

S. 1567

A. 1798

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

January 13, 2015

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IN SENATE -- Introduced by Sens. LAVALLE, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

IN ASSEMBLY -- Introduced by M. of A. GUNTHER, STECK, CLARK, SIMANOWITZ, WEPRIN, COLTON, CROUCH, CURRAN -- Multi-Sponsored by -- M. of A. COOK, RIVERA, WALTER -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to occupational therapy assistants, the state board for occupational therapy, license requirements, and exceptions; and repealing certain provisions of such law relating thereto

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

1     Section 1. The education law is amended by adding a new section 7902-a  
2     to read as follows:  
3     S 7902-A. PRACTICE OF OCCUPATIONAL THERAPY ASSISTANT AND USE OF THE  
4     TITLE "OCCUPATIONAL THERAPY ASSISTANT." ONLY A PERSON LICENSED OR OTHER-  
5     WISE AUTHORIZED UNDER THIS TITLE SHALL PARTICIPATE IN THE PRACTICE OF  
6     OCCUPATIONAL THERAPY AS AN OCCUPATIONAL THERAPY ASSISTANT OR USE THE  
7     TITLE "OCCUPATIONAL THERAPY ASSISTANT." PRACTICE AS AN OCCUPATIONAL  
8     THERAPY ASSISTANT SHALL INCLUDE THE PROVIDING OF OCCUPATIONAL THERAPY  
9     AND CLIENT RELATED SERVICES UNDER THE DIRECTION AND SUPERVISION OF AN  
10    OCCUPATIONAL THERAPIST OR LICENSED PHYSICIAN.  
11    S 2. Section 7903 of the education law, as amended by chapter 460 of  
12    the laws of 2011, is amended to read as follows:  
13    S 7903. State board for occupational therapy. A state board for occu-  
14    pational therapy shall be appointed by the board of regents on the  
15    recommendation of the commissioner for the purpose of assisting the  
16    board of regents and the department on matters of professional licensing  
17    and professional conduct in accordance with section sixty-five hundred

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

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1 eight of this title. The board shall be composed of not less than  
2 [seven] SIX licensed occupational therapists, ONE LICENSED OCCUPATIONAL  
3 THERAPY ASSISTANT, one physician, and two members of the public who are  
4 not licensed under this title. An executive secretary to the board shall  
5 be appointed by the board of regents on recommendation of the commis-  
6 sioner.

7 S 3. The education law is amended by adding a new section 7904-a to  
8 read as follows:

9 S 7904-A. REQUIREMENTS FOR LICENSE AS AN OCCUPATIONAL THERAPY ASSIST-  
10 ANT. TO QUALIFY FOR A LICENSE AS AN OCCUPATIONAL THERAPY ASSISTANT AN  
11 APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

12 (A) FILE AN APPLICATION WITH THE DEPARTMENT;

13 (B) HAVE RECEIVED AN EDUCATION AS FOLLOWS: COMPLETION OF A TWO-YEAR  
14 ASSOCIATE DEGREE PROGRAM FOR OCCUPATIONAL THERAPY ASSISTANTS REGISTERED  
15 BY THE DEPARTMENT OR ACCREDITED BY A NATIONAL ACCREDITATION AGENCY WHICH  
16 IS SATISFACTORY TO THE DEPARTMENT;

17 (C) HAVE A MINIMUM OF SIXTEEN WEEKS CLINICAL EXPERIENCE SATISFACTORY  
18 TO THE STATE BOARD FOR OCCUPATIONAL THERAPY AND IN ACCORDANCE WITH STAN-  
19 DARDS ESTABLISHED BY A NATIONAL ACCREDITATION AGENCY WHICH IS SATISFAC-  
20 TORY TO THE DEPARTMENT;

21 (D) BE AT LEAST EIGHTEEN YEARS OF AGE;

22 (E) BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT;

23 (F) REGISTER TRIENNIALLY WITH THE DEPARTMENT;

24 (G) PAY A FEE FOR AN INITIAL LICENSE AND A FEE FOR EACH TRIENNIAL  
25 REGISTRATION PERIOD THAT SHALL BE ONE-HALF OF THE FEE FOR INITIAL  
26 LICENSE AND FOR EACH TRIENNIAL REGISTRATION PERIOD ESTABLISHED FOR OCCU-  
27 PATIONAL THERAPISTS; AND

28 (H) EXCEPT AS OTHERWISE PROVIDED BY SUBDIVISION TWO OF SECTION SEVEN-  
29 TY-NINE HUNDRED SEVEN OF THIS ARTICLE, PASS AN EXAMINATION ACCEPTABLE TO  
30 THE DEPARTMENT.

31 S 4. Subdivision 4 of section 7906 of the education law, as amended by  
32 chapter 329 of the laws of 2012, is amended to read as follows:

33 (4) An occupational therapy assistant student from engaging in clin-  
34 ical practice under the direction and supervision of an occupational  
35 therapist or an occupational therapy assistant [who has obtained author-  
36 ization pursuant to subdivision seven of this section, and] who is under  
37 the supervision of an occupational therapist, as part of [an] A LICENSED  
38 accredited occupational therapy assistant program, as defined by the  
39 commissioner and in accordance with the commissioner's regulations.

40 S 5. Subdivision 7 of section 7906 of the education law is REPEALED  
41 and subdivisions 8 and 9 are renumbered subdivisions 7 and 8.

42 S 6. Subdivision 2 of section 7907 of the education law, as added by  
43 chapter 460 of the laws of 2011, is amended to read as follows:

44 (2) A person who on the effective date of [the] chapter FOUR HUNDRED  
45 SIXTY of the laws of two thousand eleven which added this subdivision  
46 has a current registration with the department as an occupational thera-  
47 py assistant, if such person meets the requirements for [an authori-  
48 zation] A LICENSE established within this article, except for examina-  
49 tion, the department shall issue [an authorization] A LICENSE without  
50 examination.

51 S 7. This act shall take effect immediately.