

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0084.01 Richard Sweetman x4333

SENATE BILL 21-003

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE RECREATION AND REENACTMENT, WITH**
102 **AMENDMENTS, OF THE "OCCUPATIONAL THERAPY PRACTICE**
103 **ACT", AND, IN CONNECTION THEREWITH, REESTABLISHING THE**
104 **LICENSING FUNCTIONS OF THE DIRECTOR OF THE DIVISION OF**
105 **PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF**
106 **REGULATORY AGENCIES REGARDING OCCUPATIONAL**
107 **THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
January 14, 2021

SENATE
Amended 3rd Reading
January 14, 2021

SENATE
2nd Reading Unamended
January 13, 2021

The bill recreates, with amendments, the "Occupational Therapy Practice Act" (Act), which repealed September 1, 2020. Specifically, the bill:

- Recreates and extends the Act for 9 years, until 2030;
- Modifies the legislative declaration and definitions related to the scope of practice of occupational therapy;
- Designates "occupational therapy consultant", "M.O.T.", "M.O.T./L.", "occupational therapy assistant", "O.T.A.", and "C.O.T.A." as protected titles and clarifies that individuals who legally practice temporarily as occupational therapists in Colorado may use protected titles;
- Reorders and amends certain provisions concerning examinations and applications for licensure by occupational therapists and occupational therapy assistants;
- Adds certain prohibited behaviors as grounds for discipline; and
- Removes obsolete language.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **recreate and**
3 **reenact, with amendments,** article 270 of title 12 as follows:

4 **12-270-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 270 IS
5 THE "OCCUPATIONAL THERAPY PRACTICE ACT".

6 **12-270-102. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

8 (a) OCCUPATIONAL THERAPY SERVICES ARE PROVIDED FOR THE
9 PURPOSE OF PROMOTING HEALTH AND WELLNESS TO THOSE WHO HAVE OR
10 ARE AT RISK FOR DEVELOPING AN ILLNESS, INJURY, DISEASE, DISORDER,
11 CONDITION, IMPAIRMENT, DISABILITY, ACTIVITY LIMITATION, OR
12 PARTICIPATION RESTRICTION;

13 (b) OCCUPATIONAL THERAPY ADDRESSES THE PHYSICAL,
14 COGNITIVE, PSYCHOSOCIAL, SENSORY, AND OTHER ASPECTS OF

1 PERFORMANCE IN A VARIETY OF CONTEXTS TO SUPPORT ENGAGEMENT IN
2 EVERYDAY LIFE ACTIVITIES THAT AFFECT HEALTH, WELL-BEING, AND
3 QUALITY OF LIFE;

4 (c) OCCUPATIONAL THERAPY PRACTICE CONSISTS OF CLIENT
5 MANAGEMENT, WHICH INCLUDES OCCUPATIONAL THERAPY DIAGNOSIS AND
6 PROGNOSIS TO OPTIMIZE OCCUPATIONAL PERFORMANCE;

7 (d) OCCUPATIONAL THERAPY INCLUDES CONTRIBUTIONS TO PUBLIC
8 HEALTH SERVICES THAT ARE INTENDED TO IMPROVE THE HEALTH OF THE
9 PUBLIC;

10 (e) THE PROFESSIONAL SCOPE OF OCCUPATIONAL THERAPY
11 PRACTICE EVOLVES IN RESPONSE TO INNOVATION, RESEARCH,
12 COLLABORATION, AND CHANGE IN SOCIETAL NEEDS; AND

13 (f) THIS ARTICLE 270 IS NECESSARY TO:

14 (I) SAFEGUARD THE PUBLIC HEALTH, SAFETY, AND WELFARE; AND

15 (II) PROTECT THE PUBLIC FROM INCOMPETENT, UNETHICAL, OR
16 UNAUTHORIZED PERSONS.

17 (2) THE GENERAL ASSEMBLY FURTHER DETERMINES THAT IT IS THE
18 PURPOSE OF THIS ARTICLE 270 TO REGULATE PERSONS WHO ARE
19 REPRESENTING THEMSELVES AS OCCUPATIONAL THERAPISTS AND
20 OCCUPATIONAL THERAPY ASSISTANTS AND WHO ARE PERFORMING
21 SERVICES THAT CONSTITUTE OCCUPATIONAL THERAPY.

22 **12-270-103. Applicability of common provisions.** ARTICLES 1,
23 20, AND 30 OF THIS TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS
24 ARTICLE 270.

25 **12-270-104. Definitions - rules.** AS USED IN THIS ARTICLE 270,
26 UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 (1) "ACTIVITIES OF DAILY LIVING" MEANS ACTIVITIES THAT ARE

1 ORIENTED TOWARD TAKING CARE OF ONE'S OWN BODY, SUCH AS BATHING,
2 SHOWERING, BOWEL AND BLADDER MANAGEMENT, DRESSING, EATING,
3 FEEDING, FUNCTIONAL MOBILITY, PERSONAL DEVICE CARE, PERSONAL
4 HYGIENE AND GROOMING, SEXUAL ACTIVITY, SLEEP, REST, AND TOILET
5 HYGIENE.

6 (2) "AIDE" MEANS A PERSON WHO IS NOT LICENSED BY THE
7 DIRECTOR AND WHO PROVIDES SUPPORTIVE SERVICES TO OCCUPATIONAL
8 THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS.

9 (3) "BEHAVIORAL HEALTH CARE SERVICES" MEANS SERVICES TO
10 FACILITATE THE PREVENTION, DIAGNOSIS, AND TREATMENT OF, AND FOR
11 THE RECOVERY FROM, MENTAL HEALTH AND SUBSTANCE USE DISORDERS
12 WITHIN THE SCOPE OF PRACTICE OF OCCUPATIONAL THERAPY.

13 (4) "CLIENT" MEANS AN INDIVIDUAL, GROUP, POPULATION,
14 COMMUNITY, OR ORGANIZATION THAT RECEIVES OCCUPATIONAL THERAPY
15 SERVICES.

16 (5) "FUNCTIONAL COGNITION" MEANS THE WAY IN WHICH AN
17 INDIVIDUAL UTILIZES AND INTEGRATES THE INDIVIDUAL'S THINKING AND
18 PROCESSING SKILLS TO ACCOMPLISH EVERYDAY ACTIVITIES.

19 (6) "INSTRUMENTAL ACTIVITIES OF DAILY LIVING" MEANS
20 ACTIVITIES THAT ARE ORIENTED TOWARD INTERACTING WITH THE
21 ENVIRONMENT AND THAT MAY BE COMPLEX. "INSTRUMENTAL ACTIVITIES
22 OF DAILY LIVING" INCLUDE CARE OF OTHERS, CARE OF PETS,
23 CHILD-REARING, COMMUNICATION DEVICE USE, COMMUNITY MOBILITY,
24 FINANCIAL MANAGEMENT, HEALTH MANAGEMENT AND MAINTENANCE,
25 HOME ESTABLISHMENT AND MANAGEMENT, MEAL PREPARATION AND
26 CLEANUP, RELIGIOUS AND SPIRITUAL EXPRESSION, SAFETY PROCEDURES
27 AND EMERGENCY RESPONSES, AND SHOPPING.

1 (7) "LOW-VISION REHABILITATION SERVICES" MEANS THE
2 EVALUATION, DIAGNOSIS, MANAGEMENT, AND CARE OF THE LOW-VISION
3 CLIENT IN VISUAL ACUITY, VISUAL FIELD, AND OCULOMOTOR
4 PERFORMANCE AS IT AFFECTS THE CLIENT'S OCCUPATIONAL
5 PERFORMANCE, INCLUDING LOW-VISION REHABILITATION THERAPY,
6 EDUCATION, AND INTERDISCIPLINARY CONSULTATION.

7 (8) "OCCUPATION" MEANS AN EVERYDAY, PERSONALIZED
8 ACTIVITY IN WHICH PEOPLE PARTICIPATE AS INDIVIDUALS, FAMILIES, AND
9 COMMUNITIES TO OCCUPY TIME, EARN INCOME, AND BRING MEANING AND
10 PURPOSE TO LIFE. "OCCUPATION" INCLUDES AN ACTIVITY THAT A PERSON
11 NEEDS TO DO, WANTS TO DO, OR IS EXPECTED TO DO.

12 (9) "OCCUPATIONAL THERAPIST" MEANS A PERSON LICENSED TO
13 PRACTICE OCCUPATIONAL THERAPY UNDER THIS ARTICLE 270.

