

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 287\*

Short Title: Amend Occupational Therapy Laws/Fees. (Public)

Sponsors: Representatives Nye; Barnhart, England, and Womble.

Referred to: Finance.

February 17, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING CERTAIN LAWS RELATING TO THE NORTH CAROLINA  
3 OCCUPATIONAL THERAPY PRACTICE ACT AND AUTHORIZING THE  
4 NORTH CAROLINA BOARD OF OCCUPATIONAL THERAPY TO RAISE THE  
5 CEILING ON ITS FEES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 90-270.66 reads as rewritten:

8 "**§ 90-270.66. Declaration of purpose.**

9 The North Carolina Occupational Therapy Practice Act is enacted to safeguard the  
10 public health, safety and welfare, to protect the public from being harmed by  
11 unqualified persons, to assure the highest degree of professional ~~care~~ services and  
12 conduct on the part of occupational therapists and occupational ~~therapist~~ therapy  
13 assistants, to provide for the establishment of ~~standards of education, licensure~~  
14 requirements, and to insure the availability of occupational therapy services of high  
15 quality to persons in need of such services. It is the purpose of this Article to provide for  
16 the regulation of persons offering occupational therapy services to the public."

17 **SECTION 2.** G.S. 90-270.67 reads as rewritten:

18 "**§ 90-270.67. Definitions.**

19 As used in this Article, unless the context clearly requires a different meaning:

20 (1) Accrediting body. – The Accrediting Council for Occupational  
21 Therapy Education.

22 ~~(1a)~~ "Board" ~~means the~~ Board. – The North Carolina Board of  
23 Occupational Therapy.

24 (1b) Examining body. – The National Board for Certification in  
25 Occupational Therapy.

26 (2) ~~"Occupational therapist"~~ means an Occupational therapist. – An  
27 individual licensed in good standing to practice occupational therapy  
28 as defined in this Article.

1 (3) ~~"Occupational therapist assistant" means an~~ Occupational therapy  
 2 ~~assistant. – An~~ individual licensed in good standing to assist in the  
 3 practice of occupational therapy under this Article, who performs  
 4 activities commensurate with his or her education and training under  
 5 the supervision of a licensed occupational therapist.

6 (4) ~~"Occupational therapy" means a health care profession providing~~  
 7 ~~evaluation, treatment and consultation to help individuals achieve a~~  
 8 ~~maximum level of independence by developing skills and abilities~~  
 9 ~~interfered with by disease, emotional disorder, physical injury, the~~  
 10 ~~aging process, or impaired development. Occupational therapists use~~  
 11 ~~purposeful activities and specially designed orthotic and prosthetic~~  
 12 ~~devices to reduce specific impairments and to help individuals achieve~~  
 13 ~~independence at home and in the work place.~~

14 Occupational therapy. – The therapeutic use of everyday life activities  
 15 with individuals or groups for the purpose of participation in roles and  
 16 situations in home, school, workplace, community, or other settings.

17 (5) ~~"Person" means any~~ Person. – Any individual, partnership,  
 18 unincorporated organization, or corporate body, except that only an  
 19 individual may be licensed under this Article."

20 **SECTION 3.** Article 18D of Chapter 90 of the General Statutes is amended  
 21 by adding a new section to read:

22 **"§ 90-270.67A. Practice of occupational therapy.**

23 Occupational therapy services are provided to those who have or are at risk for  
 24 developing an illness, injury, disease, disorder, condition, impairment, disability,  
 25 activity limitation, or participation restriction. Occupational therapy addresses the  
 26 physical, cognitive, psychological, sensory, and other aspects of performance in a  
 27 variety of contexts to support engagement in everyday life activities that affect health,  
 28 well-being, and quality of life. The practice of occupational therapy includes:

29 (a) Various methods that shall include the following:

- 30 (1) Establishment, remediation, or restoration of a skill that has not yet  
 31 developed or is impaired.
- 32 (2) Compensation, modification, or adaptation of activity or environment  
 33 to enhance performance.
- 34 (3) Maintenance and enhancement of capabilities without which  
 35 performance in everyday life activities would decline.
- 36 (4) Health and wellness promotion to enable or enhance performance in  
 37 everyday life activities.
- 38 (5) Prevention of barriers to performance, including disability prevention.

