MODEL
OCCUPATIONAL THERAPY
PRACTICE ACT

AOTA
State Affairs Group
1-800-SAY-AOTA ext. 2836 (members)
1-301-652-6611 ext. 2836 (non-members)

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MODEL OCCUPATIONAL THERAPY PRACTICE ACT
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MODEL OCCUPATIONAL THERAPY PRACTICE ACT

The Model Occupational Therapy Practice Act has been developed by the State Affairs Group of the American Occupational Therapy Association, Inc. for use by state affiliate organizations or state regulatory boards interested in developing or revising legislation to regulate the practice of Occupational Therapy. The Model Practice Act also includes the Definition of the Practice of Occupational Therapy, which is approved by the Representative Assembly. The current definition was approved in 2004.

The Model Practice Act must be reviewed and carefully adapted to comply with a State's legislative requirements and practices. It must also be adapted to reflect a State's administrative and regulatory laws and other legal procedures. The Model Practice Act leaves blanks or indicates alternatives in brackets when further detail needs to be considered or when adaptations are especially necessary. States may need to modify the term "licensure" if registration or certification is the method of regulation for Occupational Therapists or Occupational Therapy Assistants. The term "state" is used throughout the document for ease of reading. Other jurisdictions such as the District of Columbia and Puerto Rico will need to modify the language accordingly.

Article I. General Provisions

1.01 Title [Title should conform to State requirements. The following is suggested for appropriate adaptation.]
An Act providing for the licensure of Occupational Therapists and Occupational Therapy Assistants; for a board of Occupational Therapy practice and its powers and duties; and for related purposes.

1.02 Short Title
This Act shall be known and may be cited as the "Occupational Therapy Practice Act".

1.03 Legislative Intent and Purpose
The Legislature finds and declares that the Occupational Therapy Practice Act is enacted to safeguard the public health, safety, and welfare, to protect the public from incompetent, unethical or unauthorized persons, to assure a high level of professional conduct on the part of Occupational Therapists and Occupational Therapy Assistants, and to assure the availability of high quality Occupational Therapy services to persons in need of such services. It is the purpose of this Act to provide for the regulation of persons representing themselves as Occupational Therapists or as Occupational Therapy Assistants, or performing services that constitute Occupational Therapy.

1.04 Definitions
(1) "Act" means the Occupational Therapy Practice Act.
(2) "Aide" means a person who is not licensed by the Board and who provides supportive services to Occupational Therapists and Occupational Therapy Assistants. An Aide shall function only under the guidance, responsibility, and supervision of the licensed Occupational Therapist or an Occupational Therapy Assistant who is appropriately supervised by an Occupational Therapist. The Aide provides only specifically selected client-related or non-client-related tasks for which the Aide has been trained and has demonstrated competence.
(3) "Association" means the _____ State Occupational Therapy Association.
(4) "Board" means the _____ State Board of Occupational Therapy.
(5) "Good Standing" means the individual's license, certification, or registration is not currently suspended or revoked by any State regulatory entity.
(6) "The Practice of Occupational Therapy" means the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for the purpose of promoting health and wellness and to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being, and quality of life.

The practice of occupational therapy includes:

(a) Methods or strategies selected to direct the process of interventions such as:
1. Establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired.
2. Compensation, modification, or adaptation of activity or environment to enhance performance.
3. Maintenance and enhancement of capabilities without which performance in everyday life activities would decline.
4. Health promotion and wellness to enable or enhance performance in everyday life activities.
5. Prevention of barriers to performance, including disability prevention.

(b) Evaluation of factors affecting activities of daily living (ADL), instrumental activities of daily living (IADL), education, work, play, leisure, and social participation, including:
1. Client factors, including body functions (such as neuromuscular, sensory, visual, perceptual, cognitive) and body structures (such as cardiovascular, digestive, integumentary, genitourinary systems).
2. Habits, routines, roles, and behavior patterns.
3. Cultural, physical, environmental, social, and spiritual contexts and activity demands that affect performance.
4. Performance skills, including motor, process, and communication/interaction skills.

