
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 600

Session of
1981

INTRODUCED BY HAGER, ZEMPRELLI, JUBELIRER, FISHER, MANBECK,
LEWIS, MESSINGER, GEKAS AND MOORE, MARCH 30, 1981

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 19, 1982

AN ACT

1 Regulating the practice and licensure of occupational therapy,
2 creating the State Board of Occupational Therapy Education
3 and Licensure with certain powers and duties and prescribing
4 penalties.

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13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the "Occupational
17 Therapy Practice Act."

18 Section 2. Declaration of purpose.

19 It is the purpose of this act to provide for the
20 establishment of standards of education, for the licensure and
21 for the regulation and control of persons engaged in offering
22 occupational therapy services to the general public to safeguard
23 the public health, safety and welfare, protect the public from
24 being harmed by unqualified persons, assure the highest degree
25 of professional care and conduct on the part of occupational
26 therapists and occupational therapy assistants, and assure the
27 availability of occupational therapy services of the highest
28 quality to persons in need of such services.

29 Section 3. Definitions.

30 The following words and phrases when used in this act shall

1 have, unless the context clearly indicates otherwise, the
2 meanings given to them in this section:

3 "Board." The State Board of Occupational Therapy Education
4 and Licensure established in accordance with ~~the act of April 9,~~ <—
5 ~~1929 (P.L.177, No.175), known as "The Administrative Code of~~
6 ~~1929."~~ THIS ACT. <—

7 "Commissioner." The Commissioner of the Bureau of
8 Professional and Occupational Affairs in the Department of
9 State.

10 "Foreign applicant." Any person seeking licensure under this
11 act whose professional training has taken place outside the
12 United States, its territories, the District of Columbia or
13 Canada.

14 "Healing arts." The science and skill of diagnosis and
15 treatment of disease or any ailment of the human body.

16 "Occupational therapist." A person who is licensed to
17 practice occupational therapy pursuant to this act and who
18 offers such services to the public under any title incorporating
19 the words "occupational therapy," "occupational therapist" or
20 any similar title or description of occupational therapy
21 services.

22 "Occupational therapy." The evaluation of learning and
23 performance skills and the analysis, selection and adaptation of
24 activities for an individual whose abilities to cope with the
25 activities of daily living, to perform tasks normally performed
26 at a given stage of development and to perform essential
27 vocational tasks which are threatened or impaired by that
28 person's developmental deficiencies, aging process,
29 environmental deprivation or physical, psychological, injury or
30 illness, through specific techniques which include:

1 (1) Planning and implementing activity programs to
2 improve sensory and motor functioning at the level of
3 performance normal for the individual's stage of development.

4 (2) Teaching skills, behaviors and attitudes crucial to
5 the individual's independent, productive and satisfying
6 social functioning.

7 (3) The design, fabrication and application of splints,
8 not to include prosthetic or orthotic devices, and the
9 adaptation of equipment necessary to assist patients in
10 adjusting to a potential or actual impairment and instructing
11 in the use of such devices and equipment.

12 (4) Analyzing, selecting and adapting activities to
13 maintain the individual's optimal performance of tasks to
14 prevent disability.

15 "Occupational therapy assistant." A person licensed to
16 assist in the practice of occupational therapy, under the
17 supervision of an occupational therapist.

18 "Person." An individual, partnership, unincorporated
19 organization or corporate body.

20 Section 4. Creation of board, appointment and term of members,
21 officers.

22 (a) There is hereby created a departmental administrative
23 board to be known as the State Board of Occupational Therapy
24 Education and Licensure which shall be in the Bureau of
25 Professional and Occupational Affairs of the Department of
26 State. It shall consist of seven members, all of whom shall be
27 residents of Pennsylvania and two of whom shall be chosen as
28 representatives of the public interest. The remaining five
29 members shall be occupational therapists licensed to practice in
30 the Commonwealth, except that the first appointments shall be

1 qualified to receive licensure under the terms of this act,
2 provided they have had at least five years working experience in
3 Pennsylvania as occupational therapists immediately preceding
4 appointment. The occupational therapist members of the board
5 should be chosen so they are geographically representative.

6 (b) The Governor shall appoint the members to serve on the
7 board. The commissioner shall serve as an ex officio member of
8 the board. In appointing persons to fill vacancies in the five
9 board positions designated to be held by licensed occupational
10 therapists, the Governor should select occupational therapists
11 who reside in different regions of the Commonwealth in an effort
12 to provide Statewide representation of occupational therapists.
13 The Pennsylvania Occupational Therapy Association shall submit a
14 list of names and addresses of qualified occupational therapists
15 willing to serve on the State Board of Occupational Therapy
16 Education and Licensure for the Governor's consideration prior
17 to the making of an appointment to fill such a vacancy.

