

COUNCIL OF THE DISTRICT OF COLUMBIA

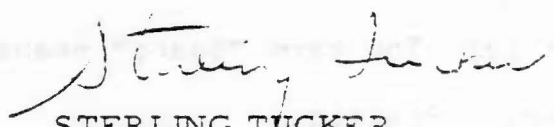
NOTICE

D.C. Law 2-67

"District of Columbia Occupational Therapy
Practice Act of 1977"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 2-71, on first and second readings September 13, 1977 and October 11, 1977, respectively. Following expiration of the ten-day review period provided the Mayor pursuant to Section 404(e) of the Act, during which no action was taken, this legislation was assigned Act No. 2-137, published in the February 17, 1978, edition of the D.C. Register and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired and, therefore, cites the following legislation as D.C. Law 2-67, effective April 6, 1978.


STERLING TUCKER
Chairman of the Council

(Vol. 24, D.C. Register, February 17, 1978, 6815)

2-67

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 6, 1978

To establish certain requirements for the licensure of Occupational Therapists or Occupational Therapy Assistants, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Occupational Therapy Practice Act of 1977".

Sec. 2. Purpose.

In order to safeguard the public health, safety and welfare, to protect the public from being misled by incompetent, unscrupulous and unauthorized persons, to assure the highest degree of professional conduct on the part of occupational therapy assistants and to assure the availability of occupational therapy services of high quality to persons in need of such services, it is the purpose of this act to provide for the regulation of persons offering occupational therapy services to the public.

Sec. 3. Definitions.

As used in this act:

(a) The term "Board" means the Board of Occupational Therapy Practice.

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(b) The term "occupational therapy" means the evaluation and treatment of individuals whose ability to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, poverty and cultural differences, physical injury or illness, or psychological and social disability. The treatment utilizes task oriented activities to prevent or correct physical or emotional deficits on the individual, with special emphasis on the developmental and functional skills needed throughout life. Specific therapeutic and diagnostic techniques used in occupational therapy include, but are not limited to, self care and other activities of daily living, developmental oriented tasks, training in basic work habits, perceptual-motor and sensori-motor activities, prevocational evaluation and treatment, fabrication and application of splints, selection and use of adaptive equipment, and exercises and other modalities to enhance functional performance. Such techniques are applied in the treatment of individual patients or clients, in groups, or through social systems.

(c) The term "occupational therapist" means a person licensed to practice occupational therapy as defined in this act, and whose license is in good standing.

(d) The term "occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision or with the consultation of an occupational therapist, and whose license is in good standing.

(e) The term "occupational therapy aide" means a person who assists in the practice of occupational therapy, who works only under the direct supervision of an occupational therapist, and whose activities require an understanding of occupational therapy but does not require professional or advanced training in the basic anatomical, biological, psychological and social sciences involved in the practice of occupational therapy.

(f) The term "person" means any individual, partnership, unincorporated organization, or corporate body, except that only an individual may be licensed under this act.

(g) The term "Association" means the District of Columbia Occupational Therapy Association.

Sec. 4. License required.

No person shall practice occupational therapy in the District of Columbia or hold himself out as an occupational therapist or as an occupational therapy assistant, or as being able to practice occupational therapy or to render

occupational therapy services in the District of Columbia, unless he is licensed in accordance with the provisions of this act except as referred to in section 5 of this act.

Sec. 5. Persons and practices not affected.

(a) Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(1) any person employed as an occupational therapist or occupational therapy assistant by the federal government, if such person provides occupational therapy solely under the direction or control of the organization by which he is employed; or

(2) any person pursuing a course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program, if such activities and services constitute a part of a supervised course of study and if such person is designated by a title which clearly indicates his status as a student or trainer; or

(3) any person fulfilling the supervised field work experience requirements of section 8, if such activities and services constitute a part of the experience necessary to meet the requirements of that section; or

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(4) any person employed by or working under the supervision of an occupational therapist as an occupational therapy aide; or

(5) any person performing occupational therapy services in the District of Columbia who is not licensed under this act, if such services are performed for no more than ninety (90) days in a calendar year in association with an occupational therapist licensed under this act, if such person meets the qualifications for license under this act except for the Board's qualifying examination; or

(6) any person performing occupational therapy services in the District of Columbia, who is not licensed under this act, if such services are performed for no more than ninety (90) days in a calendar year in association with an occupational therapist licensed under this act, if

(A) such person is licensed under the law of any state which has licensure requirements at least as stringent as the requirements of this act, as determined by the Board; or

(B) such person meets the requirements for certification as an Occupational Therapist Registered (OTR), or a Certified Occupational Therapy Assistant (COTA), established by the American Occupational Therapy Association.

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(b) No provision of this act shall be construed to prohibit physicians, nurses, physical therapists, osteopathic physicians, surgeons, or clinical psychologists from using occupational therapy as a part of or incidental to their profession, when they practice their profession under the statutes applicable to their profession, provided no person shall hold himself out, or otherwise represent himself, as an occupational therapist.

Sec. 6. Board of Occupational Therapy Practice:

Establishment: Compensation.

(a) There shall be established in the District of Columbia the Board of Occupational Therapy Practice. The Board shall consist of at least seven (7) members appointed by the Mayor and approved by the Council. At least four (4) of the Board members shall be occupational therapists with three (3) years of experience as an occupational therapist and at least one (1) member shall be an occupational therapy assistant, and these members shall at all times be holders of valid licenses for the practice of occupational therapy in the District of Columbia except for the members of the first Board, all of whom shall fulfill the requirements for licensure of this act. The remaining two (2) members shall be members of the health professions or members of the

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public with an interest in the rights of the consumers of health services.

(b) The Mayor shall, within sixty (60) days following the effective date of this act, appoint three (3) Board members for a term of one (1) year; three (3) for a term of two (2) years; and one (1) for a term of three (3) years. Appointments made thereafter shall be for three-year terms, but no person shall be appointed to serve more than two (2) consecutive terms. 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 which they are appointed before commencing the terms prescribed by this section.

(c) Within thirty (30) days after the effective date of this act, and annually thereafter, the Association and other interested persons may submit names to the Mayor for consideration for each of the seven (7) Board positions created by subsection (b) of this section. In the event of a mid-term Board vacancy, the Association and other interested persons may recommend the names of at least two (2) and not more than three (3) persons to fill that vacancy and the Mayor shall, as soon thereafter as practicable,

select and appoint one (1) person to fill the unexpired term.

(d) The Board shall meet during the first month of each calendar year to select a chairperson and for other purposes. At least one (1) additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chairperson or the written request of any two (2) Board members. A majority of the members of the Board shall constitute a quorum for all purposes. All meetings of the Board shall be open to the public, except that the Board may hold closed sessions to prepare, approve, grade, or administer examinations, or upon request of an applicant who fails an examination, to prepare a response indicating the reason for his failure.

(e) 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.

Sec. 7. Board of Occupational Therapy Practice: Power

and duties.

(a) The Board shall administer, coordinate, and enforce the provisions of this act, evaluate the qualifications, and supervise the examinations of applicants for licensure under this act, and may issue subpoenas, examine witnesses, and