(c) Interventions and procedures to promote or enhance safety and performance in activities of daily living (ADL), instrumental activities of daily living (IADL), education, work, play, leisure, and social participation, including:
1. Therapeutic use of occupations, exercises, and activities.
2. Training in self-care, self-management, home management, and community/work reintegration.
3. Development, remediation, or compensation of physical, cognitive, neuromuscular, sensory functions and behavioral skills.
4. Therapeutic use of self, including one's personality, insights, perceptions, and judgments, as part of the therapeutic process.
5. Education and training of individuals, including family members, caregivers, and others.
6. Care coordination, case management, and transition services.
7. Consultative services to groups, programs, organizations, or communities.
8. Modification of environments (home, work, school, or community) and adaptation of processes, including the application of ergonomic principles.
9. Assessment, design, fabrication, application, fitting, and training in assistive technology, adaptive devices, and orthotic devices, and training in the use of prosthetic devices.
10. Assessment, recommendation, and training in techniques to enhance functional mobility, including wheelchair management.
11. Driver rehabilitation and community mobility.
12. Management of feeding, eating, and swallowing to enable eating and feeding performance.
13. Application of physical agent modalities, and use of a range of specific therapeutic procedures (such as wound care management; techniques to enhance sensory, perceptual, and cognitive processing; manual therapy techniques) to enhance performance skills.

(7) "Occupational Therapist" means a person licensed to practice Occupational Therapy under this Act.
(8) "Occupational Therapy Assistant" means a person licensed to assist in the practice of Occupational Therapy under this Act and who shall work under the supervision of and in partnership with an Occupational Therapist.
(9) "Person" means any individual, partnership, unincorporated organization, limited liability entity, or corporate body, except that only an individual may be licensed under this Act.

Article II. Board of Occupational Therapy

2.01 Board Created

There is hereby established the _____ Board of Occupational Therapy hereafter referred to as the Board, which shall be responsible for the implementation and enforcement of this Act.

2.02 Board Composition

(1) The Board shall be composed of at least five individuals appointed by the governor.
(2) At least two members shall be licensed as Occupational Therapists in this State.

(3) One member shall be an Occupational Therapy Assistant licensed in this State.
(4) At least two members ("public members") shall be representatives of the public with an interest in the rights of consumers of health services.

2.03 Qualifications

(1) Public members must reside in this State for at least five years immediately preceding their appointment. Public members shall understand or be willing to learn the specific responsibilities of the Board; be willing to learn about and develop contacts with major community service, civic, consumer, public service, religious, and other organizations in their state that have an interest in health care delivery and health care policy, including organizations that represent disadvantaged communities, rural, and non-English speaking populations; and have a track record of advocacy related to furthering consumer interests, especially in the area of health care.
(2) Occupational Therapy and Occupational Therapy Assistant members must be licensed consistent with state law and reside in the State for at least five years and have been engaged in rendering Occupational Therapy services to the public, teaching, consultation, or research in Occupational Therapy for at least five years, including the three years immediately preceding their appointment.
(3) No member shall be a current officer, board member or employee of a statewide organization established for the purpose of advocating the interests of persons licensed under this Act.

2.04 Appointments

(1) Within 90 days after the enactment of this Act, the first Board shall be appointed by the Governor from a list of names submitted by the State Occupational Therapy Association and from nominations submitted by interested organizations or persons in the State.
(2) Each subsequent appointment shall be made from recommendations submitted by the State Occupational Therapy Association or from recommendations submitted by other interested organizations or persons in the State.

2.05 Terms

(1) Appointments to the Board shall be for a period of three years, except for the initial appointments which shall be for staggered terms of one, two and three years. Members shall serve until the expiration of the term for which they have been appointed or until their successors have been appointed to serve on the Board. No member may serve more than two consecutive three-year terms or six consecutive years.
(2) Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed by this section.

2.06 Vacancies

In the event of a vacancy in the office of a member of the Board other than by expiration of a term, the Governor shall appoint a qualified person to fill the vacancy for the unexpired term.

2.07 Removal of Board Members

The Governor or the Board may remove a member of the Board for incompetence, professional misconduct, conflict of interest, or neglect of duty after written notice and opportunity for a hearing. The Board shall be responsible for defining the standards for removal through regulation.

2.08 Compensation of Board Members

Members of the Board shall receive no compensation for their services, but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties.

2.09 Administrative Provisions

(1) The Board may employ and discharge an Administrator and such officers and employees as it deems necessary, and shall determine their duties in accordance with [applicable State statute].
(2) [This subsection should be used to include administrative detail covering revenues and expenditures, authentication and preservation of documents, promulgation of rules and regulations, etc., in accordance with prevailing State practice, and to the extent that such detail is not already taken care of in State laws of general applicability.]