14 (10) "OCCUPATIONAL THERAPY" MEANS THE THERAPEUTIC USE OF
15 OCCUPATIONS, INCLUDING EVERYDAY LIFE ACTIVITIES WITH INDIVIDUALS,
16 GROUPS, POPULATIONS, OR ORGANIZATIONS, TO SUPPORT PARTICIPATION,
17 PERFORMANCE, AND FUNCTION IN ROLES AND SITUATIONS IN HOME,
18 SCHOOL, WORKPLACE, COMMUNITY, AND OTHER SETTINGS.
19 OCCUPATIONAL THERAPY IS PROVIDED FOR HABILITATION,
20 REHABILITATION, AND THE PROMOTION OF HEALTH AND WELLNESS TO
21 PERSONS WHO HAVE, OR ARE AT RISK FOR DEVELOPING, AN ILLNESS,
22 INJURY, DISEASE, DISORDER, CONDITION, IMPAIRMENT, DISABILITY,
23 ACTIVITY LIMITATION, OR PARTICIPATION RESTRICTION. OCCUPATIONAL
24 THERAPY USES EVERYDAY LIFE ACTIVITIES TO PROMOTE MENTAL HEALTH
25 AND SUPPORT FUNCTIONING IN PEOPLE WHO HAVE, OR WHO ARE AT RISK
26 OF EXPERIENCING, A RANGE OF MENTAL HEALTH DISORDERS, INCLUDING
27 PSYCHIATRIC, BEHAVIORAL, EMOTIONAL, AND SUBSTANCE USE DISORDERS.

1 OCCUPATIONAL THERAPY ADDRESSES THE PHYSICAL, COGNITIVE,
2 PSYCHOSOCIAL, SENSORY, PERCEPTUAL, AND OTHER ASPECTS OF
3 PERFORMANCE IN A VARIETY OF CONTEXTS AND ENVIRONMENTS TO
4 SUPPORT ENGAGEMENT IN OCCUPATIONS THAT AFFECT PHYSICAL HEALTH,
5 MENTAL HEALTH, WELL-BEING, AND QUALITY OF LIFE. THE PRACTICE OF
6 OCCUPATIONAL THERAPY INCLUDES:

7 (a) EVALUATION OF FACTORS AFFECTING ACTIVITIES OF DAILY
8 LIVING, INSTRUMENTAL ACTIVITIES OF DAILY LIVING, REST AND SLEEP,
9 EDUCATION, WORK, PLAY, LEISURE, SOCIAL PARTICIPATION, AND HEALTH
10 MANAGEMENT, INCLUDING:

11 (I) CLIENT FACTORS, INCLUDING BODY FUNCTIONS SUCH AS
12 SENSORY, VISUAL, PERCEPTUAL, MENTAL, COGNITIVE, AND PAIN FACTORS;
13 BODY STRUCTURES SUCH AS CARDIOVASCULAR, DIGESTIVE, NERVOUS,
14 INTEGUMENTARY, AND GENITOURINARY SYSTEMS;
15 NEUROMUSCULOSKELETAL AND MOVEMENT-RELATED FUNCTIONS; AND
16 VALUES, BELIEFS, AND SPIRITUALITY;

17 (II) HABITS, ROUTINES, ROLES, RITUALS, AND BEHAVIOR
18 PATTERNS;

19 (III) PHYSICAL AND SOCIAL ENVIRONMENTS; CULTURAL,
20 PERSONAL, TEMPORAL, AND VIRTUAL CONTEXTS; AND ACTIVITY DEMANDS
21 THAT AFFECT PERFORMANCE; AND

22 (IV) PERFORMANCE SKILLS, INCLUDING MOTOR, PRAXIS, PROCESS,
23 EMOTIONAL REGULATION, AND COMMUNICATION; SOCIAL INTERACTION
24 SKILLS; AND FUNCTIONAL COGNITION;

25 (b) METHODS OR APPROACHES SELECTED TO DIRECT THE PROCESS
26 OF INTERVENTIONS, SUCH AS:

27 (I) ESTABLISHMENT, REMEDIATION, OR RESTORATION OF A SKILL

1 OR ABILITY THAT HAS NOT YET DEVELOPED, IS IMPAIRED, OR IS IN DECLINE;

2 (II) COMPENSATION, MODIFICATION, OR ADAPTATION OF AN
3 ACTIVITY OR ENVIRONMENT TO ENHANCE PERFORMANCE OR TO PREVENT
4 INJURIES, DISORDERS, OR OTHER CONDITIONS;

5 (III) MAINTENANCE AND ENHANCEMENT OF CAPABILITIES
6 WITHOUT WHICH PERFORMANCE IN EVERYDAY LIFE ACTIVITIES WOULD
7 DECLINE;

8 (IV) PROMOTION OF HEALTH AND WELLNESS, INCLUDING THE USE
9 OF SELF-MANAGEMENT STRATEGIES, TO ENABLE OR ENHANCE
10 PERFORMANCE IN EVERYDAY LIFE ACTIVITIES; AND

11 (V) PREVENTION OF BARRIERS TO PERFORMANCE AND
12 PARTICIPATION, INCLUDING INJURY AND DISABILITY PREVENTION;

13 (c) INTERVENTIONS AND PROCEDURES TO PROMOTE OR ENHANCE
14 SAFETY AND PERFORMANCE IN ACTIVITIES OF DAILY LIVING,
15 INSTRUMENTAL ACTIVITIES OF DAILY LIVING, REST AND SLEEP,
16 EDUCATION, WORK, PLAY, LEISURE, SOCIAL PARTICIPATION, AND HEALTH
17 MANAGEMENT, INCLUDING:

18 (I) THERAPEUTIC USE OF OCCUPATIONS, EXERCISES, AND
19 ACTIVITIES;

20 (II) TRAINING IN SELF-CARE; SELF-MANAGEMENT;
21 SELF-REGULATION; HEALTH MANAGEMENT AND MAINTENANCE; HOME
22 MANAGEMENT; COMMUNITY, VOLUNTEER, AND WORK INTEGRATION AND
23 REINTEGRATION; SCHOOL ACTIVITIES; AND WORK PERFORMANCE;

24 (III) IDENTIFICATION, DEVELOPMENT, REMEDIATION, OR
25 COMPENSATION OF PHYSICAL, COGNITIVE, NEUROMUSCULOSKELETAL,
26 SENSORY, VISUAL, PERCEPTUAL, AND MENTAL FUNCTIONS; SENSORY
27 PROCESSING; FUNCTIONAL COGNITION; PAIN TOLERANCE AND

- 1 MANAGEMENT; DEVELOPMENTAL SKILLS; AND BEHAVIORAL SKILLS;
- 2 (IV) THERAPEUTIC USE OF SELF, INCLUDING A PERSON'S
3 PERSONALITY, INSIGHTS, PERCEPTIONS, AND JUDGMENTS, AS PART OF THE
4 THERAPEUTIC PROCESS;
- 5 (V) EDUCATION AND TRAINING OF INDIVIDUALS, INCLUDING
6 FAMILY MEMBERS, CAREGIVERS, GROUPS, POPULATIONS, AND OTHERS;
- 7 (VI) CARE COORDINATION, CASE MANAGEMENT, AND TRANSITION
8 SERVICES; DIRECT, INDIRECT, AND CONSULTATIVE CARE; ADVOCACY AND
9 SELF-ADVOCACY; AND OTHER SERVICE DELIVERY METHODS;
- 10 (VII) CONSULTATIVE SERVICES TO INDIVIDUALS, GROUPS,
11 PROGRAMS, ORGANIZATIONS, OR COMMUNITIES;
- 12 (VIII) MODIFICATION OF ENVIRONMENTS SUCH AS HOME, WORK,
13 SCHOOL, OR COMMUNITY, AND ADAPTATION OF PROCESSES, INCLUDING
14 THE APPLICATION OF ERGONOMIC PRINCIPLES;
- 15 (IX) ASSESSMENT, DESIGN, FABRICATION, APPLICATION, FITTING,
16 AND TRAINING IN ASSISTIVE TECHNOLOGY AND ADAPTIVE AND ORTHOTIC
17 DEVICES AND TRAINING IN SEATING AND POSITIONING AND IN THE USE OF
18 PROSTHETIC DEVICES, EXCLUDING GLASSES, CONTACT LENSES, OR OTHER
19 PRESCRIPTIVE DEVICES TO CORRECT VISION UNLESS PRESCRIBED BY AN
20 OPTOMETRIST;
- 21 (X) ASSESSMENT, RECOMMENDATION, AND TRAINING IN
22 TECHNIQUES TO ENHANCE FUNCTIONAL MOBILITY, INCLUDING COMPLEX
23 SEATING AND MANAGEMENT OF WHEELCHAIRS AND OTHER MOBILITY
24 DEVICES;
- 25 (XI) DRIVER REHABILITATION AND COMMUNITY MOBILITY;
- 26 (XII) MANAGEMENT OF FEEDING, EATING, AND SWALLOWING TO
27 SUPPORT EATING AND FEEDING PERFORMANCE NECESSARY FOR NUTRITION,