18 (c) The term of office of a member shall be three years,
19 except that of the occupational therapist members of the board
20 first appointed two shall serve terms of three years, two shall
21 serve terms of two years and one shall serve a term of one year.
22 A member appointed to fill a vacancy occurring otherwise than by
23 expiration of a term shall be appointed for the remainder of the
24 unexpired term.

25 (d) A member of the board shall be eligible for
26 reappointment. A member shall not be appointed to serve more
27 than two consecutive terms. A member shall receive reimbursement
28 for reasonable expenses incurred while engaged in the discharge
29 of official duties, as well as ~~an initial per diem allowance of~~ <—
30 ~~\$30 which may be increased or reduced from time to time by~~

1 ~~action of the Executive Board of the Commonwealth~~ AS A \$30 PER <—
2 DIEM ALLOWANCE.

3 (e) The board shall meet at least twice a year and may hold
4 additional meetings whenever necessary, subject to the approval
5 of the commissioner, to discharge its duties. The location of
6 the meetings shall be determined by the board, subject to the
7 approval of the commissioner, but shall be within the
8 Commonwealth.

9 Section 5. Powers and duties of board.

10 (A) The board shall elect annually from its membership a <—
11 chairman, a vice chairman and a secretary. It shall be the duty
12 of the board to pass upon the qualifications of applicants for
13 licensure, to insure the conduct of examinations, to issue and
14 renew licenses to occupational therapists or occupational
15 therapy assistants who qualify under this act, and, in proper
16 cases, to suspend or revoke the license of an occupational
17 therapist or occupational therapy assistant. The board shall be
18 authorized and empowered to refuse, revoke or suspend a license
19 of an occupational therapist or occupational therapy assistant
20 pursuant to this act, to conduct investigations, including the
21 power to issue subpoenas, and to hold hearings upon charges or
22 information indicating violation of the provisions of this act
23 or regulations promulgated pursuant thereto. The board shall
24 maintain a record listing the name of every living occupational
25 therapist licensed to practice in this State, the last known
26 place of business, the last known place of residence, and the
27 date and number of the license of the licensee.

28 ~~It~~ (B) THE BOARD shall have the power to promulgate and <—
29 adopt rules and regulations not inconsistent with law as it
30 deems necessary for the performance of its duties and the proper

1 administration of this law. A COPY OF EVERY RULE, REGULATION OR
2 AMENDMENT TO A RULE OR REGULATION PROPOSED BY THE BOARD SHALL
3 BEFORE ADOPTION BE FORWARDED TO THE SPEAKER OF THE HOUSE OF
4 REPRESENTATIVES AND TO THE PRESIDENT PRO TEMPORE OF THE SENATE
5 FOR REFERRAL TO AND REVIEW BY THE APPROPRIATE STANDING COMMITTEE
6 OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE AS DETERMINED
7 BY THE RESPECTIVE PRESIDING OFFICER. THE STANDING COMMITTEE
8 SHALL, WITHIN 60 DAYS FROM THE RECEIPT OF SUCH PROPOSED RULE,
9 REGULATION OR AMENDMENT, APPROVE OR RECOMMEND DISAPPROVAL TO THE
10 HOUSE OF REPRESENTATIVES OR THE SENATE OF ANY SUCH PROPOSED
11 RULE, REGULATION OR AMENDMENT. FAILURE OF THE STANDING COMMITTEE
12 TO RECOMMEND DISAPPROVAL AND OF THE HOUSE OF REPRESENTATIVES AND
13 SENATE TO DISAPPROVE ANY PROPOSED RULE, REGULATION OR AMENDMENT
14 WITHIN THE REVIEW TIME SHALL CONSTITUTE APPROVAL THEREOF. IF THE
15 RESPECTIVE STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR
16 THE SENATE RECOMMENDS DISAPPROVAL AND THE HOUSE OF
17 REPRESENTATIVES OR THE SENATE DISAPPROVES ANY PROPOSED RULE,
18 REGULATION OR AMENDMENT, THE BOARD SHALL NOT ADOPT THE PROPOSED
19 RULE, REGULATION OR AMENDMENT AND IT SHALL NOT BE AGAIN OFFERED
20 FOR ONE YEAR. ONLY IN THE ABSENCE OF DISAPPROVAL SHALL THE BOARD
21 PROCEED WITH THE ADOPTION OF THE RULE, REGULATION OR AMENDMENT
22 IN ACCORDANCE WITH SECTION 202 OF THE ACT OF JULY 31, 1968
23 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS
24 LAW.