2.10 Meetings

(1) The Board shall, at the first meeting of each calendar year, select a chairperson and conduct other appropriate business.
(2) At least 3 additional meetings shall be held before the end of each calendar year.
(3) Other meetings, including telephone and other telecommunication conference meetings, may be convened at the call of the chairperson or the written request of two or more Board members.
(4) A majority of the members of the Board shall constitute a quorum for all purposes. The quorum must include at least one Occupational Therapist.
(5) The Board shall conduct its meetings and keep records of its proceedings in accordance with the provisions of the Administrative Procedure Act of this State.
(6) All Board meetings and hearings shall be open to the public. The Board may, in its discretion and according to the state's Administrative Procedures Act [or other comparable statute], conduct any portion of its meetings or hearings in executive session, closed to the public.
(7) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the Board and to speak on any issue under Board jurisdiction.

2.11 Powers and Duties

(1) The Board shall in accordance with the Administrative Procedures Act, perform all lawful functions consistent with this Act, or otherwise authorized by State law including that it shall:

(a) Administer, coordinate, and enforce the provisions of this Act;
(b) Evaluate applicants' qualifications for licensure in a timely manner;
(c) Approve an examination for Occupational Therapists and an examination for Occupational Therapy Assistants;
(d) Establish licensure fees and issue, renew, or deny licenses;
(e) Issue subpoenas, examine witnesses, and administer oaths;
(f) Investigate allegations of practices violating the provisions of this Act;
(g) Make, adopt, amend, and repeal such rules as may be deemed necessary by the Board from time to time for the proper administration and enforcement of this Act;
(h) Conduct hearings and keep records and minutes;
(i) Establish a system for giving the public, including its regulated profession, reasonable advance notice of all open Board and committee meetings. Emergency meetings, including telephone or other telecommunication conference meetings, shall be held in accordance with applicable Administrative Procedures Act provisions;
(j) Communicate disciplinary actions to relevant State and federal authorities, the National Board for Certification in Occupational Therapy (NBCOT), the American Occupational Therapy Association (AOTA), and to other State OT licensing authorities; and
(k) Publish at least annually Board rulings, opinions, and interpretations of statutes or rules in order to guide persons regulated by this Act.

(2) No member of the Board shall be civilly liable for any act or failure to act performed in good faith in the performance of his or her duties as prescribed by law.

2.12 Training of New Members

The Board shall conduct and new members shall attend a training program designed to familiarize new members with their duties. A training program for new members shall be held as needed.

Article III. Licensing

3.01 Unlawful Practice

(1) No Person shall practice Occupational Therapy or assist in the practice of Occupational Therapy or provide Occupational Therapy services or hold himself or herself out as an Occupational Therapist or Occupational Therapy Assistant, or as being able to practice Occupational Therapy or assist in the practice of Occupational Therapy or provide Occupational Therapy services in this State unless he or she is licensed under the provisions of this Act.
(2) It is unlawful for any person not licensed as an Occupational Therapist in this State or whose license is suspended or revoked to use in connection with his or her name or place of business in this State, the words

"Occupational Therapist", "licensed Occupational Therapist", or use any word, title, letters, or designation that implies that the person is an Occupational Therapist.

(3) It is unlawful for any person not licensed as an Occupational Therapy Assistant in this State or whose license is suspended or revoked to use in connection with his or her name or place of business in this State, the words "Occupational Therapy Assistant", "licensed Occupational Therapy Assistant", or use any word, title, letters, or designation that implies that the person is an Occupational Therapy Assistant.

3.02 Exemptions

This Act does not prevent or restrict the practice, services or activities of:

(1) Any person licensed or otherwise regulated in this State by any other law from engaging in his or her profession or occupation as defined in the Practice Act under which he or she is licensed.

(2) Any person pursuing a course of study leading to a degree in Occupational Therapy at an accredited educational program, if that person is designated by a title which clearly indicates his or her status as a student and if he or she acts under appropriate instruction and supervision.

(3) Any person fulfilling the supervised fieldwork experience requirements of Section 3.03 of this Act, if the experience constitutes a part of the experience necessary to meet the requirement of that section and he or she acts under appropriate supervision.

(4) An occupational therapist or occupational therapy assistant who is authorized to practice occupational therapy in any other jurisdiction, if he or she practices occupational therapy in this State for the purpose of educating, consulting, or training, for the duration of the purpose, as preapproved by the Board;

3.03 Requirements for Licensure

An applicant applying for a license as an Occupational Therapist or as an Occupational Therapy Assistant shall file a written application provided by the Board, demonstrating to the satisfaction of the Board that the applicant

(1) Is in good standing as defined in Section 1.04;

(2) Has successfully completed the academic requirements of an educational program for Occupational Therapists or Occupational Therapy Assistants that is accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE) or predecessor organizations;

(3) Has successfully completed a period of supervised fieldwork experience required by the recognized educational institution where the applicant met the academic requirements described in Section 3.03 (2).

