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S.P. 531

In Senate, May 5, 2021

An Act To Amend the Occupational Therapy Licensing Statutes

Received by the Secretary of the Senate on May 3, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SANBORN of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §2272, sub-§12**, as enacted by PL 1997, c. 294, §2, is repealed.

3 **Sec. 2. 32 MRSA §2272, sub-§12-D** is enacted to read:

4 **12-D. Occupational therapy.** "Occupational therapy" means the therapeutic use of
5 everyday life activities and occupations with individuals or groups to enhance or enable
6 participation, performance or function in roles and situations in home, school, workplace,
7 community and other settings for the purpose of promoting health and wellness to those
8 who have or are at risk for developing an illness, injury, disease, disorder, condition,
9 impairment, disability, activity limitation or participation restriction. Occupational therapy
10 addresses the physical, cognitive, psychosocial, sensory and other aspects of performance
11 in a variety of contexts to support engagement in everyday occupations that affect physical
12 and mental health, well-being and quality of life. "Occupational therapy" includes:

13 A. Methods and strategies selected to direct the process of interventions such as:

14 (1) Facilitating establishment, remediation or restoration of a skill or ability that
15 has not yet developed, is impaired or is in decline;

16 (2) Compensation, modification or adaptation of an activity or environment to
17 enhance performance or to prevent injuries, disorders or other conditions;

18 (3) Maintenance and enhancement of capabilities without which performance of
19 everyday life activities would decline;

20 (4) Health promotion and wellness to enable or enhance performance in everyday
21 life activities; and

22 (5) Prevention or remediation of barriers to performance, including disability
23 prevention;

24 B. Evaluation of client factors affecting activities of daily living, instrumental
25 activities of daily living, education, work, play, leisure and social participation,
26 including:

27 (1) Body functions such as neuromuscular, sensory, visual, perceptual, mental and
28 cognitive functions; pain factors; bodily systems such as cardiovascular, digestive,
29 integumentary and genitourinary systems; and structures related to movement;

30 (2) Habits, routines, roles and behavior patterns;

31 (3) Cultural, physical, environmental, social and spiritual contexts and activity
32 demands that affect performance; and

33 (4) Performance skills, including motor, process, emotional regulation, cognitive,
34 sensory perceptual, communication and social interaction skills; and

35 C. Interventions and procedures to promote or enhance safety and performance in
36 activities of daily living, instrumental activities of daily living, education, work, play,
37 leisure and social participation, including:

38 (1) Therapeutic use of occupations, exercises and activities;

39 (2) Training in self-care, self-management, home management, community and
40 work integration and reintegration, school activities and work performance;

- 1 (3) Development, remediation or compensation of physical, mental and cognitive
2 functions, neuromuscular and sensory functions, pain tolerance and management,
3 developmental skills and behavioral skills;
- 4 (4) Therapeutic use of self, including one’s personality, insights, perceptions and
5 judgments, as part of the therapeutic process;
- 6 (5) Education and training of other individuals, including family members and
7 caregivers;
- 8 (6) Care coordination, case management and transition services;
- 9 (7) Consultative services to groups, programs, organizations and communities;
- 10 (8) Modification of environments such as home, school, workplace and
11 community settings and adaptation of processes, including the application of
12 ergonomic principles;
- 13 (9) Assessment, design, fabrication, application, fitting and training in assistive
14 technology, adaptive devices and orthotic devices and training in the use of
15 prosthetic devices;
- 16 (10) Assessment, recommendation and training in techniques to enhance
17 functional mobility, including seating and positioning and wheelchair
18 management;
- 19 (11) Driver rehabilitation and community mobility;
- 20 (12) Management of feeding, eating and swallowing to enable eating and feeding
21 performance; and
- 22 (13) Application of physical agent modalities and use of a range of specific
23 therapeutic procedures to enhance performance skills such as wound care
24 management; techniques to enhance sensory, perceptual and cognitive processing;
25 manual therapy techniques; and dry needling.

26 **Sec. 3. 32 MRSA §2283, sub-§4** is enacted to read:

27 **4. Continuing education requirements for license renewal.** A licensee applying for
28 license renewal must submit an active NBCOT certificate with the application for renewal
29 or provide evidence of continuing education as governed by this subsection.

30 A. For a licensee applying for license renewal who does not maintain NBCOT
31 certification, evidence of at least 8 contact hours of approved continuing education
32 during the preceding 12 months is required at the time of license renewal.

33 B. A licensee applying for license renewal initially licensed within one year of a
34 renewal date when evidence of continuing education must be submitted is not required
35 to submit evidence of satisfactory completion of continuing education required by
36 paragraph A for that first renewal period. A licensee who was initially licensed or
37 whose license has been reinstated for more than one year but less than 2 years from a
38 renewal date when continuing education required by paragraph A must be submitted is
39 required to submit evidence of satisfactory completion of at least 8 contact hours of
40 approved continuing education.

