

State Legislative Review

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ver the past year, several state occupational therapy associations amended their practice acts, continued with licensure efforts, and monitored the efforts of other professions to expand their scope of practice, including physical therapists, athletic trainers, and others.

State Regulation of OT: Legislation to license occupational therapy assistants (OTAs) was signed into law by Indiana Governor Mitch Daniels on May 10. Indiana House Bill 1233, supported by the Indiana Occupational Therapy Association, not only provides for the licensure of OTAs, but it also deletes problematic language that previously allowed "occupational therapy aides" to assist in the practice of occupational therapy.

York occupational therapy practice act was signed into law by Governor Andrew Cuomo on August 17, 2011. This marked the end of a nearly 10-year quest by the New York State Occupational Therapy Association to revise the practice act. The new law revises the definition of practice of occupational therapy, amends referral requirements, and strengthens regulatory provisions for OTAs.

Wound Care and Sharp Debridement: Last year, the Washington State Attorney General issued opinion AGO 2010 No. 2, stating that "sharp debridement is not within the scope of practice for occupational therapists." The Washington Occupational Therapy Association (WOTA) worked with legislators to have legislation introduced to specifically add wound care and sharp debridement to the occupational therapy scope of practice. The 2010 legislative session ended without the adoption of WOTA's legislation; however, on April 15, 2011, Governor

Christine Gregoire signed legislation that revises the occupational therapy practice act to include wound care management and sharp debridement.

Athletic Trainers: In California, legislation was introduced that would provide for the licensure of athletic trainers and includes broad scope of practice language. The legislation would establish the Athletic Trainer Licensing Committee, which would have the authority to define athletic trainer and craft the scope of practice language through regulation. The Occupational Therapy Association of California submitted a letter to the bill's sponsor, Assembly Member Mary Hayashi, expressing its concern that there is no specific scope of practice language included in the bill. Subsequently, the bill was amended to provide for registration of athletic trainers, and the bill is still pending in the Senate Committee on Business, Professions, and Economic Development. Legislation to register athletic trainers has passed the California legislature for the past 3 years, and each year it was vetoed by then-Governor Arnold Schwarzenegger.

Athletic trainer licensure legislation was also introduced in Connecticut. The Connecticut Occupational Therapy Association (ConnOTA) worked with AOTA and the state physical therapy chapter to raise concerns surrounding the athletic training scope of practice language. Of concern was language that included rehabilitation in the definition of athletic training. Conn-OTA provided testimony and written comments to legislators regarding the rehabilitation language and other issues of concern. Ultimately, through prolonged negotiations, Connecticut's 2011 legislative session adjourned on June 8 without the athletic trainer bill being heard, and the legislation died.

Physical Therapists: State physical therapy chapters are being encouraged to adopt the American Physical Therapy Association's *Guide to Physical Therapist Practice*. Of concern is the addition of "functional training and self-care and in home, community, or work re-integration" to the model definition of physical therapy. The limited context addressing functional training is not clearly defined, potentially misleading consumers and encroaching on occupational therapy's traditional domain

This year the **Alabama** Occupational Therapy Association successfully negotiated with the state physical therapy association to include favorable terms for the use of functional training related to movement and mobility in a physical therapy bill, but the bill failed to pass out of committee.

In addition, in **Oklahoma** legislation was introduced to amend the physical therapy practice act regarding functional training, wound care, and debridement. The Oklahoma Occupational Therapy Association was successful in advocating for clarifying language similar to that used in Alabama concerning functional training. However, other health care practitioners have raised concerns regarding other language in the bill and the legislation has yet to move out of committee.

Looking forward, the Capital Briefing article in the January 23, 2012, issue of *OT Practice* will provide a forecast for the 2012 state legislative sessions, including a discussion of health care reform implementation efforts at the state level. ■

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