(a) An Occupational Therapist must complete a minimum of twenty-four weeks of supervised fieldwork experience or satisfy any generally recognized past standards that identified minimum fieldwork requirements at the time of graduation.

(b) An Occupational Therapy Assistant must complete a minimum of sixteen weeks of supervised fieldwork experience or satisfy any generally recognized past standards that identified minimum fieldwork requirements at the time of graduation; and

(4) Has passed an examination approved by the Board as provided for in Section 3.04 of this Act.

3.04 Examination

(1) A person satisfying the requirements of Section 3.03 excluding Subsection (4), may apply for examination. Internationally trained applicants shall comply with section 3.10. A person who fails an examination may apply for reexamination upon payment of the prescribed fee, consistent with regulations promulgated by the Board.

(2) Each applicant for licensure shall be examined by written or computerized examination administered by the National Board for Certification in Occupational Therapy, Inc. (NBCOT) or by another nationally recognized credentialing body as approved by the Board, to test his or her knowledge of the basic and clinical sciences relating to Occupational Therapy, Occupational Therapy theory and practice, and professional ethics and conduct including the applicant's professional skills and judgment in the utilization of Occupational Therapy techniques and methods, and such other subjects as the Board may require to determine the applicant's fitness to practice.

3.05 License Endorsement

The Board may grant a license to any applicant who presents proof of current licensure as an Occupational Therapist or Occupational Therapy Assistant in another State, the District of Columbia, or any territory or jurisdiction of the United States which requires standards for licensure determined by the Board to be at least as stringent as the requirements for licensure in this Act.

3.06 Limited Permit

(1) A limited permit to practice Occupational Therapy may be granted to a person who has completed the academic and fieldwork requirements for Occupational Therapists of this Act and has not yet taken or received the results of the entry-level certification examination. This permit shall be valid for ___ months and shall allow the person to practice Occupational Therapy under the direction and appropriate supervision of an Occupational Therapist licensed under this Act. This permit shall expire when the person is issued a license under Section 3.03 or if the person is notified that he or she did not pass the examination. The limited permit may not be renewed.

(2) A limited permit to assist in the practice of Occupational Therapy may be granted to a person who has completed the academic and fieldwork requirements for Occupational Therapy Assistants of this Act and has not yet taken or received the results of the entry-level certification examination. This permit shall be valid for ___ months and shall allow the person to practice Occupational Therapy under the direction and appropriate supervision of an Occupational Therapist licensed under this Act. This permit shall expire when the person is issued a license under Section 3.03 or if the person is notified that he or she did not pass the examination. The limited permit may not be renewed.

3.07 Temporary License

An applicant who is currently licensed and in good standing to practice in another jurisdiction and meets the requirements for licensure by endorsement may obtain a temporary license while the application is being processed by the Board.

3.08 Issuance of License

The Board shall issue a license to any person who meets the requirements of this Act, as described in sections 3.03 or 3.10, upon payment of the prescribed license fee as described in Section 3.11.

3.09 Renewal of License

(1) Any license issued under this Act shall be subject to annual [biennial] renewal and shall expire unless renewed in the manner prescribed by the rules and regulations of the Board.

(2) The Board shall prescribe by rule continuing competence requirements as a condition for renewal of licensure.

(3) The Board may provide for the late renewal of a license upon the payment of a late fee in accordance with its rules and regulations.

(4) Upon request, the Board shall grant inactive status to a licensee who maintains continuing competence requirements established by the Board, and

   (a) does not practice during such "inactive" period as an Occupational Therapist or an Occupational Therapy Assistant, and

   (b) does not during such "inactive" period hold him or herself out as an Occupational Therapist or an Occupational Therapy Assistant.

(5) Licensees are granted a grace period of 30 days after the expiration of their licenses in which to renew retroactively if they meet statutory requirements for renewal and pay to the Board the renewal fee and any late fee set by the Board.

(6) A suspended license is subject to expiration and may be renewed as provided in this Act, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended.

(7) A license revoked on disciplinary grounds is subject to expiration as provided in this Act, but it may not be renewed. The licensee, as a condition of reinstatement, shall meet license requirements for new licensees and shall pay a reinstatement fee set by the Board.

