

February 17, 2005

H 287. AMEND OCCUPATIONAL THERAPY LAWS/FEEES. AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE CEILING ON ITS FEES. Makes numerous amendments to the provisions of GS Ch. 90 regulating the practice of occupational therapy. Enacts new GS 90-270.67A to generally define the practice of occupational therapy as addressing the physical, cognitive, psychological, 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. Amends GS 90-270.68 to increase the number of members on the NC Board of Occupational Therapy from six to seven, the new member to be a counselor, educator, or school-based professional certified or licensed under NC law who is employed in a public school system and is not an occupational therapist or an occupational therapy assistant. Establishes 4-year staggered terms for board members. Amends GS 90-270.69 to provide that the board shall communicate disciplinary actions to relevant government authorities and shall conduct a training program for new board members to familiarize them with their duties. Amends GS 90-270.70 to delete the requirement that an applicant for licensure have at least 6 months of field work and substitutes a requirement of field work as determined by the board. Adds new provision that occupational therapists trained outside the United States shall satisfy the examination and educational requirements as required by this statute, and further provides that the board shall require such applicants to meet examination eligibility requirements as established by the credentialing body recognized by the board before taking the examination. Repeals GS 90-270.71, regarding examination requirements. Amends GS 90-270.74 to delete the provisions regarding provisional licenses and substitute provisions for granting a limited permit for up to 120 days.

Amends GS 90-270.76 to add the following as grounds for suspension, revocation, or refusal to renew a license: (1) conviction of, or entering plea of no contest to any crime that indicates the occupational therapist or assistant is unfit or incompetent to practice or has deceived or defrauded the public; (2) having had an occupational therapy license revoked or suspended or other disciplinary action taken in NC or another jurisdiction; (3) being unfit or incompetent to practice occupational therapy because of deliberate or negligent acts or omissions regardless of whether actual injury to a patient is established; (4) engaging in unprofessional conduct.

Amends GS 90-270.77 to increase maximum fees that may be charged by the board as follows:

- Initial application--\$25 (now, \$10)
- Issuance of an initial license--\$200 (now, \$100)
- Renewal of license--\$100 (now, \$50)
- Late renewal of license--\$100 (now, \$50)
- Limited permit--\$50 (now, \$35 for provisional license)

Enacts new GS 90-270.78(b) to provide that a person in another state or country, unlicensed in NC, who performs occupational therapy by electronic or other means shall be regarded as practicing without a license.

Enacts new GS 90-270.80A to authorize the board to assess a civil penalty not in excess of \$1,000 for violation of any provision of the occupational therapy act and directs the board to establish a schedule of civil penalties.

Enacts new GS 90-270.81(6) to provide that the practice of occupational therapy by an occupational therapist or assistant licensed in another jurisdiction who comes into NC on an irregular basis to consult with a NC licensed therapist or assistant or to consult with faculty at an academic facility about education and training is not restricted by the act.

Intro. by Nye.

Ref. to Finance

GS 90