25 Section 6. License required.

26 (a) It shall be unlawful one year after the effective date
27 of this act for any person to practice or to indicate an ability
28 to practice occupational therapy unless licensed under the
29 provisions of this act.

30 (b) The licensure of occupational therapists and

1 occupational therapy assistants shall extend only to
2 individuals. A license shall not be issued to a partnership,
3 unincorporated association, corporation or similar business
4 organization.

5 (c) A person shall not use the title occupational therapist
6 or a title set forth in this act as it relates to the practice
7 of occupational therapy unless licensed and whose license is in
8 good standing in accordance with the requirements set forth in
9 this act. A person or health care institution, health care
10 service, health plan or other institution holding itself out to
11 the public as providing occupational therapy services shall not
12 use such a title or titles unless the occupational therapy
13 services provided by it are under the supervision of a person
14 licensed under this act.

15 Section 7. Persons and practices not affected; exceptions.

16 This act shall not be construed as preventing or restricting
17 the practices, services or activities of:

18 (1) A person licensed in this State in accordance with
19 the provisions of another law of this Commonwealth from
20 engaging in the profession or occupation for which licensed.

21 (2) A person meeting the standards established in job
22 descriptions by the Commonwealth for its employees or a
23 person credentialed by the Commonwealth of Pennsylvania or by
24 a national registration or certifying body which requires
25 specific education and training for the practice of its
26 profession, but whose occupation or job-related activities or
27 services based on such education, training or experience may
28 technically be encompassed, in part, by the definition of
29 occupational therapy set forth in this act: Provided,
30 however, That nothing in this paragraph shall permit any

1 person to use the title occupational therapist or
2 occupational therapy assistant or to hold out to the public
3 that they practice occupational therapy unless they meet the
4 requirements of this act and are licensed.

5 (3) A person employed as an occupational therapist or an
6 occupational therapy assistant by the United States provided
7 that person provides occupational therapy solely under the
8 direction or control of the organization by which the person
9 is employed.

10 (4) A person pursuing a course of study leading to the
11 degree or certificate in occupational therapy at an
12 accredited or approved educational program provided the
13 activities and services are part of a supervised course of
14 study and the person is designated by a title which clearly
15 indicates the status of student or trainee and not licensed
16 occupational therapist.

17 (5) A person fulfilling the supervised field work
18 experience requirements of this act provided such activities
19 and services constitute a part of the experience necessary to
20 meet the requirements of that program.

21 Section 8. Requirements for licensure.

22 An applicant applying for a license as an occupational
23 therapist or as an occupational therapy assistant shall submit a
24 written application on forms provided by the board evidencing
25 and showing to the satisfaction of the board that he or she:

26 (1) Is of good moral character.

27 (2) Has completed the academic requirements of an
28 approved educational program in occupational therapy
29 recognized by the board with the advice and consultation of
30 recognized national accrediting agencies and professional

1 organizations including the American Occupational Therapy
2 Association as follows:

3 (i) For an occupational therapist, a four-year
4 program, or its equivalent as established by the board.

5 (ii) For an occupational therapy assistant, a two-
6 year program, or its equivalent as established by the
7 board.

8 (3) Has successfully completed a period of supervised
9 fieldwork experience at a recognized educational institute or
10 a training program approved by the educational institution
11 where the academic requirements met were as follows:

12 (i) For an occupational therapist a minimum of six
13 months of supervised fieldwork experience.

14 (ii) For an occupational therapy assistant, a
15 minimum of two months of supervised fieldwork.

16 (4) Has passed an examination approved by the board.

17 Section 9. Temporary licenses.

18 (a) A temporary license may be granted by the board to a
19 person who has completed the education and experience
20 requirements of this act in the following categories:

21 (1) A person who has applied for a license under the
22 provisions of section 8 and who is, in the judgment of the
23 board, eligible to take the examination provided for in
24 section 11.

25 (2) A person who has applied for a license under the
26 provisions of section 8, has failed the required examination
27 provided for in section 11, but has applied for
28 reexamination, provided the temporary license shall expire
29 automatically upon receipt by that person of notice of
30 failure of the reexamination and that the person shall not be

1 eligible for a temporary license for a period of one year
2 from the date of such reexamination.

3 (3) The issuance by the board of a temporary license
4 shall authorize the practice of occupational therapy or
5 providing services only as an assistant under the direct
6 supervision of an occupational therapist licensed pursuant to
7 this act.