3.10 Internationally Educated Applicants

Occupational Therapists trained outside of the United States and its territories shall satisfy the examination requirements of Section 3.03 (4). The Board shall require these applicants to meet examination eligibility requirements as established by the credentialing body recognized by the Board and which are substantially equal to those contained in section (3.03) before taking the examination.

3.11 Fees

(1) Consistent with the Administrative Procedures Act, the Board shall prescribe, and publish in the manner established by its rules, fees in amounts determined by the Board for the following:
    (a) Initial license fee
    (b) Renewal of license fee
    (c) Late renewal fee
    (d) Limited permit fee
    (e) Temporary license fee
    (f) Any other fees it determines appropriate.

(2) These fees shall be set in such an amount as to reimburse the State, to the extent feasible, for the cost of the services rendered.

3.12 Titles and Designations

(1) A licensed occupational therapist may use the words "occupational therapist," "licensed occupational therapist," or any words, title, letters, or other appropriate designation, including OT and OT/L, that identifies the person as a licensed occupational therapist in connection with:
    (a) his or her name or place of business; and
    (b) any activity, practice or service, so long as he or she is at all times in conformance with the requirements of this act when providing occupational therapy services.

(2) A licensed occupational therapy assistant may use the words "occupational therapy assistant," "licensed occupational therapy assistant," or any word, title, letters, or other appropriate designation, including OTA or OTA/L, that identifies the person as a licensed occupational therapy assistant in connection with:
    (a) his or her name or place of business; and
    (b) any activity, practice or service, so long as he or she is at all times in conformance with the requirements of this act when providing occupational therapy services.

Article IV. Disciplinary Action

4.01 Grounds for Disciplinary Action

The Board may take action against a licensee as described in Section 4.05 for unprofessional conduct including:

(1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
(2) Being guilty of unprofessional conduct as defined by the rules established by the Board, or violating the Code of Ethics adopted and published by the Board;
(3) Being convicted of a crime in any court except for minor offenses;
(4) Violating any lawful order, rule, or regulation rendered or adopted by the Board;
(5) Violating any provision of this Act (or regulations pursuant to this Act);
(6) Practicing beyond the scope of the practice of Occupational Therapy;
(7) Providing substandard care as an Occupational Therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established;
(8) Providing substandard care as an Occupational Therapy Assistant, including exceeding the authority to perform components of intervention selected and delegated by the supervising Occupational Therapist regardless of whether actual injury to the patient is established;
(9) Knowingly delegating responsibilities to an individual who does not have the knowledge, skills or abilities to perform those responsibilities;
(10) Failing to provide appropriate supervision to an Occupational Therapy Assistant or Aide in accordance with this Act and Board rules;
(11) Practicing as an Occupational Therapist or Occupational Therapy Assistant when competent services to recipients may not be provided due to the therapist's own physical or mental impairment;
(12) Having had an Occupational Therapist or Occupational Therapy Assistant license revoked or suspended, other disciplinary action taken, or an application for licensure refused, revoked or suspended by the proper authorities of another State, territory or country, irrespective of intervening appeals and stays;
(13) Engaging in sexual misconduct. For the purposes of this paragraph, sexual misconduct includes:
    (a) Engaging in or soliciting sexual relationships, whether consensual or non-consensual, while an Occupational Therapist or Occupational Therapy Assistant/patient relationship exists with that person.
    (b) Making sexual advances, requesting sexual favors or engaging in physical contact of a sexual nature with patients or clients.

(14) Aiding or abetting a person who is not licensed as an Occupational Therapist or Occupational Therapy Assistant in this State and who directly or indirectly performs activities requiring a license.
(15) Abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care.

4.02 Complaints

(1) Any person may file a complaint with the Board against any licensed Occupational Therapist or licensed Occupational Therapy Assistant in the State charging that person with having violated the provisions of this Act.
(2) The complaint shall specify charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he or she is charged.
(3) Upon receiving a complaint, the Board shall notify the licensee of the complaint and request a written response from the licensee.
(4) The Board shall keep an information file about each complaint filed with the Board. The information in each complaint file shall contain complete, current and accurate information including, but not limited to:
    (a) all persons contacted in relation to the complaint;
    (b) a summary of findings made at each step of the complaint process;
    (c) an explanation of the legal basis and reason for a complaint that is dismissed; and
    (d) other relevant information.