39 (b) Evaluation of factors affecting activities of daily living 'ADL', instrumental  
 40 activities of daily living 'IADL', education, work, play, leisure, and social participation  
 41 including:

- 42 (1) Client factors, including physiological and anatomical systems.
- 43 (2) Habits, routines, roles, and behavior patterns.

- 1           (3) Cultural, physical, environmental, social and spiritual contexts, and  
2           activity demands that affect performance.
- 3           (4) Performance skills, including motor, process, and interaction skills.
- 4       (c) Interventions and procedures to promote or enhance safety and performance  
5 in activities of daily living 'ADL', instrumental activities of daily living 'IADL',  
6 education, work, play, leisure, and social participation including:
- 7           (1) Therapeutic use of occupations, exercises, and activities.
- 8           (2) Training in self-care, self-management, home management, and  
9           community or work reintegration.
- 10          (3) Development, remediation, or compensation of physical, cognitive,  
11          neuromuscular, and behavioral skills.
- 12          (4) Therapeutic use of self, including the client's personality, insights,  
13          perceptions, and judgments as part of the therapeutic process.
- 14          (5) Education and training of individuals, including family members,  
15          caregivers, and others.
- 16          (6) Care coordination, case management, and transition services.
- 17          (7) Consultative services to groups, programs, organizations, or  
18          communities.
- 19          (8) Modification of environments, including home, work, school, or  
20          community and adaptation of processes, including the application of  
21          ergonomic principles.
- 22          (9) Assessment, design, fabrication, application, fitting, and training in  
23          assistive technology, adaptive devices, and orthotic devices and  
24          training in the use of prosthetic devices.
- 25          (10) Assessment, recommendation, and training in techniques to enhance  
26          mobility, including wheelchair management and adaptive driving.
- 27          (11) Management of feeding, eating, and swallowing to enable eating and  
28          feeding performance.
- 29          (12) Application of physical agent modalities and use of a range of specific  
30          therapeutic procedures, including wound care management, techniques  
31          to enhance sensory, perceptual, and cognitive processing, and manual  
32          therapy techniques to enhance performance skills."

33       **SECTION 4.** G.S. 90-270.68 reads as rewritten:

34       "**§ 90-270.68. Establishment of Board, ~~terms of members, terms, vacancies,~~**  
35       **removal, meetings, compensation.**

36       (a) Establishment of Board. – The North Carolina Board of Occupational  
37 Therapy is created. The Board shall ~~have six members. All members shall be~~ consist of  
38 seven members who are appointed by the Governor and shall be residents of this  
39 State at the time of and during their ~~appointment.~~ appointment, as follows:

- 40           (1) Three members shall be occupational therapists and one member shall  
41           be an occupational ~~therapist assistant; each~~ therapy assistant. Each  
42           of these members shall be licensed to practice in North Carolina and have  
43           practiced, taught, or engaged in research in occupational therapy for at

1 least three of the five years immediately preceding appointment to the  
2 Board.

3 (2) ~~The fifth board~~One member shall be a physician in good standing with  
4 the North Carolina Medical Board and licensed by and registered with  
5 the North Carolina Medical Board to practice medicine; and medicine  
6 in this State.

7 (3) ~~the sixth board~~One member shall represent the public at large and shall  
8 be a person who is not a health care provider licensed under this  
9 Chapter.Chapter or the spouse of a licensed health care provider.

10 (4) One member shall be a counselor, educator, or school-based  
11 professional certified or licensed under North Carolina law who is  
12 employed in the North Carolina Public School System and is not an  
13 occupational therapist or an occupational therapy assistant.

