CAPITAL BRIEFING

State Legislative Update

Chuck Willmarth

During the 2013 State Legislative sessions, state occupational therapy associations will move forward with efforts to revise state practice acts, pass occupational therapy licensure legislation, and guard against scope-of-practice challenges from other professions.

OT/OTA LICENSURE

In March, legislative committees in the **Colorado** Senate approved legislation to license occupational therapists (OTs) and occupational therapy assistants (OTAs). The measure will be considered by the full Senate as this article to goes to press. Under current law, OTs in Colorado are registered, and OTAs are not regulated. The bill extends the practice act's sunset date, revises the definition of occupational therapy, and requires the licensing department to establish a continuing professional competency program for OTs and OTAs, including a self-assessment, a learning plan, and documentation of continuing competency activities. AOTA is supporting efforts led by the Occupational Therapy Association of Colorado to enact full licensure for OTs and OTAs.

OTs are currently licensed in 48 states, the District of Columbia, and Puerto Rico. OTAs are licensed in 47 states, the District of Columbia, and Puerto Rico. In addition to Colorado, OTs are also registered in Hawaii. New York regulates OTAs, whereas Colorado and Hawaii do not. The **New York** Occupational Therapy Association is pursing OTA licensure legislation in 2013.

OCCUPATIONAL THERAPY SCOPE OF PRACTICE

Legislation to revise the occupational therapy scope of practice is pending in **Alabama, Arizona, Colorado, Indiana, Illinois,** and **Nevada.** Many of these bills use language from AOTA's definition of occupational therapy practice for state regulation that was last revised by the AOTA Representative Assembly in 2011. Legislation to revise the **Indiana** occupational therapy practice act was passed by the Indiana House (95-0) in February and is pending in the Indiana Senate. A bill introduced in **Arizona** amends the definition of occupational therapy services, redefines supervision, outlines requirements for OTs and OTAs when supervising students, and revises the powers of the board. The bill passed the Senate in February. Legislation pending in **Illinois** would extend the practice act's sunset date from 2014 to 2024, amend the definition of occupational therapy, and clarify existing language that allows for direct access to ensure that access to occupational therapy is not impeded when a referral is not required. Occupational therapy legislation in **Alabama** is awaiting action in the Senate; the bill revises the definition of occupational therapy and refines provisions to enhance access to occupational therapy. A bill in **Nevada** would revise the occupational therapy practice act and includes revisions to the definition of occupational therapy.

RECREATIONAL THERAPY AND MUSIC THERAPY

Recreational therapists have continually proposed legislation to define recreational therapy using language remarkably similar to the definition of occupational therapy. Recreational therapy licensure bills or draft proposals are pending in **Maine, New Mexico,** and **New York.** AOTA is working with state associations to address concerns about this problematic scope-of-practice language.

Meanwhile, legislation to recognize music therapists is pending in **Arizona, Florida, Iowa, Indiana, Minnesota, North Carolina, Rhode Island, South Carolina,** and **Utah.** Some bills provide for full licensure, whereas others range from certification to a resolution in the Florida Senate that simply recognizes music therapy as a "valid health care service." AOTA is working with state occupational therapy associations to ensure that legislation to establish state regulation for music therapists does not affect occupational therapy practitioners using music as part of occupational therapy interventions. Further, the occupational therapy community is also concerned about the scope of practice envisioned for music therapy in state legislation. Legislation enacted in North Dakota in 2011, for example, included "sensory integration" as part of the music therapy scope of practice. AOTA is concerned that this language includes interventions typically provided by occupational therapy practitioners and permits music therapists to address aspects of performance traditionally covered by occupational therapy without clearly defining the context in which music therapists provide services.

AOTA and the state associations will be working hard to ensure continued growth of the profession. Your membership in AOTA and your state association provides us with the resources to actively and effectively engage in these issues on your behalf. ■

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