1 SOCIAL PARTICIPATION, OR OTHER HEALTH OR WELLNESS
2 CONSIDERATIONS;

3 (XIII) APPLICATION OF PHYSICAL AGENT MODALITIES AND
4 THERAPEUTIC PROCEDURES SUCH AS WOUND MANAGEMENT; TECHNIQUES
5 TO ENHANCE, MAINTAIN, OR PREVENT THE DECLINE OF SENSORY,
6 PERCEPTUAL, PSYCHOSOCIAL, OR COGNITIVE PROCESSING; MANAGEMENT
7 OF PAIN; AND MANUAL TECHNIQUES TO ENHANCE, MAINTAIN, OR PREVENT
8 THE DECLINE OF PERFORMANCE SKILLS;

9 (XIV) THE USE OF TELEHEALTH, TELEREHABILITATION, AND
10 TELETHERAPY PURSUANT TO RULES AS MAY BE ADOPTED BY THE
11 DIRECTOR;

12 (XV) LOW-VISION REHABILITATION SERVICES AND VISION
13 THERAPY SERVICES UNDER THE REFERRAL, PRESCRIPTION, SUPERVISION,
14 OR COMANAGEMENT OF AN OPHTHALMOLOGIST OR OPTOMETRIST;

15 (XVI) FACILITATION OF THE OCCUPATIONAL PERFORMANCE OF
16 INDIVIDUALS, GROUPS, POPULATIONS, COMMUNITIES, OR ORGANIZATIONS
17 THROUGH THE MODIFICATION OF ENVIRONMENTS AND THE ADAPTATION OF
18 PROCESSES;

19 (XVII) SENSORY-BASED INTERVENTIONS INCLUDING EQUIPMENT,
20 ENVIRONMENT, AND ROUTINE ADAPTATIONS THAT SUPPORT OPTIMAL
21 SENSORY INTEGRATION AND PROCESSING; AND

22 (XVIII) BEHAVIORAL HEALTH CARE SERVICES TO ENHANCE,
23 MAINTAIN, OR PREVENT THE DECLINE OF OCCUPATIONAL PERFORMANCE
24 WITHIN THE SCOPE OF PRACTICE OF OCCUPATIONAL THERAPY.

25 (11) "OCCUPATIONAL THERAPY ASSISTANT" MEANS A PERSON
26 LICENSED UNDER THIS ARTICLE 270 TO PRACTICE OCCUPATIONAL THERAPY
27 UNDER THE SUPERVISION OF AND IN PARTNERSHIP WITH AN OCCUPATIONAL

1 THERAPIST.

2 (12) "SUPERVISION" MEANS THE GIVING OF AID, DIRECTIONS, AND
3 INSTRUCTIONS THAT ARE ADEQUATE TO ENSURE THE SAFETY AND
4 WELFARE OF CLIENTS DURING THE PROVISION OF OCCUPATIONAL THERAPY
5 BY THE OCCUPATIONAL THERAPIST DESIGNATED AS THE SUPERVISOR.
6 RESPONSIBLE DIRECTION AND SUPERVISION BY THE OCCUPATIONAL
7 THERAPIST INCLUDES CONSIDERATION OF FACTORS SUCH AS LEVEL OF
8 SKILL, THE ESTABLISHMENT OF SERVICE COMPETENCY, EXPERIENCE, WORK
9 SETTING DEMANDS, THE COMPLEXITY AND STABILITY OF THE CLIENT
10 POPULATION, AND OTHER FACTORS. SUPERVISION IS A COLLABORATIVE
11 PROCESS FOR RESPONSIBLE, PERIODIC REVIEW AND INSPECTION OF ALL
12 ASPECTS OF OCCUPATIONAL THERAPY SERVICES, AND THE OCCUPATIONAL
13 THERAPIST IS LEGALLY ACCOUNTABLE FOR OCCUPATIONAL THERAPY
14 SERVICES PROVIDED BY THE OCCUPATIONAL THERAPY ASSISTANT AND THE
15 AIDE.

16 (13) "TELEHEALTH" MEANS THE USE OF ELECTRONIC INFORMATION
17 AND TELECOMMUNICATIONS TECHNOLOGY TO SUPPORT AND PROMOTE
18 ACCESS TO CLINICAL HEALTH CARE, CLIENT AND PROFESSIONAL
19 HEALTH-RELATED EDUCATION, PUBLIC HEALTH, AND HEALTH
20 ADMINISTRATION.

21 (14) "TELEREHABILITATION" OR "TELETHERAPY" MEANS THE
22 DELIVERY OF REHABILITATION AND HABILITATION SERVICES VIA
23 INFORMATION AND COMMUNICATION TECHNOLOGIES, COMMONLY
24 REFERRED TO AS "TELEHEALTH" TECHNOLOGIES.

25 (15) "VISION THERAPY SERVICES" MEANS THE ASSESSMENT,
26 DIAGNOSIS, TREATMENT, AND MANAGEMENT OF A CLIENT WITH VISION
27 THERAPY, VISUAL TRAINING, VISUAL REHABILITATION, ORTHOPTICS, OR

1 EYE EXERCISES.

2 **12-270-105. Use of titles restricted.** (1) ONLY A PERSON
3 LICENSED AS AN OCCUPATIONAL THERAPIST IN THIS STATE OR WHO IS A
4 LEGALLY QUALIFIED OCCUPATIONAL THERAPIST FROM ANOTHER STATE OR
5 COUNTRY PROVIDING SERVICES ON BEHALF OF A TEMPORARILY ABSENT
6 OCCUPATIONAL THERAPIST LICENSED IN THIS STATE, IN ACCORDANCE WITH
7 SECTION 12-270-110 (1)(e), MAY USE THE TITLE "OCCUPATIONAL
8 THERAPIST LICENSED", "LICENSED OCCUPATIONAL THERAPIST",
9 "OCCUPATIONAL THERAPIST", "DOCTOR OF OCCUPATIONAL THERAPY", OR
10 "OCCUPATIONAL THERAPY CONSULTANT"; USE THE ABBREVIATION "O.T.",
11 "M.O.T.", "O.T.D.", "O.T.R.", "O.T./L.", "M.O.T./L.", "O.T.D./L.", OR
12 "O.T.R./L."; OR USE ANY OTHER GENERALLY ACCEPTED TERMS, LETTERS,
13 OR FIGURES THAT INDICATE THAT THE PERSON IS AN OCCUPATIONAL
14 THERAPIST.

15 (2) ONLY A PERSON LICENSED AS AN OCCUPATIONAL THERAPY
16 ASSISTANT IN THIS STATE MAY USE THE TITLE "OCCUPATIONAL THERAPY
17 ASSISTANT", "OCCUPATIONAL THERAPY ASSISTANT LICENSED", OR
18 "LICENSED OCCUPATIONAL THERAPY ASSISTANT"; USE THE ABBREVIATION
19 "O.T.A.", "O.T.A./L.", "C.O.T.A.", OR "C.O.T.A./L."; OR USE ANY OTHER
20 GENERALLY ACCEPTED TERMS, LETTERS, OR FIGURES INDICATING THAT
21 THE PERSON IS AN OCCUPATIONAL THERAPY ASSISTANT.

22 **12-270-106. License required - occupational therapists -**
23 **occupational therapy assistants.** (1) EXCEPT AS OTHERWISE PROVIDED
24 IN THIS ARTICLE 270, A PERSON SHALL NOT PRACTICE OCCUPATIONAL
25 THERAPY OR REPRESENT THAT THE PERSON MAY PRACTICE OCCUPATIONAL
26 THERAPY IN THIS STATE WITHOUT POSSESSING A VALID LICENSE ISSUED BY
27 THE DIRECTOR IN ACCORDANCE WITH THIS ARTICLE 270 AND RULES

1 ADOPTED PURSUANT TO THIS ARTICLE 270.

2 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE 270, A
3 PERSON SHALL NOT PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT
4 OR REPRESENT THAT THE PERSON MAY PRACTICE AS AN OCCUPATIONAL
5 THERAPY ASSISTANT IN THIS STATE WITHOUT POSSESSING A VALID LICENSE
6 ISSUED BY THE DIRECTOR IN ACCORDANCE WITH THIS ARTICLE 270 AND
7 ANY RULES ADOPTED UNDER THIS ARTICLE 270.

