**§ 7901. Definition.** 1. The practice of the profession of occupational therapy is defined as the functional evaluation of the client, the planning and utilization of a program of purposeful activities, the development and utilization of a treatment program, and/or consultation with the client, family, caregiver or organization in order to restore, develop or maintain adaptive skills, and/or performance abilities designed to achieve maximal physical, cognitive and mental functioning of the client associated with his or her activities of daily living and daily life tasks. A treatment program designed to restore function, shall be rendered on the prescription or referral of a physician, nurse practitioner or other health care provider acting within his or her scope of practice pursuant to this title, except as provided for in subdivision two of this section. However, nothing contained in this article shall be construed to permit any licensee hereunder to practice medicine or psychology, including psychotherapy or to otherwise expand such licensee's scope of practice beyond what is authorized by this chapter.

2. Treatment may be rendered by a licensed occupational therapist for ten visits, or thirty days, whichever shall occur first, without a referral from a physician or nurse practitioner provided that:

(a) the licensed occupational therapist has practiced occupational therapy on a full time basis equivalent to not less than three years; and

(b) each occupational therapist licensed pursuant to this article shall provide written notice to each patient receiving treatment absent a referral from a physician or nurse practitioner that occupational therapy may not be covered by the patient's health care plan or insurer without such a referral and that such treatment may be a covered expense if rendered pursuant to a referral. The occupational therapist shall keep on file with the patient's records a form attesting to the patient's notice of such advice. Such form shall be in duplicate, with one copy to be retained by the patient, signed and dated by both the occupational therapist and the patient in such form as prescribed pursuant to regulations promulgated by the commissioner.