14 The ~~medical doctor, occupational therapists, and occupational therapist~~  
15 ~~assistant~~occupational therapist members and the occupational therapy assistant member  
16 shall be appointed by the Governor from a list compilednominated by the North  
17 Carolina Occupational Therapy Association, Inc., following the use of a ~~nomination~~  
18 procedure made available to all occupational therapists and occupational ~~therapist~~  
19 therapy assistants licensed and residing in North Carolina. In soliciting nominations and  
20 compiling its list, the Association shall give consideration to geographic distribution,  
21 clinical specialty, and other factors that will promote representation of all aspects of  
22 occupational therapy practice. The records of the nomination procedures shall be filed  
23 with the Board and made available for a period of six months following nomination for  
24 reasonable inspection by any licensed practitioner of occupational therapy.

25 The physician member shall be nominated by the North Carolina Occupational  
26 Therapy Association, Inc., after consultation with the North Carolina Medical Society.  
27 The counselor, educator, or school-based professional member shall be nominated by  
28 the North Carolina Occupational Therapy Association, Inc., after consultation with the  
29 North Carolina School Counselor's Association.

30 (b) Terms. – Members of the Board shall serve four-year staggered terms. No  
31 member shall serve more than two consecutive four-year terms, unless a member is  
32 appointed to fill a vacancy for an unexpired term, then that member may complete the  
33 unexpired term and serve one additional four-year term.

34 (c) Vacancies. – In the event that a member of the Board cannot complete a term  
35 of office, the vacancy shall be filled by appointment by the Governor, in accordance  
36 with the procedures set forth in this section, for the remainder of the unexpired term.

37 (d) Removal. – The Board may remove any of its members for neglect of duty,  
38 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings  
39 shall be disqualified from participating in Board business until the charges are resolved.

40 (e) Meetings. – Each year the Board shall meet and designate a ~~chairman~~  
41 chairperson, a vice-chairperson, and a secretary-treasurer from among its members. The  
42 Board may hold additional meetings upon call of the ~~chairman~~ chairperson or any two  
43 board members. A majority of the Board membership shall constitute a quorum.

1 (f) Compensation. – Members of the Board shall receive no compensation for  
2 their services, but shall be entitled to travel, per diem, and other expenses authorized by  
3 G.S. 93B-5."

4 **SECTION 5.** G.S. 90-270.69 reads as rewritten:

5 **"§ 90-270.69. Powers and duties of the Board.**

6 The Board shall have the following powers and duties:

- 7 (1) ~~Examine~~Establish and determine the qualifications and fitness of  
8 applicants for licensure to practice occupational therapy in this  
9 ~~State;~~State.
- 10 (2) Conduct investigations, subpoena individuals and records, and do all  
11 other things necessary and proper to discipline persons licensed under  
12 this Article and to enforce this ~~Article;~~Article.
- 13 (2a) Communicate disciplinary actions to relevant State and federal  
14 authorities and to other state occupational therapy licensing authorities.
- 15 (3) Issue and renew, and deny, suspend, revoke or refuse to issue or renew  
16 any license under this ~~Article;~~Article.
- 17 (4) Adopt, amend, or repeal any reasonable rules or regulations necessary  
18 to carry out the purposes of this Article, including but not limited to  
19 rules establishing ethical standards of ~~practice;~~practice.
- 20 (5) Employ professional, clerical, investigative or special personnel  
21 necessary to carry out the provisions of this Article, and purchase or  
22 rent office space, equipment and ~~supplies;~~supplies.
- 23 (6) Adopt a seal by which it shall authenticate its proceedings, official  
24 records, and ~~licenses;~~licenses.
- 25 (7) Conduct administrative hearings in accordance with Chapter 150B of  
26 the General Statutes when a "contested case" as defined in  
27 G.S. 150B-2(2) arises under this ~~Article;~~Article.
- 28 (8) Establish reasonable fees for applications for ~~examination; initial,~~  
29 ~~provisional,initial limited permits~~ and renewal ~~licenses;~~licenses and  
30 other services provided by the ~~Board;~~Board.
- 31 (9) Submit an annual report to the Governor and General Assembly of all  
32 its official actions during the preceding year, together with any  
33 recommendations and findings regarding improvement of the  
34 profession of occupational ~~therapy;~~therapy.
- 35 (10) Publish and make available upon request the licensure standards  
36 prescribed under this Article and all rules and regulations established  
37 by the ~~Board;~~Board.
- 38 (11) ~~Approve educational curricula and field work experience accredited by~~  
39 ~~the American Medical Association and American Occupational~~  
40 ~~Therapy Association for persons seeking licensure under this~~  
41 ~~Article.~~Conduct a training program as needed for new board members  
42 designed to familiarize new members with their duties."