8 **12-270-107. Licensure of occupational therapists -**
9 **qualifications - application - rules. (1) Educational and experiential**
10 **requirements.** EVERY APPLICANT FOR LICENSURE AS AN OCCUPATIONAL
11 THERAPIST MUST HAVE:

12 (a) SUCCESSFULLY COMPLETED THE ACADEMIC REQUIREMENTS OF
13 AN EDUCATIONAL PROGRAM FOR OCCUPATIONAL THERAPISTS THAT IS
14 OFFERED BY AN INSTITUTION OF HIGHER EDUCATION AND ACCREDITED BY
15 A NATIONAL, REGIONAL, OR STATE AGENCY RECOGNIZED BY THE UNITED
16 STATES SECRETARY OF EDUCATION, OR ANOTHER PROGRAM ACCREDITED
17 THEREBY AND APPROVED BY THE DIRECTOR; AND

18 (b) SUCCESSFULLY COMPLETED A MINIMUM PERIOD OF SUPERVISED
19 FIELDWORK EXPERIENCE REQUIRED BY THE RECOGNIZED EDUCATIONAL
20 INSTITUTION WHERE THE APPLICANT MET THE ACADEMIC REQUIREMENTS
21 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION. THE MINIMUM PERIOD
22 OF SUPERVISED FIELDWORK EXPERIENCE FOR AN OCCUPATIONAL
23 THERAPIST MUST:

24 (I) MEET THE ACCREDITATION STANDARDS OF THE AMERICAN
25 OCCUPATIONAL THERAPY ASSOCIATION, ACCREDITATION COUNCIL FOR
26 OCCUPATIONAL THERAPY EDUCATION, OR ANY SUCCESSOR
27 ORGANIZATION; OR

1 (II) SATISFY THE ACCREDITATION STANDARDS FOR MINIMUM
2 FIELDWORK REQUIREMENTS AT THE TIME OF GRADUATION.

3 (2) **Examination.** EACH APPLICANT MUST PASS A NATIONALLY
4 RECOGNIZED EXAMINATION, APPROVED BY THE DIRECTOR, THAT
5 MEASURES THE MINIMUM LEVEL OF COMPETENCE NECESSARY FOR THE
6 PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE.

7 (3) **Application.** AFTER AN APPLICANT HAS FULFILLED THE
8 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE
9 APPLICANT MAY APPLY FOR LICENSURE UPON PAYMENT OF A FEE IN AN
10 AMOUNT DETERMINED BY THE DIRECTOR. THE DIRECTOR SHALL
11 DESIGNATE THE FORM AND MANNER OF THE APPLICATION.

12 (4) **Licensure.** AFTER AN APPLICANT HAS FULFILLED THE
13 REQUIREMENTS OF SUBSECTIONS (1) TO (3) OF THIS SECTION, THE
14 DIRECTOR SHALL ISSUE A LICENSE TO THE APPLICANT; EXCEPT THAT THE
15 DIRECTOR MAY DENY A LICENSE IF THE APPLICANT HAS COMMITTED ANY
16 ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION
17 12-270-114.

18 (5) **Licensure by endorsement.** AN APPLICANT MAY OBTAIN
19 LICENSURE BY ENDORSEMENT IF THE APPLICANT SATISFIES THE
20 REQUIREMENTS OF THE OCCUPATIONAL CREDENTIAL PORTABILITY
21 PROGRAM.

22 (6) **License renewal.** LICENSES ISSUED PURSUANT TO THIS
23 SECTION ARE SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT,
24 AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1)
25 AND (2). ANY PERSON WHOSE LICENSE EXPIRES IS SUBJECT TO THE
26 PENALTIES PROVIDED IN THIS ARTICLE 270 AND SECTION 12-20-202 (1).

27 **12-270-108. Licensure of occupational therapy assistants -**

1 **qualifications - application - rules. (1) Educational and experiential**
2 **requirements.** EVERY APPLICANT FOR LICENSURE AS AN OCCUPATIONAL
3 THERAPY ASSISTANT MUST HAVE:

4 (a) SUCCESSFULLY COMPLETED THE ACADEMIC REQUIREMENTS OF
5 AN EDUCATIONAL PROGRAM FOR OCCUPATIONAL THERAPY ASSISTANTS
6 THAT IS OFFERED BY AN INSTITUTION OF HIGHER EDUCATION AND
7 ACCREDITED BY A NATIONAL, REGIONAL, OR STATE AGENCY RECOGNIZED
8 BY THE UNITED STATES SECRETARY OF EDUCATION, OR ANOTHER
9 PROGRAM ACCREDITED THEREBY AND APPROVED BY THE DIRECTOR; AND

10 (b) SUCCESSFULLY COMPLETED A MINIMUM PERIOD OF SUPERVISED
11 FIELDWORK EXPERIENCE REQUIRED BY THE RECOGNIZED EDUCATIONAL
12 INSTITUTION WHERE THE APPLICANT MET THE ACADEMIC REQUIREMENTS
13 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION. THE MINIMUM PERIOD
14 OF SUPERVISED FIELDWORK EXPERIENCE FOR AN OCCUPATIONAL THERAPY
15 ASSISTANT MUST:

16 (I) MEET THE ACCREDITATION STANDARDS OF THE AMERICAN
17 OCCUPATIONAL THERAPY ASSOCIATION, ACCREDITATION COUNCIL FOR
18 OCCUPATIONAL THERAPY EDUCATION, OR ANY SUCCESSOR
19 ORGANIZATION; OR

20 (II) SATISFY THE ACCREDITATION STANDARDS FOR MINIMUM
21 FIELDWORK REQUIREMENTS AT THE TIME OF GRADUATION.

22 (2) **Examination.** EACH APPLICANT MUST PASS A NATIONALLY
23 RECOGNIZED EXAMINATION, APPROVED BY THE DIRECTOR, THAT
24 MEASURES THE MINIMUM LEVEL OF COMPETENCE NECESSARY FOR THE
25 PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE.

26 (3) **Application.** AFTER AN APPLICANT HAS FULFILLED THE
27 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE

1 APPLICANT MAY APPLY FOR LICENSURE UPON PAYMENT OF A FEE IN AN
2 AMOUNT DETERMINED BY THE DIRECTOR. THE DIRECTOR SHALL
3 DESIGNATE THE FORM AND MANNER OF THE APPLICATION.

4 (4) **Licensure.** AFTER AN APPLICANT HAS FULFILLED THE
5 REQUIREMENTS OF SUBSECTIONS (1) TO (3) OF THIS SECTION, THE
6 DIRECTOR SHALL ISSUE A LICENSE TO THE APPLICANT; EXCEPT THAT THE
7 DIRECTOR MAY DENY A LICENSE IF THE APPLICANT HAS COMMITTED ANY
8 ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION
9 12-270-114.

10 (5) **Licensure by endorsement.** AN APPLICANT MAY OBTAIN
11 LICENSURE BY ENDORSEMENT IF THE APPLICANT SATISFIES THE
12 REQUIREMENTS OF THE OCCUPATIONAL CREDENTIAL PORTABILITY
13 PROGRAM.

14 (6) **License renewal.** LICENSES ISSUED PURSUANT TO THIS
15 SECTION ARE SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT,
16 AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1)
17 AND (2). ANY PERSON WHOSE LICENSE EXPIRES IS SUBJECT TO THE
18 PENALTIES PROVIDED IN THIS ARTICLE 270 AND SECTION 12-20-202 (1).

