

S. 1567--A

A. 1798--A

2015-2016 Regular Sessions

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

January 13, 2015

IN SENATE -- Introduced by Sens. LAVALLE, MARCHIONE, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. GUNTHER, STECK, CLARK, SIMANOWITZ, WEPRIN, COLTON, CROUCH, CURRAN, BENEDETTO, SKOUFIS -- Multi-Sponsored by -- M. of A. COOK, FITZPATRICK, GOODELL, LUPINACCI, McDONALD, RIVERA, WALTER -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 IN ACCORDANCE WITH THE  
11 COMMISSIONER'S REGULATIONS.

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

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1 S 2. Section 7903 of the education law, as amended by chapter 460 of  
2 the laws of 2011, is amended to read as follows:

3 S 7903. State board for occupational therapy. A state board for occu-  
4 pational therapy shall be appointed by the board of regents on the  
5 recommendation of the commissioner for the purpose of assisting the  
6 board of regents and the department on matters of professional licensing  
7 and professional conduct in accordance with section sixty-five hundred  
8 eight of this title. The board shall be composed of not less than  
9 [seven] SIX licensed occupational therapists, ONE LICENSED OCCUPATIONAL  
10 THERAPY ASSISTANT, one physician, and two members of the public who are  
11 not licensed under this title. An executive secretary to the board shall  
12 be appointed by the board of regents on recommendation of the commis-  
13 sioner.

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

16 S 7904-A. REQUIREMENTS FOR LICENSE AS AN OCCUPATIONAL THERAPY ASSIST-  
17 ANT. TO QUALIFY FOR A LICENSE AS AN OCCUPATIONAL THERAPY ASSISTANT AN  
18 APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

19 (A) FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

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

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

30 (F) PAY A FEE FOR AN INITIAL LICENSE AND A FEE FOR EACH TRIENNIAL  
31 REGISTRATION PERIOD THAT SHALL BE ONE-HALF OF THE FEE FOR INITIAL  
32 LICENSE AND FOR EACH TRIENNIAL REGISTRATION PERIOD ESTABLISHED FOR OCCU-  
33 PATIONAL THERAPISTS; AND

34 (G) EXCEPT AS OTHERWISE PROVIDED BY SUBDIVISION TWO OF SECTION SEVEN-  
35 TY-NINE HUNDRED SEVEN OF THIS ARTICLE, PASS AN EXAMINATION ACCEPTABLE TO  
36 THE DEPARTMENT.

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

39 (4) An occupational therapy assistant student from engaging in clin-  
40 ical practice under the direction and supervision of an occupational  
41 therapist or an occupational therapy assistant [who has obtained author-  
42 ization pursuant to subdivision seven of this section, and] who is under  
43 the supervision of an occupational therapist, as part of an accredited  
44 occupational therapy assistant program, as defined by the commissioner  
45 and in accordance with the commissioner's regulations.

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

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

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

1 S 7. Subdivision 2 of section 7905 of the education law, as amended by  
2 chapter 460 of the laws of 2011 and the opening paragraph as amended by  
3 chapter 329 of the laws of 2012, is amended to read as follows:

4 (2) A limited permittee shall be authorized to practice occupational  
5 therapy, or in the case of a limited permit issued pursuant to paragraph  
6 (c) of subdivision one of this section, [practice under the exemption  
7 established pursuant to subdivision seven of section seventy-nine  
8 hundred six of this article,] only under the direct supervision of a  
9 licensed occupational therapist or a licensed physician and shall prac-  
10 tice only in a public, voluntary, or proprietary hospital, health care  
11 agency or in a preschool or an elementary or secondary school for the  
12 purpose of providing occupational therapy as a related service for a  
13 handicapped child.

14 For purposes of this subdivision, supervision of an individual with a  
15 limited permit to practice occupational therapy issued by the department  
16 shall be direct supervision as defined by the commissioner's regu-  
17 lations.

18 S 8. This act shall take effect on the one hundred eightieth day after  
19 it shall have become a law; provided, however, that effective immediate-  
20 ly, the addition, amendment and/or repeal of any rule or regulation  
21 necessary for the implementation of this act on its effective date is  
22 authorized and directed to be made and completed by the commissioner of  
23 education and the board of regents on or before such effective date.