43 **SECTION 6.** G.S. 90-270.70 reads as rewritten:

44 **"§ 90-270.70. Requirements for licensure.**

1 (a) Any individual who desires to be licensed as an occupational therapist or  
2 occupational ~~therapist-therapy~~ assistant shall file a written application with the Board on  
3 forms provided by the Board, showing to the satisfaction of the Board that the applicant:

4 (1) Is of good moral character; and

5 (2) Has passed an examination approved by the Board as provided in this  
6 Article.

7 Applicants for licensure as an occupational therapist must also have successfully  
8 completed an accredited occupational therapy educational curriculum and the required  
9 supervised field work experience of at least six months' duration. ~~fieldwork as~~  
10 ~~determined by the Board.~~ Applicants for licensure as an occupational ~~therapist-therapy~~  
11 assistant must also have successfully completed an accredited occupational therapy  
12 assistant educational curriculum and the required supervised field work experience of at  
13 least two months' duration. ~~fieldwork as determined by the Board.~~

14 (b) Occupational therapists who are trained outside of the United States and its  
15 territories shall satisfy the examination and educational requirements as stated in  
16 subsection (a) of this section. The Board shall require these applicants to meet  
17 examination eligibility requirements as established by the credentialing body recognized  
18 by the Board before taking the examination."

19 **SECTION 7.** G.S. 90-270.71 is repealed.

20 **SECTION 8.** G.S. 90-270.72 reads as rewritten:

21 "**§ 90-270.72. Exemption from requirements.**

22 (a) ~~The Board shall waive the examination, education, and field work~~  
23 ~~requirements of G.S. 90-270.70 and shall grant a license to any applicant who presents~~  
24 ~~evidence satisfactory to the Board that he or she has been engaged in the practice of~~  
25 ~~occupational therapy as an occupational therapist or occupational therapist assistant~~  
26 ~~before September 1, 1984. Proof of such actual practice shall be presented to the Board~~  
27 ~~as established by regulation. To qualify for exemption under this section, the applicant~~  
28 ~~shall file an application for licensure no later than September 1, 1985.~~

29 (b) The Board may ~~grant a license without examination to any applicant who~~  
30 exempt an applicant from certain licensure requirements if the applicant presents proof  
31 satisfactory to the Board of current licensure as an occupational therapist or  
32 occupational ~~therapist-therapy~~ assistant in another state or the District of Columbia,  
33 Puerto Rico, or Guam, provided the other jurisdiction's licensure standards are  
34 considered by the Board to be substantially equivalent to or higher than those prescribed  
35 in this Article."

36 **SECTION 9.** G.S. 90-270.73 reads as rewritten:

37 "**§ 90-270.73. Issuance of license.**

38 (a) The Board shall issue a license to any individual who meets the requirements  
39 of this Article upon payment of the license fee prescribed in G.S. 90-270.77.

40 (b) Any individual licensed as an occupational therapist under this Article may  
41 use the words "occupational therapist" and may use the letters "O.T." or  
42 "O.T.R./L." "O.T./L." in connection with his name or place of business.

43 (c) Any individual licensed as an occupational ~~therapist-therapy~~ assistant under  
44 this Article may use the words "occupational ~~therapist-therapy~~ assistant" and may use

1 the ~~letter~~ letters "O.T.A." or "~~C.O.T.A./L.~~""O.T.A./L." in connection with his name or  
2 place of business.