19 **12-270-109. Supervision of occupational therapy assistants**
20 **and aides.** (1) AN OCCUPATIONAL THERAPY ASSISTANT MAY PRACTICE
21 ONLY UNDER THE SUPERVISION OF AN OCCUPATIONAL THERAPIST WHO IS
22 LICENSED TO PRACTICE OCCUPATIONAL THERAPY IN THIS STATE. THE
23 OCCUPATIONAL THERAPIST IS RESPONSIBLE FOR OCCUPATIONAL THERAPY
24 EVALUATION, APPROPRIATE REASSESSMENT, TREATMENT PLANNING,
25 INTERVENTIONS, AND DISCHARGE FROM OCCUPATIONAL THERAPY
26 SERVICES BASED ON STANDARD PROFESSIONAL GUIDELINES. SUPERVISION
27 OF AN OCCUPATIONAL THERAPY ASSISTANT BY AN OCCUPATIONAL

1 THERAPIST IS A SHARED RESPONSIBILITY. THE SUPERVISING
2 OCCUPATIONAL THERAPIST AND THE SUPERVISED OCCUPATIONAL THERAPY
3 ASSISTANT HAVE LEGAL AND ETHICAL RESPONSIBILITY FOR ONGOING
4 MANAGEMENT OF SUPERVISION, INCLUDING PROVIDING, REQUESTING,
5 GIVING, OR OBTAINING SUPERVISION. THE SUPERVISING OCCUPATIONAL
6 THERAPIST SHALL DETERMINE THE FREQUENCY, LEVEL, AND NATURE OF
7 SUPERVISION WITH INPUT FROM THE OCCUPATIONAL THERAPY ASSISTANT
8 AND SHALL BASE THE SUPERVISION DETERMINATION ON A VARIETY OF
9 FACTORS, INCLUDING THE CLIENTS' REQUIRED LEVEL OF CARE, THE
10 TREATMENT PLAN, AND THE EXPERIENCE AND PERTINENT SKILLS OF THE
11 OCCUPATIONAL THERAPY ASSISTANT.

12 (2) THE SUPERVISING OCCUPATIONAL THERAPIST SHALL SUPERVISE
13 THE OCCUPATIONAL THERAPY ASSISTANT IN A MANNER THAT ENSURES
14 THAT THE OCCUPATIONAL THERAPY ASSISTANT:

15 (a) DOES NOT INITIATE OR ALTER A TREATMENT PROGRAM
16 WITHOUT PRIOR EVALUATION BY AND APPROVAL OF THE SUPERVISING
17 OCCUPATIONAL THERAPIST;

18 (b) OBTAINS PRIOR APPROVAL OF THE SUPERVISING OCCUPATIONAL
19 THERAPIST BEFORE MAKING ADJUSTMENTS TO A SPECIFIC TREATMENT
20 PROCEDURE; AND

21 (c) DOES NOT INTERPRET DATA BEYOND THE SCOPE OF THE
22 OCCUPATIONAL THERAPY ASSISTANT'S EDUCATION AND TRAINING.

23 (3) AN AIDE SHALL FUNCTION ONLY UNDER THE GUIDANCE,
24 RESPONSIBILITY, AND SUPERVISION OF AN OCCUPATIONAL THERAPIST OR
25 OCCUPATIONAL THERAPY ASSISTANT. THE AIDE SHALL PERFORM ONLY
26 SPECIFICALLY SELECTED TASKS FOR WHICH THE AIDE HAS BEEN TRAINED
27 AND HAS DEMONSTRATED COMPETENCE TO THE OCCUPATIONAL THERAPIST

1 OR OCCUPATIONAL THERAPY ASSISTANT. THE SUPERVISING OCCUPATIONAL
2 THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT SHALL SUPERVISE THE
3 AIDE IN A MANNER THAT ENSURES COMPLIANCE WITH THIS SUBSECTION (3)
4 AND IS SUBJECT TO DISCIPLINE UNDER SECTION 12-270-114 FOR FAILURE
5 TO PROPERLY SUPERVISE AN AIDE.

6 **12-270-110. Scope of article - exclusions.** (1) THIS ARTICLE 270
7 DOES NOT PREVENT OR RESTRICT THE PRACTICE, SERVICES, OR ACTIVITIES
8 OF:

9 (a) A PERSON LICENSED OR OTHERWISE REGULATED IN THIS STATE
10 BY ANY OTHER LAW FROM ENGAGING IN THE PERSON'S PROFESSION OR
11 OCCUPATION AS DEFINED IN THE PART OR ARTICLE UNDER WHICH THE
12 PERSON IS LICENSED;

13 (b) A PERSON PURSUING A COURSE OF STUDY LEADING TO A
14 DEGREE IN OCCUPATIONAL THERAPY AT AN EDUCATIONAL INSTITUTION
15 WITH AN ACCREDITED OCCUPATIONAL THERAPY PROGRAM IF THAT PERSON
16 IS DESIGNATED BY A TITLE THAT CLEARLY INDICATES THE PERSON'S
17 STATUS AS A STUDENT AND IF THE PERSON ACTS UNDER APPROPRIATE
18 INSTRUCTION AND SUPERVISION;

19 (c) A PERSON FULFILLING THE SUPERVISED FIELDWORK
20 EXPERIENCE REQUIREMENTS OF SECTION 12-270-107 (1) OR 12-270-108
21 (1) IF THE EXPERIENCE CONSTITUTES A PART OF THE EXPERIENCE
22 NECESSARY TO MEET THE REQUIREMENT OF SECTION 12-270-107 (1) OR
23 12-270-108(1) AND THE PERSON ACTS UNDER APPROPRIATE SUPERVISION;

24 (d) A PERSON FULFILLING AN OCCUPATIONAL THERAPY DOCTORAL
25 CAPSTONE EXPERIENCE IF THE PERSON ACTS UNDER APPROPRIATE
26 SUPERVISION; OR

27 (e) OCCUPATIONAL THERAPY IN THIS STATE BY ANY LEGALLY

1 QUALIFIED OCCUPATIONAL THERAPIST FROM ANOTHER STATE OR COUNTRY
2 WHEN PROVIDING SERVICES ON BEHALF OF A TEMPORARILY ABSENT
3 OCCUPATIONAL THERAPIST LICENSED IN THIS STATE, SO LONG AS THE
4 UNLICENSED OCCUPATIONAL THERAPIST IS ACTING IN ACCORDANCE WITH
5 RULES ESTABLISHED BY THE DIRECTOR. THE UNLICENSED PRACTICE MUST
6 NOT BE OF MORE THAN FOUR WEEKS' DURATION, AND A PERSON SHALL NOT
7 UNDERTAKE UNLICENSED PRACTICE MORE THAN ONCE IN ANY
8 TWELVE-MONTH PERIOD.

9 **12-270-111. Limitations on authority.** (1) NOTHING IN THIS
10 ARTICLE 270 AUTHORIZES AN OCCUPATIONAL THERAPIST TO ENGAGE IN
11 THE PRACTICE OF MEDICINE, AS DEFINED IN SECTION 12-240-107;
12 OPTOMETRY, AS DESCRIBED IN ARTICLE 275 OF THIS TITLE 12; OR ANY
13 OTHER FORM OF HEALING EXCEPT AS AUTHORIZED BY THIS ARTICLE 270.

14 (2) NOTHING IN THIS SECTION PREVENTS AN OCCUPATIONAL
15 THERAPIST FROM MAKING AN OCCUPATIONAL THERAPY DIAGNOSIS WITHIN
16 THE OCCUPATIONAL THERAPIST'S SCOPE OF PRACTICE.

17 **12-270-112. Continuing professional competency - definition.**

18 (1) (a) EACH OCCUPATIONAL THERAPIST AND OCCUPATIONAL THERAPY
19 ASSISTANT SHALL MAINTAIN CONTINUING PROFESSIONAL COMPETENCY TO
20 PRACTICE OCCUPATIONAL THERAPY.

21 (b) THE DIRECTOR SHALL ESTABLISH A CONTINUING PROFESSIONAL
22 COMPETENCY PROGRAM THAT INCLUDES:

23 (I) A SELF-ASSESSMENT OF THE KNOWLEDGE AND SKILLS OF A
24 LICENSEE SEEKING TO RENEW OR REINSTATE A LICENSE;

25 (II) DEVELOPMENT, EXECUTION, AND DOCUMENTATION OF A
26 LEARNING PLAN BASED ON THE SELF-ASSESSMENT DESCRIBED IN
27 SUBSECTION (1)(b)(I) OF THIS SECTION; AND

1 (III) PERIODIC DEMONSTRATION OF KNOWLEDGE AND SKILLS
2 THROUGH DOCUMENTATION OF ACTIVITIES NECESSARY TO ENSURE AT
3 LEAST MINIMAL ABILITY TO SAFELY PRACTICE THE PROFESSION; EXCEPT
4 THAT AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY
5 ASSISTANT LICENSED PURSUANT TO THIS ARTICLE 270 NEED NOT RETAKE
6 THE EXAMINATION REQUIRED BY SECTION 12-270-107 (2) OR 12-270-108
7 (2), RESPECTIVELY, FOR INITIAL LICENSURE.

