **SECTION 11.** G.S. 90-270.75(a) reads as rewritten:

25 "(a) Licenses issued under this Article shall be subject to annual renewal upon
26 completion of ~~such~~ continuing education and competency requirements as may be
27 required by the Board, upon the payment of a renewal fee specified under
28 G.S. 90-270.77 and in compliance with this Article, and shall expire unless renewed in
29 the manner prescribed by the Board. The Board may provide for the late renewal of a
30 license upon the payment of a late fee in accordance with G.S. 90-270.77, but no such
31 late renewal may be granted more than five years after a license expires."

32 **SECTION 12.** G.S. 90-270.76 reads as rewritten:

33 **"§ 90-270.76. ~~Suspension, revocation and refusal to renew license.~~**

34 (a) The Board may deny or refuse to renew a license, may suspend or revoke a
35 license, or may impose probationary conditions on a license if the licensee or applicant
36 for licensure has engaged in any of the following conduct:

37 (1) ~~Employment of fraud, deceit or misrepresentation in obtaining or~~
38 ~~attempting to obtain a license, or the renewal thereof;~~ Obtaining a
39 license by means of fraud, misrepresentation, or concealment of
40 material facts.

41 (2) ~~Conviction of or a plea of guilty or nolo contendere to any crime~~
42 ~~involving moral turpitude;~~ Engaging in unprofessional conduct
43 pursuant to rules established by the Board or violating the Code of
44 Ethics adopted and published by the Board.

- 1 (3) ~~Adjudication of insanity or incompetency, until proof of recovery from~~
 2 ~~the condition can be established;~~Having been convicted of or pleaded
 3 guilty or nolo contendere to a crime involving moral turpitude or any
 4 crime which indicates that the occupational therapist or occupational
 5 therapy assistant is unfit or incompetent to practice occupational
 6 therapy or that the occupational therapist or occupational therapy
 7 assistant has deceived or defrauded the public.
- 8 (4) Engaging in any act or practice violative of any of the provisions of
 9 this Article or any rule or regulation adopted by the Board ~~hereunder;~~
 10 or aiding, abetting or assisting any person in such a ~~violation;~~violation.
- 11 (5) Committing an act or acts of malpractice, gross negligence or
 12 incompetence in the practice of occupational ~~therapy;~~therapy.
- 13 (6) Practicing as a licensed occupational therapist or occupational
 14 ~~therapist~~ therapy assistant without a current ~~license;~~license.
- 15 (7) Engaging in conduct that could result in harm or injury to the public.
- 16 (8) Having an occupational therapy license revoked or suspended or other
 17 disciplinary action taken whether in this State or another jurisdiction.
- 18 (9) Being unfit or incompetent to practice occupational therapy by reason
 19 of deliberate or negligent acts or omissions regardless of whether
 20 actual injury to a patient is established.

21 (b) ~~Such~~The denial, refusal to renew, suspension, revocation or imposition of
 22 probationary conditions upon a license may be ordered by the Board after a hearing held
 23 in accordance with G.S. Chapter 150B and rules adopted by the Board. An application
 24 may be made to the Board for reinstatement of a revoked license if the revocation has
 25 been in effect for at least one year."

26 **SECTION 13.** G.S. 90-270.77 reads as rewritten:

27 "**§ 90-270.77. Fees.**

28 The Board shall adopt and publish, in the manner established by its rules and
 29 regulations, fees reasonably necessary to cover the cost of services rendered for the
 30 following purposes:

- 31 (1) For an initial application, a fee not to exceed ~~ten dollars~~
 32 ~~(\$10.00);~~twenty-five dollars (\$25.00).
- 33 (2) For ~~examination, reexamination, or~~ issuance of a ~~license~~ an initial
 34 license, a fee not to exceed ~~one hundred dollars (\$100.00);~~two hundred
 35 dollars (\$200.00).
- 36 (3) For the renewal of a license, a fee not to exceed ~~fifty dollars~~
 37 ~~(\$50.00);~~one hundred dollars (\$100.00).
- 38 (4) For the late renewal of a license, a fee not to exceed ~~fifty dollars~~
 39 ~~(\$50.00);~~one hundred dollars (\$100.00).
- 40 (5) For a ~~provisional license,~~limited permit, a fee not to exceed ~~thirty-five~~
 41 ~~dollars (\$35.00);~~ and fifty dollars (\$50.00). This fee shall expire
 42 October 1, 2007.
- 43 (6) For copies of Board rules and licensure standards, charges not
 44 ~~exceeding~~ to exceed the actual cost of printing and mailing."

1 **SECTION 14.** G.S. 90-270.78 reads as rewritten:

2 "**§ 90-270.78. False representation of license prohibited.**

3 (a) It is unlawful for any person who is not licensed in accordance with this
4 Article or whose license has been suspended, revoked or not renewed by the Board to:

5 (1) Engage in the practice of occupational ~~therapy;~~therapy.

6 (2) Orally, in writing, in print or by sign, or in any other manner, directly
7 or by implication, represent that he or she is engaging in occupational
8 ~~therapy;~~ therapy.

