§ 7906. Exempt persons. This article shall not be construed to affect or prevent the following, provided that no title, sign, card or device shall be used in such manner as to tend to convey the impression that the person rendering such service is a licensed occupational therapist:

(1) A licensed physician from practicing his or her profession as defined under article one hundred thirty-one and article one hundred thirty-one-B of this title.

(2) Qualified members of other licensed or legally recognized professions from performing work incidental to the practice of their profession, except that such persons may not hold themselves out under the title occupational therapist or as performing occupational therapy.

(3) A student from engaging in clinical practice as part of an accredited program in occupational therapy, pursuant to subdivision three of section seventy-nine hundred four of this article.

(4) An occupational therapy assistant student from engaging in clinical practice under the direction and supervision of an occupational therapist or an occupational therapy assistant 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.

(5) The care of the sick by any person, provided such person is employed primarily in a domestic capacity. This shall not authorize the treatment of patients in a home care service of any hospital, clinic, institution or agency.

(6) An employee of a federal agency from using the title or practicing as an occupational therapist insofar as such activities are required by his salaried position and the use of such title shall be limited to such employment.

(7) The following people from working under the direct supervision of a licensed occupational therapist:

An individual employed by the state or municipal government at the effective date of this article who performs supportive services in occupational therapy solely for the time such person continues in that employment.

(8) Any occupational therapist who is licensed in another state, United States possession or country or who has received at least a

baccalaureate degree or its equivalent in occupational therapy and who is either in this state for the purposes of (a) consultation, provided such practice is limited to such consultation; or (b) an occupational therapist authorized to practice in another state or country from conducting a teaching clinical demonstration in connection with a program of basic clinical education, graduate education or post graduate education in an approved school of occupational therapy or its affiliated clinical facility or health care agency or before a group of licensed occupational therapists; or (c) because he or she resides near a border of this state, provided such practice is limited in this state to the vicinity of such border and said occupational therapist does not maintain an office or place to meet patients or receive calls in this state.