8 (2) A LICENSEE SATISFIES THE CONTINUING COMPETENCY
9 REQUIREMENTS OF THIS SECTION IF THE LICENSEE MEETS THE CONTINUING
10 PROFESSIONAL COMPETENCY REQUIREMENTS OF AN ACCREDITING BODY OR
11 AN ENTITY THAT IS APPROVED BY THE DIRECTOR.

12 (3) (a) AFTER THE PROGRAM IS ESTABLISHED, A LICENSEE MUST
13 SATISFY THE REQUIREMENTS OF THE PROGRAM IN ORDER TO RENEW OR
14 REINSTATE A LICENSE TO PRACTICE OCCUPATIONAL THERAPY.

15 (b) THE REQUIREMENTS OF THIS SECTION APPLY TO INDIVIDUAL
16 OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS,
17 AND NOTHING IN THIS SECTION REQUIRES A PERSON WHO EMPLOYS OR
18 CONTRACTS WITH AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL
19 THERAPY ASSISTANT TO COMPLY WITH THIS SECTION.

20 (4) RECORDS OF ASSESSMENTS OR OTHER DOCUMENTATION
21 DEVELOPED OR SUBMITTED IN CONNECTION WITH THE CONTINUING
22 PROFESSIONAL COMPETENCY PROGRAM:

23 (a) ARE CONFIDENTIAL AND NOT SUBJECT TO INSPECTION BY THE
24 PUBLIC OR DISCOVERY IN CONNECTION WITH A CIVIL ACTION AGAINST AN
25 OCCUPATIONAL THERAPIST, OCCUPATIONAL THERAPY ASSISTANT, OR
26 OTHER PROFESSIONAL REGULATED UNDER THIS TITLE 12; AND

27 (b) MAY BE USED ONLY BY THE DIRECTOR AND ONLY FOR THE

1 PURPOSE OF DETERMINING WHETHER A LICENSEE IS MAINTAINING
2 CONTINUING PROFESSIONAL COMPETENCY TO ENGAGE IN THE PROFESSION.

3 (5) AS USED IN THIS SECTION, "CONTINUING PROFESSIONAL
4 COMPETENCY" MEANS THE ONGOING ABILITY OF A LICENSEE TO LEARN,
5 INTEGRATE, AND APPLY THE KNOWLEDGE, SKILL, AND JUDGMENT TO
6 PRACTICE OCCUPATIONAL THERAPY ACCORDING TO GENERALLY ACCEPTED
7 STANDARDS AND PROFESSIONAL ETHICAL STANDARDS.

8 **12-270-113. Protection of medical records - licensee's**
9 **obligations - verification of compliance - noncompliance grounds for**

10 **discipline - rules.** (1) EACH OCCUPATIONAL THERAPIST AND
11 OCCUPATIONAL THERAPY ASSISTANT RESPONSIBLE FOR CLIENT MEDICAL
12 RECORDS SHALL DEVELOP A WRITTEN PLAN TO ENSURE THE SECURITY OF
13 CLIENT MEDICAL RECORDS. THE PLAN MUST ADDRESS AT LEAST THE
14 FOLLOWING:

15 (a) THE STORAGE AND PROPER DISPOSAL OF CLIENT MEDICAL
16 RECORDS;

17 (b) THE DISPOSITION OF CLIENT MEDICAL RECORDS IF THE
18 LICENSEE DIES, RETIRES, OR OTHERWISE CEASES TO PRACTICE OR PROVIDE
19 OCCUPATIONAL THERAPY SERVICES TO CLIENTS; AND

20 (c) THE METHOD BY WHICH CLIENTS MAY ACCESS OR OBTAIN THEIR
21 MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN
22 SUBSECTION (1)(b) OF THIS SECTION OCCUR.

23 (2) A LICENSEE SHALL INFORM EACH CLIENT IN WRITING OF THE
24 METHOD BY WHICH THE CLIENT MAY ACCESS OR OBTAIN THE CLIENT'S
25 MEDICAL RECORDS IF AN EVENT DESCRIBED IN SUBSECTION (1)(b) OF THIS
26 SECTION OCCURS.

27 (3) UPON INITIAL LICENSURE UNDER THIS ARTICLE 270 AND UPON

1 RENEWAL OF A LICENSE, THE APPLICANT OR LICENSEE SHALL ATTEST TO
2 THE DIRECTOR THAT THE LICENSEE HAS DEVELOPED A PLAN IN
3 COMPLIANCE WITH THIS SECTION.

4 (4) A LICENSEE WHO FAILS TO COMPLY WITH THIS SECTION IS
5 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-270-114.

6 (5) THE DIRECTOR MAY ADOPT RULES REASONABLY NECESSARY TO
7 IMPLEMENT THIS SECTION.

8 **12-270-114. Grounds for discipline - disciplinary proceedings**

9 - **definitions - judicial review.** (1) THE DIRECTOR MAY TAKE
10 DISCIPLINARY ACTION AGAINST A LICENSEE IF THE DIRECTOR FINDS THAT
11 THE LICENSEE HAS REPRESENTED THAT THE LICENSEE IS A LICENSED
12 OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT AFTER
13 THE EXPIRATION, SUSPENSION, OR REVOCATION OF THE LICENSEE'S
14 LICENSE.

15 (2) THE DIRECTOR MAY TAKE DISCIPLINARY OR OTHER ACTION AS
16 AUTHORIZED IN SECTION 12-20-404 AGAINST, OR ISSUE A
17 CEASE-AND-DESIST ORDER UNDER THE CIRCUMSTANCES AND IN
18 ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405 TO,
19 A LICENSEE IN ACCORDANCE WITH THIS SECTION, UPON PROOF THAT THE
20 LICENSEE:

21 (a) HAS ENGAGED IN A SEXUAL ACT WITH A PERSON RECEIVING
22 SERVICES WHILE A THERAPEUTIC RELATIONSHIP EXISTED OR WITHIN SIX
23 MONTHS IMMEDIATELY FOLLOWING TERMINATION OF THE THERAPEUTIC
24 RELATIONSHIP. FOR THE PURPOSES OF THIS SUBSECTION (2)(a):

25 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,
26 OR SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401.

27 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING

1 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN
2 TERMINATION OF TREATMENT.

3 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS
4 ATTEMPTED TO OBTAIN OR HAS OBTAINED A LICENSE BY FRAUD,
5 DECEPTION, OR MISREPRESENTATION;

6 (c) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL
7 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED
8 SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), OR OTHER DRUGS
9 HAVING SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE
10 DISCRETION NOT TO DISCIPLINE THE LICENSEE IF THE LICENSEE IS
11 PARTICIPATING IN GOOD FAITH IN A PROGRAM TO END THE USE OR ABUSE,
12 WHICH PROGRAM THE DIRECTOR HAS APPROVED;

13 (d) (I) HAS FAILED TO NOTIFY THE DIRECTOR, AS REQUIRED BY
14 SECTION 12-30-108 (1), OF A PHYSICAL ILLNESS, PHYSICAL CONDITION, OR
15 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER THAT
16 IMPACTS THE LICENSEE'S ABILITY TO PROVIDE OCCUPATIONAL THERAPY
17 SERVICES WITH REASONABLE SKILL AND SAFETY OR THAT MAY ENDANGER
18 THE HEALTH OR SAFETY OF INDIVIDUALS RECEIVING SERVICES;

19 (II) HAS FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A
20 PHYSICAL ILLNESS, PHYSICAL CONDITION, OR BEHAVIORAL, MENTAL
21 HEALTH, OR SUBSTANCE USE DISORDER THAT RENDERS THE PERSON
22 UNABLE TO PRACTICE OCCUPATIONAL THERAPY WITH REASONABLE SKILL
23 AND SAFETY OR THAT MAY ENDANGER THE HEALTH OR SAFETY OF
24 PERSONS UNDER THE LICENSEE'S CARE; OR

25 (III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO
26 UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO
27 SECTIONS 12-30-108 AND 12-270-118;

1 (e) HAS VIOLATED OR AIDED OR ABETTED OR KNOWINGLY
2 PERMITTED ANY PERSON TO VIOLATE THIS ARTICLE 270, AN APPLICABLE
3 PROVISION OF ARTICLE 20 OR 30 OF THIS TITLE 12, A RULE ADOPTED UNDER
4 THIS ARTICLE 270, OR ANY LAWFUL ORDER OF THE DIRECTOR;

5 (f) HAS HAD A LICENSE OR REGISTRATION SUSPENDED OR REVOKED
6 FOR ACTIONS THAT ARE A VIOLATION OF THIS ARTICLE 270;

7 (g) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO
8 CONTENDERE TO A FELONY OR COMMITTED AN ACT SPECIFIED IN SECTION
9 12-270-115. A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF
10 COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS CONCLUSIVE
11 EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE
12 DISCIPLINARY ACTION, THE DIRECTOR SHALL BE GOVERNED BY SECTIONS
13 12-20-202 (5) AND 24-5-101.