3 (d) Any individual possessing a limited permit to practice occupational therapy  
4 may use the words 'occupational therapy limited permittee' or 'occupational therapy  
5 assistant limited permittee' and may use the letters 'O.T./L.P.' or 'O.T.A./L.P.' in  
6 connection with his or her name or place of business."

7 **SECTION 10.** G.S. 90-270.74 reads as rewritten:

8 "**§ 90-270.74. Provisional licenses.**Limited permits.

9 The Board may grant a ~~provisional license for a period not exceeding nine months~~  
10 ~~to any~~limited permit to an individual who has successfully completed the educational  
11 and field work ~~experience requirements and has made application to take the~~  
12 ~~examination~~ for examination but has not yet taken or received the results of the  
13 examination required under G.S. 90-270.70. A ~~provisional license~~limited permit shall be  
14 valid for 120 days and shall allow the individual to practice as an occupational therapist  
15 or occupational therapist-therapy assistant under the supervision of an occupational  
16 therapist licensed in this State and shall be valid until revoked by the Board. A  
17 ~~provisional license~~State. A limited permit shall expire when the individual is issued a  
18 license under G.S. 90-270.73 or if the individual is notified that he or she did not pass  
19 the examination. A limited permit is not renewable. A limited permit shall not be issued  
20 to an applicant who has failed the ~~examination in this State or another~~  
21 jurisdiction examination."

22 **SECTION 11.** G.S. 90-270.75(a) reads as rewritten:

23 "(a) Licenses issued under this Article shall be subject to annual renewal upon  
24 completion of ~~such~~ continuing education and competency requirements as may be  
25 required by the Board, upon the payment of a renewal fee specified under  
26 G.S. 90-270.77 and in compliance with this Article, and shall expire unless renewed in  
27 the manner prescribed by the Board. The Board may provide for the late renewal of a  
28 license upon the payment of a late fee in accordance with G.S. 90-270.77, but no such  
29 late renewal may be granted more than five years after a license expires."

30 **SECTION 12.** G.S. 90-270.76 reads as rewritten:

31 "**§ 90-270.76. Suspension, revocation and refusal to renew license.**

32 (a) The Board may deny or refuse to renew a license, may suspend or revoke a  
33 license, or may impose probationary conditions on a license if the licensee or applicant  
34 for licensure has engaged in any of the following conduct:

- 35 (1) ~~Employment of fraud, deceit or misrepresentation in obtaining or~~  
36 ~~attempting to obtain a license, or the renewal thereof;~~Obtaining a  
37 license by means of fraud, misrepresentation, or concealment of  
38 material facts.
- 39 (2) ~~Conviction of or a plea of guilty or nolo contendere to any crime~~  
40 ~~involving moral turpitude;~~Engaging in unprofessional conduct  
41 pursuant to rules established by the Board or violating the Code of  
42 Ethics adopted and published by the Board.
- 43 (3) ~~Adjudication of insanity or incompetency, until proof of recovery from~~  
44 ~~the condition can be established;~~Having been convicted of or pleaded

1 guilty or nolo contendere to a crime involving moral turpitude or any  
 2 crime which indicates that the occupational therapist or occupational  
 3 therapy assistant is unfit or incompetent to practice occupational  
 4 therapy or that the occupational therapist or occupational therapy  
 5 assistant has deceived or defrauded the public.

- 6 (4) Engaging in any act or practice violative of any of the provisions of  
 7 this Article or any rule or regulation adopted by the Board ~~hereunder,~~  
 8 or aiding, abetting or assisting any person in such a ~~violation;~~violation.  
 9 (5) Committing an act or acts of malpractice, gross negligence or  
 10 incompetence in the practice of occupational ~~therapy;~~therapy.  
 11 (6) Practicing as a licensed occupational therapist or occupational  
 12 therapist assistant without a current ~~license;~~license.  
 13 (7) Engaging in conduct that could result in harm or injury to the public.  
 14 (8) Having an occupational therapy license revoked or suspended or other  
 15 disciplinary action taken whether in this State or another jurisdiction.  
 16 (9) Being unfit or incompetent to practice occupational therapy by reason  
 17 of deliberate or negligent acts or omissions regardless of whether  
 18 actual injury to a patient is established.