8 (b) A temporary license may be granted to a person engaged
9 in the performance of occupational therapy services who is a
10 nonresident of this Commonwealth and not licensed under this
11 act, provided the services of the licensee are performed for not
12 longer than a six consecutive month period in a calendar year
13 and are performed in association with an occupational therapist
14 licensed under this act and that one of the following exists:

15 (1) The person is licensed under the laws of a state,
16 District of Columbia, or territory of the United States which
17 has licensure requirements substantially equal to the
18 requirements of this act.

19 (2) The person has met the requirements for
20 certification, as an occupational therapist registered
21 (O.T.R.) or a certified occupational therapy assistant
22 (C.O.T.A.), established by the American Occupational Therapy
23 Association.

24 Section 10. Foreign applicants.

25 Foreign trained occupational therapists and occupational
26 therapy assistants who apply to be licensed by the board shall,
27 before examination, furnish proof of good moral character and
28 shall present proof indicating the completion of educational
29 requirements substantially equal to those contained in section
30 8. They may be required to have completed, at the board's

1 discretion, not more than one year of the supervised fieldwork
2 experience prescribed by the board prior to taking the
3 examination for licensure.

4 Section 11. Examination for licensure of occupational
5 therapists and occupational therapy assistants.

6 (a) Individuals applying for licensure in accordance with
7 the requirements of sections 8 and 10 shall be required to pass
8 a written examination approved by the board which is designed to
9 test the knowledge and experience necessary to the safe,
10 effective and professional practice of occupational therapy in
11 Pennsylvania. The examination shall test the applicant's
12 knowledge of the basic and clinical sciences relating to
13 occupational therapy and occupational therapy theory and
14 practice, including the applicant's professional skill and
15 judgment in the utilization of occupational therapy techniques
16 and methods and such other subjects as the board deems useful to
17 determine the applicant's fitness to practice.

18 (b) Applicants for licensure shall be examined at a time and
19 place ~~as so approved by the commissioner and under such~~ <—
20 ~~supervision as the board may determine~~ DETERMINED BY THE BOARD. <—
21 Examinations shall be given at least twice a year. It shall
22 notify applicants by mail of the time and place of scheduled
23 examinations.

24 (c) Individuals applying for licensure shall remit an
25 examination fee, in accordance with section 17, prior to
26 admission to take the written examination using forms provided
27 by the board. A person who fails an examination may apply for
28 reexamination to the board accompanied by the prescribed fee.

29 (d) Applicants may obtain their examination scores and may
30 review their papers in accordance with the rules and regulations

1 established by the board. The board may adopt rules and
2 regulations governing the eligibility of applicants who have
3 failed to pass two examinations concerning their admittance to
4 subsequent examinations.

5 Section 12. Waiver of certain requirements for licensure.

6 On the payment to the board of fees required by this act and
7 on submission of a written application on forms provided by the
8 board, the board shall issue a license without examination to:

9 (1) A person paying the fee and filing an application
10 within one year from the effective date of this act who
11 presents evidence satisfactory to the board that, prior to
12 the effective date of this act, the applicant was an
13 occupational therapist registered (O.T.R.) or a certified
14 occupational therapy assistant (C.O.T.A.) through the
15 certification of the American Occupational Therapy
16 Association who resided and practiced in the Commonwealth of
17 Pennsylvania on the effective date of this act.

18 (2) A person paying the fee and filing an application
19 who presents evidence satisfactory to the board of being
20 licensed or registered as an occupational therapist or
21 occupational therapy assistant by another state, territory of
22 the United States or the District of Columbia, or of being a
23 registered occupational therapist or certified occupational
24 therapy assistant through the American Occupational Therapy
25 Association and of residing in or practicing in another state
26 or territory of the United States or the District of Columbia
27 where the requirements for licensure, registration or
28 certification were at the date of his or her licensure,
29 registration or certification substantially equal to the
30 requirements set forth in this act.

1 Section 13. Issuance of license; use of title.

2 (a) The board shall issue a license to an individual who has
3 met the requirements of this act upon the payment of the
4 applicable license fee.

5 (b) An individual who is issued a license as an occupational
6 therapist under the provisions of this act may use the title
7 "occupational therapist" or "licensed occupational therapist,"
8 or use the letters "O.T.R./L." or "L./O.T.R." in connection with
9 the title or place of business to denote his or her licensure.

10 (c) A person who is issued a license as an occupational
11 therapy assistant may use the words "occupational therapy
12 assistant" or "licensed occupational therapy assistant" or he or
13 she may use the letters "C.O.T.A./L." or "L./C.O.T.A." in
14 connection with his or her name or place of business to denote
15 his or her licensure.