14 (h) HAS FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD ANY
15 OCCUPATIONAL THERAPY DIPLOMA, CERTIFICATE, LICENSE, OR RENEWAL
16 OF A LICENSE OR RECORD, OR AIDED OR ABETTED SUCH ACT;

17 (i) HAS FAILED TO NOTIFY THE DIRECTOR OF THE SUSPENSION OR
18 REVOCATION OF THE PERSON'S PAST OR CURRENTLY HELD LICENSE,
19 CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE OCCUPATIONAL
20 THERAPY IN THIS OR ANY OTHER JURISDICTION;

21 (j) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL
22 EXAMINATION WHEN ORDERED BY THE DIRECTOR PURSUANT TO SECTION
23 12-270-117;

24 (k) HAS ENGAGED IN ANY OF THE FOLLOWING ACTIVITIES AND
25 PRACTICES:

26 (I) ORDERING OR PERFORMING, WITHOUT CLINICAL JUSTIFICATION,
27 DEMONSTRABLY UNNECESSARY LABORATORY TESTS OR STUDIES;

1 (II) ADMINISTERING TREATMENT, WITHOUT CLINICAL
2 JUSTIFICATION, THAT IS DEMONSTRABLY UNNECESSARY; OR

3 (III) COMMITTING AN ACT OR OMISSION THAT IS CONTRARY TO
4 GENERALLY ACCEPTED STANDARDS OF THE PRACTICE OF OCCUPATIONAL
5 THERAPY;

6 (l) HAS FAILED TO PROVIDE ADEQUATE OR PROPER SUPERVISION OF
7 A LICENSED OCCUPATIONAL THERAPY ASSISTANT, OF AN AIDE, OR OF ANY
8 UNLICENSED PERSON IN THE OCCUPATIONAL THERAPY PRACTICE;

9 (m) HAS FAILED TO MAKE ESSENTIAL ENTRIES ON CLIENT RECORDS
10 OR FALSIFIED OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON
11 CLIENT RECORDS;

12 (n) HAS COMMITTED ABUSE OF HEALTH INSURANCE AS SET FORTH
13 IN SECTION 18-13-119 (3);

14 (o) HAS COMMITTED A FRAUDULENT INSURANCE ACT, AS
15 DESCRIBED IN SECTION 10-1-128; OR

16 (p) HAS OTHERWISE VIOLATED THIS ARTICLE 270 OR ANY LAWFUL
17 ORDER OR RULE OF THE DIRECTOR.

18 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS
19 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE
20 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER
21 THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF
22 DISCIPLINARY SANCTIONS TO BE IMPOSED.

23 (4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO
24 DISCIPLINE A LICENSEE WHEN THE DIRECTOR HAS REASONABLE GROUNDS
25 TO BELIEVE THAT THE LICENSEE HAS COMMITTED AN ACT OR OMISSION
26 DESCRIBED IN THIS SECTION OR HAS VIOLATED A LAWFUL ORDER OR RULE
27 OF THE DIRECTOR.

1 (b) IN ANY PROCEEDING UNDER THIS SECTION, THE DIRECTOR MAY
2 ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY
3 DISCIPLINARY ACTION TAKEN AGAINST A LICENSEE OR REGISTRANT IN
4 ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE
5 DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS
6 FOR DISCIPLINARY ACTION UNDER THIS ARTICLE 270.

7 (5) (a) THE DIRECTOR SHALL CONDUCT DISCIPLINARY
8 PROCEEDINGS IN ACCORDANCE WITH SECTION 12-20-403 AND ARTICLE 4
9 OF TITLE 24. THE DIRECTOR MAY EXERCISE ALL POWERS AND DUTIES
10 CONFERRED BY THIS ARTICLE 270 DURING THE DISCIPLINARY
11 PROCEEDINGS.

12 (b) NO LATER THAN THIRTY DAYS AFTER THE DATE OF THE
13 DIRECTOR'S ACTION, THE DIRECTOR SHALL NOTIFY A LICENSEE DISCIPLINED
14 UNDER THIS SECTION OF THE ACTION TAKEN, THE SPECIFIC CHARGES
15 GIVING RISE TO THE ACTION, AND THE LICENSEE'S RIGHT TO REQUEST A
16 HEARING ON THE ACTION TAKEN. THE DIRECTOR SHALL PROVIDE THE
17 NOTICE BY SENDING A CERTIFIED LETTER TO THE MOST RECENT ADDRESS
18 PROVIDED TO THE DIRECTOR BY THE LICENSEE.

19 (c) WITHIN THIRTY DAYS AFTER THE DIRECTOR SENDS THE NOTICE
20 DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION, THE LICENSEE MAY
21 FILE A WRITTEN REQUEST WITH THE DIRECTOR FOR A HEARING ON THE
22 ACTION TAKEN. UPON RECEIPT OF THE REQUEST, THE DIRECTOR SHALL
23 GRANT A HEARING TO THE LICENSEE. IF THE LICENSEE FAILS TO FILE A
24 WRITTEN REQUEST FOR A HEARING WITHIN THIRTY DAYS, THE ACTION OF
25 THE DIRECTOR BECOMES FINAL ON THE THIRTY-FIRST DAY AFTER THE
26 DIRECTOR SENT THE NOTICE DESCRIBED IN SUBSECTION (5)(b) OF THIS
27 SECTION.

1 (d) A LICENSEE'S FAILURE TO APPEAR AT A HEARING WITHOUT
2 GOOD CAUSE IS DEEMED A WITHDRAWAL OF THE LICENSEE'S REQUEST FOR
3 A HEARING, AND THE DIRECTOR'S ACTION BECOMES FINAL ON THE HEARING
4 DATE. THE DIRECTOR'S FAILURE TO APPEAR AT A HEARING WITHOUT GOOD
5 CAUSE IS DEEMED CAUSE TO DISMISS THE PROCEEDING.

6 (6) THE DIRECTOR MAY SEEK AN INJUNCTION IN ACCORDANCE
7 WITH SECTION 12-20-406 TO ENJOIN A PERSON FROM COMMITTING AN ACT
8 PROHIBITED BY THIS ARTICLE 270.

9 (7) IN ACCORDANCE WITH SECTION 12-20-403, THIS ARTICLE 270,
10 AND ARTICLE 4 OF TITLE 24, THE DIRECTOR IS AUTHORIZED TO
11 INVESTIGATE, HOLD HEARINGS, AND GATHER EVIDENCE IN ALL MATTERS
12 RELATED TO THE EXERCISE AND PERFORMANCE OF THE POWERS AND
13 DUTIES OF THE DIRECTOR.

14 (8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL
15 REVIEW PURSUANT TO SECTION 12-20-408.

16 (9) AN EMPLOYER OF A LICENSEE SHALL REPORT TO THE DIRECTOR
17 ANY DISCIPLINARY ACTION TAKEN AGAINST THE LICENSEE OR THE
18 RESIGNATION OF THE LICENSEE IN LIEU OF DISCIPLINARY ACTION FOR
19 CONDUCT THAT VIOLATES THIS ARTICLE 270.

20 (10) THE DIRECTOR MAY ISSUE CEASE-AND-DESIST ORDERS UNDER
21 THE CIRCUMSTANCES AND IN ACCORDANCE WITH THE PROCEDURES
22 SPECIFIED IN SECTION 12-20-405.

23 (11) THE DIRECTOR MAY SEND A LETTER OF ADMONITION TO A
24 LICENSEE UNDER THE CIRCUMSTANCES SPECIFIED IN AND IN ACCORDANCE
25 WITH SECTION 12-20-404 (4).