19 (b) ~~Such~~ The denial, refusal to renew, suspension, revocation or imposition of  
 20 probationary conditions upon a license may be ordered by the Board after a hearing held  
 21 in accordance with G.S. Chapter 150B and rules adopted by the Board. An application  
 22 may be made to the Board for reinstatement of a revoked license if the revocation has  
 23 been in effect for at least one year."

24 **SECTION 13.** G.S. 90-270.77 reads as rewritten:

25 "**§ 90-270.77. Fees.**

26 The Board shall adopt and publish, in the manner established by its rules and  
 27 regulations, fees reasonably necessary to cover the cost of services rendered for the  
 28 following purposes:

- 29 (1) For an initial application, a fee not to exceed ~~ten dollars~~  
 30 ~~(\$10.00);~~twenty-five dollars (\$25.00).  
 31 (2) For ~~examination, reexamination, or issuance of a license~~ an initial  
 32 license, a fee not to exceed ~~one hundred dollars (\$100.00);~~two hundred  
 33 dollars (\$200.00).  
 34 (3) For the renewal of a license, a fee not to exceed ~~fifty dollars~~  
 35 ~~(\$50.00);~~one hundred dollars (\$100.00).  
 36 (4) For the late renewal of a license, a fee not to exceed ~~fifty dollars~~  
 37 ~~(\$50.00);~~one hundred dollars (\$100.00).  
 38 (5) For a ~~provisional license, limited permit,~~ a fee not to exceed ~~thirty-five~~  
 39 ~~dollars (\$35.00);~~ and fifty dollars (\$50.00).  
 40 (6) For copies of Board rules and licensure standards, charges not  
 41 ~~exceeding to exceed~~ the actual cost of printing and mailing."

42 **SECTION 14.** G.S. 90-270.78 reads as rewritten:

43 "**§ 90-270.78. False representation of license prohibited.**



1 (a) It is unlawful for any person who is not licensed in accordance with this  
2 Article or whose license has been suspended, revoked or not renewed by the Board to:

3 (1) Engage in the practice of occupational ~~therapy~~;therapy.

4 (2) Orally, in writing, in print or by sign, or in any other manner, directly  
5 or by implication, represent that he or she is engaging in occupational  
6 ~~therapy~~; ~~or~~therapy.

7 (3) Use in connection with his or her name or place of business the words  
8 "~~occupational~~ ~~therapist~~" ~~or~~ "~~occupational~~ ~~therapist~~  
9 ~~assistant~~";'occupational therapist', 'occupational therapy assistant',  
10 'occupational therapist limited permittee', or 'occupational therapy  
11 assistant limited permittee', or the letters "O.T.", "~~O.T.R./L.~~", "O.T./L.",  
12 "O.T.A.", ~~or~~ "~~C.O.T.A./L.~~" "O.T.A./L.", 'O.T./L.P.', or 'O.T.A./L.P.' or  
13 any other words, letters, abbreviations or insignia indicating or  
14 implying that the person is an occupational ~~therapist~~ ~~or~~therapist,  
15 occupational ~~therapist~~ ~~assistant~~.therapy assistant, occupational  
16 therapist limited permittee, or occupational therapy assistant limited  
17 permittee.

18 (b) Any person who resides in another state or foreign country and who, by use  
19 of electronic or other medium, performs any of the acts described as the practice of  
20 occupational therapy pursuant to this Article, but is not licensed pursuant to this Article,  
21 shall be regarded as practicing occupational therapy without a North Carolina license  
22 and is subject to the provisions of this Article and appropriate regulation by the Board."

23 **SECTION 15.** Article 18D of Chapter 90 of the General Statutes is amended  
24 by adding a new section to read:

25 "**§ 90-270.80A. Civil penalties, disciplinary costs.**

26 (a) Authority to Assess Civil Penalties. – The Board may assess a civil penalty  
27 not in excess of one thousand dollars (\$1,000) for the violation of any section of this  
28 Article or the violation of any rules adopted by the Board. The clear proceeds of any  
29 civil penalty assessed under this section shall be remitted to the Civil Penalty and  
30 Forfeiture Fund in accordance with G.S. 115C-457.2.

