

Partnering for Practice Protection

Marcy M. Buckner

State occupational therapy associations and AOTA are actively participating in the 2012 state legislative sessions as partners. AOTA communicates with states, participates in town halls in person, and assists states in developing testimony.

OT PRACTICE ACTS

In **Virginia**, VA HB 268 and VA SB 340 were signed into law by Governor Bob McDonnell in early March. Supported by the Virginia Occupational Therapy Association (VOTA), the legislation amends the definition of the practice of occupational therapy to include therapeutic use of occupations for *habilitation* and *rehabilitation* to enhance physical health, mental health, and cognitive functioning; and includes the use of assistive technologies. VOTA began drafting amendments to its practice act last spring and consulted with AOTA about including habilitation and rehabilitation, which are key terms in the Affordable Care Act list of essential health benefits.

The **Iowa** Occupational Therapy Association (IOTA) began working on amendments to their occupational therapy practice act this winter, and the legislation was introduced in February. IA SB 2174 and IA HB 2261 amend the definition of the practice of occupational therapy to reflect the first paragraph in AOTA's *Definition of Occupational Therapy Practice for the AOTA Model Practice Act*.¹ AOTA is working with members of IOTA to include more specific scope language.

In February, the **New York** Board of Regents published emergency rules to implement legislation enacted last year that amended the occupational therapy

practice act. The emergency rules included a definition of "occupational therapy assistant"; specific requirements for an occupational therapy assistant to be authorized by the state, such as passing a New York Board of Occupational Therapy–approved exam; and supervision requirements for occupational therapy assistant students. The New York State Occupational Therapy Association and AOTA submitted comments prior to the publication of the emergency rule and succeeded in making some critical changes prior to publication, including identifying occupational therapy assistants as "fieldwork educators" for occupational therapy assistant students.

SCOPE OF PRACTICE

The **Utah** Occupational Therapy Association (UOTA) and AOTA are working together to suggest amendments to recreational therapy legislation in Utah. The bill, UT SB 53, revises the scope of practice of recreational therapists using language very similar to the *Occupational Therapy Practice Framework: Domain and Process, 2nd Edition*.² UOTA testified at a hearing in February and provided amendments drafted by AOTA that would restrict the practice of recreational therapists to those services that use recreational and leisure activities to improve a client's ability and participation in recreational and leisure activities. At the hearing, the Utah Recreational Therapy Association and the bill's sponsor contended that the bill did not expand the recreational therapy scope of practice but rather codified current practice based on national standards. AOTA disagrees with this interpretation and will continue to advocate for occupational therapy protections.

Music therapy bills have been introduced in **Colorado, Hawaii, Indiana, Minnesota, Tennessee, and Washington**. These bills include both certification and licensure efforts and vary in how they define the scope of practice music therapists seek to establish. The scope of practice in model legislation put forward by the American Music Therapy Association (AMTA) includes the specialized use of music and the materials of music to restore, maintain, and improve cognitive, psychological, social or emotional, affective, physical, sensory or sensorimotor, motor, communicative, and physiological functioning. Sensory integration and stimulation are also included as techniques provided by music therapists. AOTA is working with state associations to address concerns that this language reflects aspects of performance addressed by occupational therapy without clearly defining the context in which music therapists provide services. An exemption for occupational therapy practitioners is also being sought as well as clarification of the AMTA model language.

The start of the 2012 legislative session has been challenging, and there will continue to be opportunities to advocate. Your membership in AOTA and state associations provides us with the resources to engage in these issues on your behalf. ■

References

1. American Occupational Therapy Association. (2011). *Definition of occupational therapy practice for the AOTA Model Practice Act*. Retrieved from <http://www.aota.org/Practitioners/Advocacy/State/Resources/PracticeAct/36437.aspx>
2. American Occupational Therapy Association. (2008). *Occupational therapy practice framework: Domain and process* (2nd ed.). *American Journal of Occupational Therapy*, 62, 625–683. doi:10.5014/ajot.62.6.625

Marcy M. Buckner, JD, is manager of State Affairs at AOTA. She can be reached at mbuckner@aota.org.