S T A T E O F N E W Y O R K

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I N A S S E M B L Y

May 7, 2012

Introduced by M. of A. CANESTRARI -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the profession of occupational therapy

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 7905 of the education law is amended by adding a new paragraph (c) to read as follows:

(C) AN OCCUPATIONAL THERAPY ASSISTANT WHO HAS GRADUATED FROM AN ACCREDITED OCCUPATIONAL THERAPY ASSISTANT CURRICULUM WITH AN ASSOCIATE'S DEGREE SATISFACTORY TO THE BOARD OF OCCUPATIONAL THERAPY AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

S 2. The opening paragraph of subdivision 2 of section 7905 of the education law, as amended by chapter 460 of the laws of 2011, is amended to read as follows:

A limited permittee shall be authorized to practice occupational therapy, OR IN THE CASE OF A LIMITED PERMIT ISSUED PURSUANT TO PARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION, PRACTICE UNDER THE EXEMPTION ESTABLISHED PURSUANT TO SUBDIVISION SEVEN OF SECTION SEVENTY-NINE HUNDRED SIX OF THIS ARTICLE, only under the direct supervision of a licensed occupational therapist or a licensed physician and shall practice only in a public, voluntary, or proprietary hospital, health care agency or in a preschool or an elementary or secondary school for the purpose of providing occupational therapy as a related service for a handicapped child.

S 3. Subdivision 4 of section 7906 of the education law, as amended by chapter 460 of the laws of 2011, is amended to read as follows:

(4) An occupational therapy assistant student from engaging in clinical practice under the [direct] DIRECTION AND supervision of an occupational therapist OR AN OCCUPATIONAL THERAPY ASSISTANT WHO HAS OBTAINED AUTHORIZATION PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, AND WHO IS UNDER THE SUPERVISION OF AN OCCUPATIONAL THERAPIST, as part of an accredited occupational therapy assistant program, as defined by the commissioner and in accordance with the commissioner's regulations.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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[Notwithstanding anything to the contrary in this section, an occupational therapy assistant student shall be permitted to work with an occupational therapy assistant, who has obtained authorization pursuant to subdivision seven of this section, under the direct supervision of an occupational therapist.]

S 4. Severability clause. If any clause, sentence, paragraph, subdivision, section or part contained in any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 5. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, the commissioner of education and the board of regents are authorized, prior to such effective date, to promulgate such rules and regulations as may be necessary for the timely implementation of this act.