

SENATE BILL NO. 54
INTRODUCED BY NATHE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT A LICENSED OCCUPATIONAL THERAPIST TO PROVIDE TREATMENT USING PHYSICAL THERAPEUTIC AGENTS AND PROCEDURES; AMENDING SECTION 37-24-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-24-103, MCA, is amended to read:

"37-24-103. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

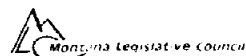
- (1) "Board" means the board of occupational therapy practice established by 2-15-1859.
- (2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.
- (3) "Occupational therapist" means a person licensed to practice occupational therapy under this chapter.
- (4) "Occupational therapy" means the use of purposeful activity with an individual who is limited by physical injury or illness, psychosocial dysfunction, developmental or learning disability, or the aging process in order to maximize independence, prevent disability, and maintain health. The practice encompasses evaluation, treatment, and

consultation. Treatment includes but is not limited to the use of physical therapeutic agents and procedures.

Occupational therapy services may be provided individually, in groups, or through social systems. Specific occupational therapy services include but are not limited to:

- (a) teaching daily living skills;
- (b) developing perceptual-motor skills and sensory integrative functioning;
- (c) developing play skills and prevocational and leisure capacities;
- (d) designing, fabricating, or applying splints or selective adaptive equipment and training in the use of upper extremity prosthetics or upper extremity orthotic devices;
- (e) using specifically designed crafts and exercises to enhance functional performance;
- (f) administering and interpreting tests such as manual muscle and range of motion; and
- (g) adapting environments for the handicapped.

(5) "Occupational therapy aide" means a person who assists in the practice of occupational therapy under the direct supervision of an occupational therapist or occupational therapy assistant and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical,



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1 biological, psychological, and social sciences involved in
2 the practice of occupational therapy.

3 (6) "Occupational therapy assistant" means a person
4 licensed to assist in the practice of occupational therapy
5 under this chapter, who works under the general supervision
6 of an occupational therapist in accordance with the
7 provisions of the Essentials for an Approved Educational
8 Program for the Occupational Therapy Assistant, published by
9 the American occupational therapy association, as it read on
10 October 1, 1985."

11 NEW SECTION. **Section 2.** Effective date. [This act] is
12 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT A LICENSED
5 OCCUPATIONAL THERAPIST TO PROVIDE TREATMENT USING PHYSICAL
6 THERAPEUTIC AGENTS AND PROCEDURES THAT INCLUDES THE USE OF
7 SUPERFICIAL HEAT AND COLD AND OTHER LIMITED TREATMENT USED
8 IN PREPARATION FOR OR IN CONJUNCTION WITH PURPOSEFUL
9 ACTIVITY; AMENDING SECTION 37-24-103, MCA; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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13 **Section 1.** Section 37-24-103, MCA, is amended to read:

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18 practice established by 2-15-1859.

19 (2) "Department" means the department of commerce
20 provided for in Title 2, chapter 15, part 18.

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22 practice occupational therapy under this chapter.

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24 activity with an individual who is limited by physical
25 injury or illness, psychosocial dysfunction, developmental

1 or learning disability, or the aging process in order to
2 maximize independence, prevent disability, and maintain
3 health. The practice encompasses evaluation, treatment, and
4 consultation. ~~Treatment--includes-but-is-not-limited-to-the~~
5 ~~use-of-physical-therapeutic-agents-and-procedures.~~ TREATMENT
6 INCLUDES THE USE OF SUPERFICIAL HEAT AND COLD, INCLUDING HOT
7 PACKS, COLD PACKS, ICE, PARAFFIN, AND WATER, APPLIED TO THE
8 ELBOW, FOREARM, AND HAND; VIBRATION AND BRUSHING; TREATMENT
9 OF ORAL MOTOR CONDITIONS; AND THE USE OF THERAPEUTIC DEVICES
10 LIMITED TO THE ELBOW, FOREARM, AND HAND THAT THE BOARD
11 APPROVES CONSISTENT WITH THE BASIC EDUCATION REQUIREMENTS
12 FOR PROFESSIONAL LICENSURE UNDER THIS CHAPTER. TREATMENT IS
13 LIMITED TO PROCEDURES IN PREPARATION FOR OR IN CONJUNCTION
14 WITH PURPOSEFUL ACTIVITY. Occupational therapy services may
15 be provided individually, in groups, or through social
16 systems. Specific occupational therapy services include but
17 are not limited to:

18 (a) teaching daily living skills;

19 (b) developing perceptual-motor skills and sensory
20 integrative functioning;

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22 leisure capacities;

23 (d) designing, fabricating, or applying splints or
24 selective adaptive equipment and training in the use of
25 upper extremity prosthetics or upper extremity orthotic

SECOND READING

1 devices;

2 (e) using specifically designed crafts and exercises to
3 enhance functional performance;

4 (f) administering and interpreting tests such as manual
5 muscle and range of motion; and

6 (g) adapting environments for the handicapped.

7 (5) "Occupational therapy aide" means a person who
8 assists in the practice of occupational therapy under the
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15 (6) "Occupational therapy assistant" means a person
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18 of an occupational therapist in accordance with the
19 provisions of the Essentials for an Approved Educational
20 Program for the Occupational Therapy Assistant, published by
21 the American occupational therapy association, as it read on
22 October 1, 1985."

23 NEW SECTION. SECTION 2. CONSTRUCTION OF LAW. NOTHING
24 IN [THIS ACT] MAY BE CONSTRUED TO PROHIBIT THE USE OF
25 THERAPEUTIC DEVICES OR EQUIPMENT AUTHORIZED AS A SPECIFIC

1 OCCUPATIONAL THERAPY SERVICE UNDER 37-24-103(4)(D).

2 NEW SECTION. Section 3. Effective date -- TERMINATION.

3 [This act] is effective on passage and approval AND

4 TERMINATES JULY 1, 1993.

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REFERENCE BILL



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