4.03 Due Process

(1) Before the Board imposes disciplinary actions, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.
(2) The Board shall give notice and hold a hearing in accordance with the State's Administrative Procedures Act [or other comparable statute].
(3) The individual shall be entitled to be heard in his or her defense, alone or with counsel, and may produce testimony and testify in his or her own behalf, and present witnesses, within reasonable time limits.
(4) Any person aggrieved by a final decision of the Board may appeal in accordance with the Administrative Procedures Act [or other comparable statute].

4.04 Investigation

To enforce this Act, the Board is authorized to:
(1) Receive complaints filed against licensees and conduct a timely investigation.
(2) Conduct an investigation at any time and on its own initiative without receipt of a written complaint if the Board has reason to believe that there may be a violation of this Act.
(3) Issue subpoenas to compel the attendance of any witness or the production of any documentation relative to a case.
(4) For good cause, take emergency action ordering the summary suspension of a license or the restriction of the licensee's practice or employment pending proceedings by the Board.
(5) Appoint hearing officers authorized to conduct hearings. Hearing officers shall prepare and submit to the Board findings of fact, conclusions of law and an order that shall be reviewed and voted on by the Board.
(6) Require a licensee to be examined in order to determine the licensee's professional competence or resolve any other material issue arising from a proceeding.
(7) If the Board finds that the information received in a complaint or an investigation is not of sufficient seriousness to merit disciplinary action against a licensee, it may take the following actions:
    (a) Dismiss the complaint if the board believes the information or complaint is without merit or not within the purview of the Board. The record of the complaint shall be expunged from the licensee's record.
    (b) Issue a confidential advisory letter to the licensee. An advisory letter is non-disciplinary and notifies a licensee that, while there is insufficient evidence to begin disciplinary action, the Board believes that the licensee should be aware of an issue.
(8) Take other lawful and appropriate actions within its scope of functions and implementation of this Act.

4.05 Penalties

(1) Consistent with the Administrative Procedures Act, the Board may impose separately, or in combination, any of the following disciplinary actions on a licensee as provided in this Act:

(a) Refuse to issue or renew a license;
(b) Suspend or revoke a license;
(c) Impose probationary conditions;
(d) Issue a letter of reprimand or concern;
(e) Require restitution of fees;
(f) Impose a fine not to exceed $____, which deprives the licensee of any economic advantage gained by the violation and which reimburses the Board for costs of the investigation and proceeding;
(g) Impose practice and/or supervision requirements;
(h) Require licensees to participate in continuing competence activities specified by the Board;
(i) Accept a voluntary surrendering of a license; or
(j) Take other appropriate corrective actions including advising other parties as needed to protect their legitimate interests and to protect the public.

(2) If the Board imposes suspension or revocation of license, application may be made to the Board for reinstatement, subject to the limits of section 3.09 (license renewal). The Board shall have discretion to accept or reject an application for reinstatement and may require an examination or other satisfactory proof of eligibility for reinstatement.

(3) If a licensee is placed on probation, the Board may require the license holder to:
(a) Report regularly to the Board on matters that are the basis of probation;
(b) Limit practice to the areas prescribed by the Board;
(c) Continue to review continuing competence activities until the license holder attains a degree of skill satisfactory to the Board in those areas that are the basis of the probation; or
(d) Provide other relevant information to the Board.

4.06 Injunction

(1) The Board is empowered to apply for relief by injunction, without bond, to restrain any person, partnership, or corporation from any threatened or actual act or practice, which constitutes an offense against this Act. It shall not be necessary for the Board to allege and prove that there is no adequate remedy at law in order to obtain the relief requested. The members of the Board shall not be individually liable for applying for such relief.

(2) If a person other than a licensed Occupational Therapist or Occupational Therapy Assistant threatens to engage in or has engaged in any act or practice which constitutes an offense under this Act, a district court of any county on application of the Board may issue an injunction or other appropriate order restraining such conduct.

Article V. Other

5.01 Severability

(1) If a part of this Act is held unconstitutional or invalid, all valid parts that are severable from the invalid or unconstitutional part shall remain in effect.

(2) If a part of this Act is held unconstitutional or invalid in one or more of its applications, the part shall remain in effect in all constitutional and valid applications that are severable from the invalid applications.

5.02 Effective Date

(1) The Act, except for Section 3.01, shall take effect ninety days (90) days after enactment [unless State practice or requirements require another effective date].

(2) Section 3.01 of this Act shall take effect 180 days after enactment.