16 Section 14. Practice and referral.

17 An occupational therapist may enter a case for the purposes
18 of providing indirect services, consultation, evaluating an
19 individual as to the need for services and other occupational
20 therapy services for conditions such as perceptual, cognitive,
21 sensory integration and similar conditions. Implementation of
22 direct occupational therapy to an individual for a specific
23 medical condition shall be based on a referral from a licensed
24 physician or a licensed podiatrist. This act shall not be
25 construed as authorization for an occupational therapist or
26 occupational therapy assistant to practice a branch of the
27 healing arts except as described in this act.

28 Section 15. Renewal of license; effect of license suspension or
29 revocation.

30 (a) A license issued under this act shall be renewed

1 biennially upon payment of the renewal fee prescribed in section
2 17. It shall expire unless renewed in the manner prescribed by
3 the regulations of the board. The board may provide for the late
4 renewal of a license upon the payment of a late fee. A late
5 renewal of a license shall not be granted more than four years
6 after its expiration. A license shall be renewed after the four-
7 year period only by complying with section 11. The board may
8 establish additional requirements for license renewal designed
9 to assure continued competency of the applying occupational
10 therapist.

11 (b) A suspended license shall expire at the end of its term
12 and may be renewed as provided in this section. The renewal
13 shall not authorize the licensee, while the license remains
14 suspended, to engage in the licensed activity or in any other
15 activity in violation of the order or judgment by which the
16 license was suspended. Whenever a license revoked on
17 disciplinary grounds is reinstated the licensee, as a condition
18 of reinstatement, shall pay a renewal fee and any late fee that
19 may be applicable.

20 Section 16. Refusal, suspension or revocation of license;

21 refusal to renew; penalties; injunctive relief.

22 (a) The board shall refuse to issue a license to a person
23 and, after notice and hearing in accordance with law, may
24 suspend or revoke a license or refuse to renew a license, or may
25 impose probationary conditions, where the licensee or applicant
26 for license is guilty of unprofessional conduct which has
27 endangered or is likely to endanger the health, welfare or
28 safety of the public. Unprofessional conduct shall include the
29 following:

30 (1) Obtaining a license by means of fraud,

misrepresentation or concealment of material facts.

(2) Being guilty of unprofessional conduct as defined by a rule established by the board or violating a code of ethics adopted by the board.

(3) Being convicted of OR PLEADING GUILTY OR NOLO
CONTENDERE TO a crime, ~~other than misdemeanors of the third~~
~~degree~~, which is found by the board to have a direct bearing
on whether the person should be entrusted to serve the public
as an occupational therapist or occupational therapy
assistant.

(b) Actions of the board shall be taken subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with the provisions of Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

(c) A person who violates a provision of this act is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment for not less than 30 days nor more than 90 days, or by both such fine and imprisonment and for each additional offense that person shall be subject to either a fine of not less than \$500 or imprisonment of not less than six months, at the discretion of the court. Fines collected under the provisions of this act shall be paid into the State Treasury for the use of the Commonwealth.

(d) The Attorney General may, on behalf of the board, apply for injunctive relief in any court of competent jurisdiction to enjoin a person from committing an act in violation of this act. The injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies in this act.

1 (e) Any person who is licensed by the board or who is an
2 applicant for examination for licensure by the board, against
3 whom are preferred any of the charges for causing the revocation
4 or suspension of the license shall be cited by the board and
5 shall have a hearing before the board or by a hearing examiner
6 as determined by the board.

7 Section 17. Fees.

8 (a) The board shall determine all ~~necessary fees subject to~~ <—
9 ~~the approval of the commissioner~~ FEES NECESSARY TO THE <—
10 ADMINISTRATION OF THIS ACT.

11 (b) Fees shall be collected by the board through the Bureau
12 of Professional and Occupational Affairs and shall be paid into
13 the Professional Licensure Augmentation Account established
14 pursuant to and for use in accordance with the act of July 1,
15 1978 (P.L.700, No.124), known as the "Bureau of Professional and
16 Occupational Affairs Fee Act."

17 Section 18. Appropriation.

18 The sum of \$75,000, or as much thereof as may be necessary,
19 is hereby appropriated from the Professional Licensure
20 Augmentation Account within the General Fund to the Bureau of
21 Professional and Occupational Affairs, in the Department of
22 State for the establishment and operation of the State Board of
23 Occupational Therapy Education and Licensure.

24 Section 19. Applicability of act.

25 The provisions of this act shall not be construed to limit,
26 include or affect the practice of physical therapy, professional
27 nursing, OPTOMETRY, psychology, podiatry, chiropractic, <—
28 prosthetics, orthotics or any practice currently licensed in
29 Pennsylvania pertaining to the healing arts.

30 Section 20. Effective date.

1 This act shall take effect in 90 days.