31 (b) Consideration Factors. – Before imposing and assessing a civil penalty, the  
32 Board shall consider the following factors:

33 (1) The nature, gravity, and persistence of the particular violation.

34 (2) The appropriateness of the imposition of a civil penalty when  
35 considered alone or in combination with other punishment.

36 (3) Whether the violation was willful and malicious.

37 (4) Any other factors that would tend to mitigate or aggravate the  
38 violations found to exist.

39 (c) Schedule of Civil Penalties. – The Board shall establish a schedule of civil  
40 penalties for violations of this Article and rules adopted by the Board.

41 (d) Costs. – The Board may assess the costs of disciplinary actions against a  
42 person found to be in violation of this Article or rules adopted by the Board."

43 **SECTION 16.** G.S. 90-270.81 reads as rewritten:

44 "**§ 90-270.81. Persons and practices not affected.**

1 Nothing in this Article shall be construed to prevent or restrict:

- 2 (1) Any person registered, certified, credentialed, or licensed to engage in  
3 another profession or occupation or any person working under the  
4 supervision of a person registered, certified, credentialed, or licensed  
5 to engage in another profession or occupation in this State from  
6 performing work incidental to the practice of that profession or  
7 occupation as long as the person does not represent himself or herself  
8 as an occupational therapist or occupational ~~therapist assistant;~~therapy  
9 assistant.
- 10 (2) Any person employed as an occupational therapist or occupational  
11 ~~therapist-therapy~~ assistant by the government of the United States, if  
12 he or she provides occupational therapy solely under the direction or  
13 control of the organization by which he or she is ~~employed;~~employed.
- 14 (3) Any person pursuing a course of study leading to a degree or  
15 certificate in occupational therapy at an accredited or approved  
16 educational program if ~~such~~the activities and services constitute a part  
17 of a supervised course of study and if the person is designated by a  
18 title which clearly indicates his or her status as a student or  
19 ~~trainee;~~trainee.
- 20 (4) Any person fulfilling the supervised ~~field work~~fieldwork experience  
21 required for licensure under this Article if the person is designated by a  
22 ~~title which~~title, which clearly indicates his or her status as a student or  
23 ~~trainee;~~trainee.
- 24 (5) Occupational therapists or occupational ~~therapist-therapy~~ assistants  
25 licensed in other jurisdictions who are ~~teaching-consulting,~~ teaching, or  
26 participating in special occupational therapy education projects,  
27 demonstrations or courses in this State, provided their evaluation and  
28 treatment of patients is minimal.
- 29 (6) The practice of occupational therapy by an occupational therapist or  
30 occupational therapy assistant licensed in another jurisdiction who  
31 comes into this State, whether in person or by use of any electronic or  
32 other medium, on an irregular basis, to consult with a North Carolina  
33 licensed occupational therapist or occupational therapy assistant or to  
34 consult with faculty at an academic facility about education and  
35 training. This shall not apply to occupational therapists or occupational  
36 therapy assistants residing in a neighboring state and regularly  
37 practicing in this State."

38 **SECTION 17.** All members serving on the North Carolina Board of  
39 Occupational Therapy on the effective date of this act shall complete their current terms.  
40 Upon completion of their current terms, the occupational therapists members, the  
41 occupational therapy assistant member, and the physician member shall be eligible to  
42 serve one additional four-year term. The Governor shall appoint a new public member  
43 to serve a four-year term. The Governor shall also appoint the counselor, educator, or  
44 school-based professional member for a four-year term pursuant to

- 1 G.S. 90-270.68(a)(4), as enacted in Section 4 of this act, to begin October 1, 2005.
- 2 Members appointed thereafter shall serve four-year terms.
- 3 **SECTION 18.** This act is effective when it becomes law.