

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND NINETEEN

H.P. 1227 - L.D. 1716

**An Act To Update the Licensing Laws for Occupational Therapy Practice**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 32 MRSA §2271**, as amended by PL 1997, c. 294, §1, is repealed.

**Sec. 2. 32 MRSA §2272, sub-§4**, as repealed and replaced by PL 1997, c. 294, §2, is amended to read:

**4. Certification examination.** "Certification examination" means the certification examination for a ~~registered~~ an occupational therapist or the certification examination for ~~certified~~ an occupational therapy assistant, both of which are administered by NBCOT.

**Sec. 3. 32 MRSA §2272, sub-§5**, as repealed and replaced by PL 1997, c. 294, §2, is repealed.

**Sec. 4. 32 MRSA §2272, sub-§8**, as repealed and replaced by PL 1997, c. 294, §2, is repealed.

**Sec. 5. 32 MRSA §2272, sub-§8-A** is enacted to read:

**8-A. Director.** "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

**Sec. 6. 32 MRSA §2272, sub-§9**, as enacted by PL 1997, c. 294, §2, is amended to read:

**9. Level II fieldwork.** "Level II fieldwork" means the experience required to prepare occupational therapy and ~~oecupation~~ occupational therapy assistant students to carry out professional responsibilities under appropriate supervision and professional role modeling.

~~A minimum of 6 months, or 940 hours, of level II fieldwork is required for occupational therapy educational programs.~~

A minimum of 12 weeks, or 440 hours, of level II fieldwork is required for occupational therapy assistant educational programs.

**Sec. 7. 32 MRSA §2272, sub-§12-A**, as amended by PL 1999, c. 386, Pt. I, §1, is repealed.

**Sec. 8. 32 MRSA §2272, sub-§§12-B and 12-C** are enacted to read:

**12-B. Occupational therapy assistant.** "Occupational therapy assistant" means an individual who has passed the certification examination of the NBCOT for an occupational therapy assistant or who was certified as an occupational therapy assistant prior to June 1977 and who is licensed to practice occupational therapy under this chapter in the State under the supervision of a licensed occupational therapist.

**12-C. Occupational therapy practitioner.** "Occupational therapy practitioner" means an individual who is licensed as an occupational therapist or an occupational therapy assistant.

**Sec. 9. 32 MRSA §2272, sub-§14**, as enacted by PL 1997, c. 294, §2, is amended to read:

**14. Supervision of OTA.** "Supervision of ~~COTA~~ OTA" means initial directions and periodic inspection of the service delivery and provision of relevant in-service training. The supervising licensed occupational therapist shall determine the frequency and nature of the supervision to be provided based on the clients' required level of care and the ~~COTA's~~ OTA's caseload, experience and competency.

**Sec. 10. 32 MRSA §2276, sub-§1-A**, as amended by PL 1999, c. 386, Pt. I, §2, is further amended to read:

**1-A. License required.** A person may not practice, or profess to be authorized to practice occupational therapy, as an occupational therapist or ~~certified~~ occupational therapy assistant in this State or use the words "occupational therapist," "~~registered~~ licensed occupational therapist," "occupational therapy assistant" or "~~certified~~ licensed occupational therapy assistant" or the letters "O.T.," "~~O.T.R.,~~" "O.T.A.," "~~C.O.T.A.~~" or other words or letters to indicate that the person using the words or letters is a licensed occupational therapist or ~~certified~~ licensed occupational therapy assistant, or that may misrepresent to the public that the person has received formalized training in the field of occupational therapy, unless that person is licensed in accordance with this chapter.

This subsection is not intended to prohibit occupational therapy students and occupational therapy assistant students completing fieldwork from using the letters "O.T.S." and "O.T.A.S." respectively.

**Sec. 11. 32 MRSA §2279, sub-§1**, as enacted by PL 1983, c. 746, §2, is repealed.

**Sec. 12. 32 MRSA §2281**, as amended by PL 2013, c. 217, Pt. J, §3, is further amended to read:

**§2281. Waiver of requirements for licensure**

The board shall grant a license to any person who, prior to July 25, 1984, successfully completed an examination administered by the Psychological Corporation under contract with the American Occupational Therapy Certification Board if that person meets the requirements of section 2279, ~~subsections 1 and~~ subsection 3.

**Sec. 13. 32 MRSA §2282**, as amended by PL 2007, c. 402, Pt. L, §7, is repealed.

**Sec. 14. 32 MRSA §2283, sub-§3**, as amended by PL 1991, c. 509, §17, is repealed.

**Sec. 15. 32 MRSA §2284, sub-§2**, as enacted by PL 1997, c. 294, §11, is repealed.

**Sec. 16. 32 MRSA §2285**, as repealed and replaced by PL 2007, c. 402, Pt. L, §10 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

**§2285. Fees**

~~The Director of the Office of Professional and Occupational Regulation within the department~~ director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$120. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 17. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 32, chapter 32, in the chapter headnote, the words "occupational therapists" are amended to read "occupational therapy practice" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.