

SENATE BILL No. 225

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-23.5.

Synopsis: Occupational therapist changes. Revises the definition of "practice of occupational therapy". Adds a definition of "occupational therapy services". Requires occupational therapy assistants to be licensed (instead of either licensed or certified as currently required). Removes provisions concerning occupational therapy aides.

Effective: July 1, 2011.

Miller

January 5, 2011, read first time and referred to Committee on Health and Provider Services.

C
O
P
Y



First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

C
o
p
y

SENATE BILL No. 225



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-23.5-0.5-2, AS ADDED BY P.L.197-2007,
2 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 2. The provisions of this article that require a
4 license to engage in the practice of occupational therapy do not apply
5 to the following:

6 (1) The practice of occupational therapy by an individual who is
7 practicing occupational therapy as part of a supervised course of
8 study in an educational program approved by the board.

9 (2) The practice of occupational therapy by an occupational
10 therapy assistant who is:

11 (A) ~~certified licensed~~ under this article; and
12 (B) acting under the supervision of an occupational therapist.

13 ~~(3) The practice of occupational therapy by an occupational~~
14 ~~therapy aide under the direct supervision of:~~

15 ~~(A) an occupational therapist; or~~
16 ~~(B) an occupational therapy assistant.~~

17 SECTION 2. IC 25-23.5-1-5, AS AMENDED BY P.L.197-2007,



1 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2011]: Sec. 5. "Practice of occupational therapy" means the
3 functional assessment of learning and performance skills and the
4 analysis, selection, and adaptation of exercises or equipment for a
5 person whose abilities to perform the requirements of daily living are
6 threatened or impaired by physical injury or disease, mental illness, a
7 developmental deficit, the aging process, or a learning disability. The
8 term consists primarily of the following functions:

9 (1) Planning and directing exercises and programs to improve
10 sensory-integration and motor functioning at a level of
11 performance neurologically appropriate for a person's stage of
12 development.

13 (2) Analyzing, selecting, and adapting functional exercises to
14 achieve and maintain a person's optimal functioning in daily
15 living tasks and to prevent further disability.

16 **therapeutic use of everyday life occupations and occupational
17 therapy services to:**

18 (1) **aid individuals or groups to participate in meaningful roles
19 and situations in the home, school, workplace, community, or
20 other settings;**

21 (2) **promote health and wellness through research and
22 practice; and**

23 (3) **serve individuals or groups who have or are at risk for
24 developing an illness, injury, disease, disorder, condition,
25 impairment, disability, activity limitation, or participation
26 restriction.**

27 **The practice of occupational therapy addresses the physical,
28 cognitive, psychosocial, sensory, and other aspects of performance
29 in a variety of contexts to support engagement in everyday life
30 activities that affect a person's health, well-being, and quality of
31 life throughout the person's life span.**

32 SECTION 3. IC 25-23.5-1-6.5 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2011]: Sec. 6.5. "Occupational therapy
35 services" means services that are provided to promote health and
36 wellness, prevent disability, preserve functional capabilities,
37 prevent barriers for occupational performance from occurring,
38 and enable or improve performance in everyday activities,
39 including the following:

40 (1) **Establish, remediate, or restore a skill or ability that is
41 impaired or not yet developed.**

42 (2) **Compensate, modify, or adapt a person or an activity or**

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

- environment of a person.
- (3) Evaluate factors that affect daily living activities, instrumental activities of daily living, and other activities relating to work, play, leisure, education, and social participation. These factors include body functions, body structure, habits, routines, role performance, behavior patterns, sensory motor skills, cognitive skills, communication and interaction skills, and cultural, physical, psychosocial, spiritual, developmental, environmental, and socioeconomic contexts and activities that affect performance.
- (4) Interventions and procedures, including the following:
 - (A) Task analysis and therapeutic use of occupations, exercises, and activities.
 - (B) Training in self-care, self-management, home management, and community or work reintegration.
 - (C) Development remediation, or compensation of client factors, including body functions and body structure.
 - (D) Education and training.
 - (E) Care coordination, case management, transition, and consultative services.
 - (F) Modification of environments and adaptation processes, including the application of ergonomic and safety principles.
 - (G) Assessment, design, fabrication, application, fitting, and training in assistive technology, adaptive devices, and orthotic devices, and training in the use of prosthetic devices.
 - (H) Assessment, recommendation, and training in techniques to enhance safety, functional mobility, and community mobility, including wheelchair management and mobility.
 - (I) Management of feeding, eating, and swallowing.
 - (J) Application of physical agent modalities and use of a range of specific therapeutic procedures, including techniques to enhance sensory-motor, perceptual, and cognitive processing, manual therapy techniques, and adjunctive and preparatory activities.

SECTION 4. IC 25-23.5-2-5, AS AMENDED BY P.L.197-2007, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 5. The committee shall:

- (1) consider the qualifications of persons who apply for licenses under this article;

C
O
P
Y



- 1 (2) provide for examinations required under this article;
- 2 (3) license qualified persons;
- 3 (4) propose rules to the board concerning the:
 - 4 (A) competent practice of occupational therapy;
 - 5 (B) continuing competency requirement for the renewal of a
 - 6 license for an occupational therapist and ~~renewal of a~~
 - 7 ~~certificate for an~~ occupational therapy assistant; and
 - 8 (C) administration of this article; and
- 9 (5) recommend to the board the amounts of fees required under
- 10 this article.

11 SECTION 5. IC 25-23.5-2-6, AS AMENDED BY P.L.197-2007,
 12 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2011]: Sec. 6. (a) After considering the committee's proposed
 14 rules, the board shall adopt rules under IC 4-22-2 establishing
 15 standards for:

- 16 (1) the competent practice of occupational therapy;
- 17 (2) the renewal of licenses ~~or certificates~~ issued under this article;
- 18 and
- 19 (3) standards for the administration of this article.

20 (b) After considering the committee's recommendations for fees, the
 21 board shall establish fees under IC 25-1-8-2.

22 SECTION 6. IC 25-23.5-3-1, AS AMENDED BY P.L.197-2007,
 23 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2011]: Sec. 1. A person may not:

- 25 (1) practice as an occupational therapist;
- 26 (2) practice as an occupational therapy assistant;
- 27 (3) use the title "occupational therapist";
- 28 (4) use the title "occupational therapy assistant"; or
- 29 (5) engage in the practice of occupational therapy;

30 unless the person is licensed ~~or certified~~ under this article.

31 SECTION 7. IC 25-23.5-1-5.5 IS REPEALED [EFFECTIVE JULY
 32 1, 2011].

C
O
P
Y