9 (3) Use in connection with his or her name or place of business the words
10 "~~occupational — therapist~~" ~~or~~ "~~occupational — therapist~~
11 ~~assistant~~"; 'occupational therapist', 'occupational therapy assistant',
12 'occupational therapist limited permittee', or 'occupational therapy
13 assistant limited permittee', or the letters "O.T.", "O.T.R./L.", "O.T./L.",
14 "O.T.A.", or "C.O.T.A./L." 'O.T.A./L.', 'O.T./L.P.', or 'O.T.A./L.P.' or
15 any other words, letters, abbreviations or insignia indicating or
16 implying that the person is an occupational ~~therapist or~~therapist,
17 occupational ~~therapist — assistant.~~therapy assistant, occupational
18 therapist limited permittee, or occupational therapy assistant limited
19 permittee.

20 (b) Any person who resides in another state or foreign country and who, by use
21 of electronic or other medium, performs any of the acts described as the practice of
22 occupational therapy pursuant to this Article, but is not licensed pursuant to this Article,
23 shall be regarded as practicing occupational therapy without a North Carolina license
24 and is subject to the provisions of this Article and appropriate regulation by the Board."

25 **SECTION 15.** Article 18D of Chapter 90 of the General Statutes is amended
26 by adding a new section to read:

27 "**§ 90-270.80A. Civil penalties, disciplinary costs.**

28 (a) Authority to Assess Civil Penalties. – The Board may assess a civil penalty
29 not in excess of one thousand dollars (\$1,000) for the violation of any section of this
30 Article or the violation of any rules adopted by the Board. The clear proceeds of any
31 civil penalty assessed under this section shall be remitted to the Civil Penalty and
32 Forfeiture Fund in accordance with G.S. 115C-457.2.

33 (b) Consideration Factors. – Before imposing and assessing a civil penalty, the
34 Board shall consider the following factors:

35 (1) The nature, gravity, and persistence of the particular violation.

36 (2) The appropriateness of the imposition of a civil penalty when
37 considered alone or in combination with other punishment.

38 (3) Whether the violation was willful and malicious.

39 (4) Any other factors that would tend to mitigate or aggravate the
40 violations found to exist.

41 (c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil
42 penalties for violations of this Article and rules adopted by the Board.

43 (d) Costs. – The Board may assess the costs of disciplinary actions against any
44 person found to be in violation of this Article or rules adopted by the Board."

1 **SECTION 16.** G.S. 90-270.81 reads as rewritten:

2 "**§ 90-270.81. Persons and practices not affected.**

3 Nothing in this Article shall be construed to prevent or restrict:

- 4 (1) Any person registered, certified, credentialed, or licensed to engage in
5 another profession or occupation or any person working under the
6 supervision of a person registered, certified, credentialed, or licensed
7 to engage in another profession or occupation in this State from
8 performing work incidental to the practice of that profession or
9 occupation as long as the person does not represent himself or herself
10 as an occupational therapist or occupational ~~therapist assistant;~~therapy
11 assistant.
- 12 (2) Any person employed as an occupational therapist or occupational
13 ~~therapist therapy~~ assistant by the government of the United States, if
14 he or she provides occupational therapy solely under the direction or
15 control of the organization by which he or she is ~~employed;~~employed.
- 16 (3) Any person pursuing a course of study leading to a degree or
17 certificate in occupational therapy at an accredited or approved
18 educational program if ~~such the~~ activities and services constitute a part
19 of a supervised course of study and if the person is designated by a
20 title which clearly indicates his or her status as a student or
21 ~~trainee;~~trainee.
- 22 (4) Any person fulfilling the supervised ~~field work~~fieldwork experience
23 required for licensure under this Article if the person is designated by a
24 title ~~which~~title, which clearly indicates his or her status as a student or
25 ~~trainee;~~trainee.
- 26 (5) Occupational therapists or occupational ~~therapist therapy~~ assistants
27 licensed in other jurisdictions who are ~~teaching consulting, teaching,~~ or
28 participating in special occupational therapy education projects,
29 demonstrations or courses in this State, provided their evaluation and
30 treatment of patients is minimal.
- 31 (6) The practice of occupational therapy by an occupational therapist or
32 occupational therapy assistant licensed in another jurisdiction who
33 comes into this State, whether in person or by use of any electronic or
34 other medium, on an irregular basis, to consult with a North Carolina
35 licensed occupational therapist or occupational therapy assistant or to
36 consult with faculty at an academic facility about education and
37 training. This shall not apply to occupational therapists or occupational
38 therapy assistants residing in a neighboring state and regularly
39 practicing in this State."

40 **SECTION 17.** All members serving on the North Carolina Board of
41 Occupational Therapy on the effective date of this act shall complete their current terms.
42 Upon completion of their current terms, the occupational therapist members shall serve
43 one additional term of either three or four years as follows: the occupational therapist
44 member who served the longest may serve an additional three-year term; the other two

1 occupational therapist members, the occupational therapy assistant member, and the
2 physician member shall be eligible to serve one additional four-year term. The
3 Governor shall appoint a new public member to serve a four-year term. The Governor
4 shall also appoint the counselor, educator, or school-based professional member for a
5 four-year term pursuant to G.S. 90-270.68(a)(4), as enacted in Section 4 of this act, to
6 begin October 1, 2005. Members appointed thereafter shall serve four-year terms.

7 **SECTION 18.** This act is effective when it becomes law.