41 C. A licensee applying for license renewal who cannot meet the continuing education
42 requirements of paragraph A or B may request an extension from the board. The

1 request must include a plan for completion of the continuing education requirements
2 within the requested extension period. An extension of not more than 6 months may
3 be granted by the board for good cause shown by a substantiated medical condition,
4 natural disaster, death of a spouse or an immediate family member or any other
5 compelling reason that in the judgment of the board renders the licensee incapable of
6 meeting the continuing education requirements of paragraph A or B.

7 D. A contact hour under this subsection consists of 60 minutes of instruction, unless
8 otherwise specified. The content of the continuing education classes or literature must
9 be related to the field and practice of occupational therapy.

10 E. A licensee applying for license renewal who does not maintain NBCOT certification
11 shall acquire at least 8 contact hours from one or more of the following activities in the
12 following classifications:

13 (1) Class I: attendance at or participation in an education presentation. Class I
14 continuing education activities must include the following types of education
15 offerings related to occupational therapy:

16 (a) A lecture consisting of a discourse given for instruction before an audience
17 or through a teleconference;

18 (b) A panel consisting of the presentation of a number of views by several
19 professional individuals on a given subject, with none of the views considered
20 a final solution;

21 (c) A workshop consisting of a series of meetings designed for intensive study,
22 work or discussion in a specific field of interest;

23 (d) A seminar consisting of directed advanced study or discussion in a specific
24 field of interest;

25 (e) A symposium consisting of a conference of more than a single session
26 organized for the purpose of discussing a specific subject from various
27 viewpoints and presented by various speakers;

28 (f) A college or university course. Five contact hours must be given for each
29 college credit hour with a grade of at least C or a pass in a pass or fail course;
30 and

31 (g) A home study, correspondence or Internet course for which the provider
32 of the continuing education activity evaluates the licensee's knowledge of the
33 occupational therapy subject matter presented in the activity. A maximum of
34 4 contact hours may be acquired from these courses;

35 (2) Class II: professional reading. Reading professional literature, whether printed
36 or provided by audiotapes, videotapes or electronic media. A maximum of 4
37 contact hours may be acquired from class II;

38 (3) Class III: professional publication. The maximum number of contact hours that
39 may be given for professional publication are as follows:

40 (a) Fifteen hours for a book or original paper; and

41 (b) Ten hours for a review paper, case report, abstract or book review;

1 (4) Class IV: instructor preparation of class I programs. A licensee who presents
2 a class I continuing education activity or its equivalent may receive 3 contact hours
3 for each hour of presentation. Contact hours may not be acquired for any
4 subsequent presentations on the same subject matter. A maximum of 6 contact
5 hours may be acquired from class IV; and

6 (5) Class V: level II fieldwork supervision. One contact hour per 4 weeks may be
7 given for supervising full-time level II fieldwork. For purposes of this
8 subparagraph, "full-time" means at least 32 hours per week. A maximum of 3
9 contact hours may be acquired from class V.

10 F. If audited by the board, a licensee shall submit documented evidence of attendance
11 at, participation in or presentation to class I and class II continuing education activities,
12 personal verification for class III activities and copies of publications for verification
13 of class IV activities as appropriate. Verification of class V level II fieldwork
14 supervision must be submitted by the licensee's employer if the licensee is audited by
15 the board.

16 **Sec. 4. 32 MRSA §2283, sub-§5** is enacted to read:

17 **5. Expired, canceled and revoked licenses; continuing education requirements. If**
18 a license under this chapter has expired but has not been canceled, continuing education
19 may not be required by the board in addition to the continuing education that would have
20 been necessary if the license had been renewed before its expiration. An applicant who
21 wishes to reinstate a license that has been canceled shall submit proof of continuing
22 education as follows:

23 A. If the applicant has continuously held an active license in another state since the
24 date on which the license in this State was canceled or the applicant currently holds a
25 license that has been active for at least 2 years in a state that has licensing and
26 continuing education requirements at least as strict as those of this State as determined
27 by the board, the applicant shall submit proof of the applicant's current license,
28 registration or certification from that state and current NBCOT certification;

29 B. If the time since the applicant's license was canceled has been one year or less, no
30 continuing education in addition to the continuing education that would have been
31 necessary if the license had been renewed before cancellation may be required;

32 C. If the time since the applicant's license was canceled has been more than one year
33 but less than 2 years, the applicant must complete a minimum of 8 contact hours
34 pursuant to subsection 4, paragraph E;

35 D. If the time since the applicant's license was canceled has been at least 2 years but
36 less than 3 years, the applicant must complete 16 contact hours pursuant to subsection
37 4, paragraph E; or

38 E. If the time since the applicant's license was canceled has been 3 years or more and
39 the applicant has not held an active license in another state that has licensing and
40 continuing education requirements at least as strict as those of this State as determined
41 by the board, the applicant must complete 24 contact hours pursuant to subsection 4,
42 paragraph E.

43 An applicant seeking reinstatement of a revoked license is required to successfully
44 complete an initial license application and be approved by the board.