26 (12) THE DIRECTOR MAY SEND A CONFIDENTIAL LETTER OF
27 CONCERN TO A LICENSEE UNDER THE CIRCUMSTANCES SPECIFIED IN

1 SECTION 12-20-404 (5).

2 **12-270-115. Unauthorized practice - penalties.** A PERSON WHO
3 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE OCCUPATIONAL
4 THERAPY WITHOUT AN ACTIVE LICENSE AS REQUIRED BY AND ISSUED
5 UNDER THIS ARTICLE 270 FOR OCCUPATIONAL THERAPISTS OR
6 OCCUPATIONAL THERAPY ASSISTANTS IS SUBJECT TO PENALTIES PURSUANT
7 TO SECTION 12-20-407 (1)(b).

8 **12-270-116. Rule-making authority.** THE DIRECTOR SHALL
9 PROMULGATE RULES PURSUANT TO SECTION 12-20-204.

10 **12-270-117. Mental and physical examination of licensees.**

11 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
12 LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY,
13 THE DIRECTOR MAY ORDER THE LICENSEE TO TAKE A MENTAL OR PHYSICAL
14 EXAMINATION ADMINISTERED BY A PHYSICIAN OR OTHER LICENSED
15 HEALTH CARE PROFESSIONAL DESIGNATED BY THE DIRECTOR. EXCEPT
16 WHERE DUE TO CIRCUMSTANCES BEYOND THE LICENSEE'S CONTROL, IF THE
17 LICENSEE FAILS OR REFUSES TO UNDERGO A MENTAL OR PHYSICAL
18 EXAMINATION, THE DIRECTOR MAY SUSPEND THE LICENSEE'S LICENSE
19 UNTIL THE DIRECTOR HAS MADE A DETERMINATION OF THE LICENSEE'S
20 FITNESS TO PRACTICE. THE DIRECTOR SHALL PROCEED WITH AN ORDER FOR
21 EXAMINATION AND SHALL MAKE A DETERMINATION IN A TIMELY MANNER.

22 (2) IN AN ORDER REQUIRING A LICENSEE TO UNDERGO A MENTAL
23 OR PHYSICAL EXAMINATION, THE DIRECTOR SHALL STATE THE BASIS OF
24 THE DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE LICENSEE IS
25 UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR
26 PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED UNDER THIS
27 ARTICLE 270, THE LICENSEE IS DEEMED TO HAVE WAIVED ALL OBJECTIONS

1 TO THE ADMISSIBILITY OF THE EXAMINING PHYSICIAN'S OR LICENSED
2 HEALTH CARE PROFESSIONAL'S TESTIMONY OR EXAMINATION REPORTS ON
3 THE GROUNDS THAT THEY ARE PRIVILEGED COMMUNICATION.

4 (3) THE LICENSEE MAY SUBMIT TO THE DIRECTOR TESTIMONY OR
5 EXAMINATION REPORTS FROM A PHYSICIAN CHOSEN BY THE LICENSEE AND
6 PERTAINING TO ANY CONDITION THAT THE DIRECTOR HAS ALLEGED MAY
7 PRECLUDE THE LICENSEE FROM PRACTICING WITH REASONABLE SKILL AND
8 SAFETY. THE DIRECTOR MAY CONSIDER THE TESTIMONY AND REPORTS
9 SUBMITTED BY THE LICENSEE IN CONJUNCTION WITH, BUT NOT IN LIEU OF,
10 TESTIMONY AND EXAMINATION REPORTS OF THE PHYSICIAN DESIGNATED
11 BY THE DIRECTOR.

12 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION
13 ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY
14 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR AND SHALL NOT BE
15 DEEMED A PUBLIC RECORD OR MADE AVAILABLE TO THE PUBLIC.

16 **12-270-118. Confidential agreement to limit practice.** SECTION
17 12-30-108 CONCERNING CONFIDENTIAL AGREEMENTS TO LIMIT PRACTICE
18 APPLIES TO THIS ARTICLE 270.

19 **12-270-119. Professional liability insurance required - rules.**

20 (1) A PERSON SHALL NOT PRACTICE OCCUPATIONAL THERAPY UNLESS THE
21 PERSON PURCHASES AND MAINTAINS, OR IS COVERED BY, PROFESSIONAL
22 LIABILITY INSURANCE IN AN AMOUNT DETERMINED BY THE DIRECTOR BY
23 RULE THAT COVERS ALL ACTS WITHIN THE SCOPE OF PRACTICE OF THE
24 OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT.

25 (2) THIS SECTION DOES NOT APPLY TO AN OCCUPATIONAL
26 THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT WHO IS A PUBLIC
27 EMPLOYEE ACTING WITHIN THE COURSE AND SCOPE OF THE PUBLIC

1 EMPLOYEE'S DUTIES AND WHO IS GRANTED IMMUNITY UNDER THE
2 "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24.

3 **12-270-120. Repeal of article - review of functions.** THIS
4 ARTICLE 270 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2030. BEFORE THE
5 REPEAL, THE DIRECTOR'S POWERS, DUTIES, AND FUNCTIONS UNDER THIS
6 ARTICLE 270 ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION
7 24-34-104.

8 **SECTION 2.** In Colorado Revised Statutes, 10-4-634, **amend** (1)
9 as follows:

10 **10-4-634. Assignment of payment for covered benefits.** (1) A
11 policy of motor vehicle insurance coverage pursuant to this part 6 shall
12 allow, but not require, an insured under the policy to assign, in writing,
13 payments due under medical payments coverage of the policy to a
14 licensed hospital or other licensed health care provider; an occupational
15 therapist, as defined in ~~section 12-270-104 (5)~~ SECTION 12-270-104 (9);
16 AN OCCUPATIONAL THERAPY ASSISTANT, AS DEFINED IN SECTION
17 12-270-104(11); or a massage therapist, as defined in section 12-235-104
18 (5), for services provided to the insured that are covered under the policy.

19 **SECTION 3.** In Colorado Revised Statutes, 10-4-635, **amend**
20 (5)(d) as follows:

21 **10-4-635. Medical payments coverage - definitions.** (5) As used
22 in this section:

23 (d) "Licensed health care provider" ~~shall have~~ HAS the same
24 meaning as set forth in section 10-4-601, and also includes an
25 occupational therapist, as defined in ~~section 12-270-104 (5)~~ SECTION
26 12-270-104 (9), AND AN OCCUPATIONAL THERAPY ASSISTANT, AS DEFINED
27 IN SECTION 12-270-104 (11).

1 **SECTION 4.** In Colorado Revised Statutes, **amend** 10-4-637 as
2 follows:

3 **10-4-637. No discrimination by profession.** Reimbursement for
4 lawfully performed health care services covered by a policy providing
5 medical payments coverage under a motor vehicle policy issued pursuant
6 to this part 6 shall not be denied when such services are a covered benefit
7 and rendered within the scope of practice for a licensed health care
8 provider; a massage therapist, as defined in section 12-235-104 (5); ~~or an~~
9 occupational therapist, as defined in ~~section 12-270-104 (5)~~ SECTION
10 12-270-104 (9); OR AN OCCUPATIONAL THERAPY ASSISTANT, AS DEFINED
11 IN SECTION 12-270-104 (11), performing the services.

12 **SECTION 5.** In Colorado Revised Statutes, 10-16-106.7, **amend**
13 (1)(a) as follows:

14 **10-16-106.7. Assignment of health insurance benefits.**
15 (1) (a) Any carrier that provides health coverage to a covered person
16 shall allow, but not require, such covered person under the policy to
17 assign, in writing, payments due under the policy to a licensed hospital OR
18 other licensed health care provider; an occupational therapist, as defined
19 in ~~section 12-270-104 (5)~~ SECTION 12-270-104 (9); AN OCCUPATIONAL
20 THERAPY ASSISTANT, AS DEFINED IN SECTION 12-270-104 (11); or a
21 massage therapist, as defined in section 12-235-104 (5), also referred to
22 in this section as the "provider", for services provided to the covered
23 person that are covered under the policy.

24 **SECTION 6.** In Colorado Revised Statutes, 13-4-102, **amend**
25 (2)(kk) as follows:

26 **13-4-102. Jurisdiction.** (2) The court of appeals has initial
27 jurisdiction to:

1 (kk) Review all final actions and orders appropriate for judicial
2 review of the director of the division of professions and occupations in
3 the department of regulatory agencies, as provided in section 12-270-114
4 ~~(9)~~ (8); and

5 **SECTION 7. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety.