

SENATE BILL NO. 166

INTRODUCED BY TOWE, RYE, FRITZ, S. RICE

IN THE SENATE

JANUARY 16, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

FEBRUARY 15, 1993 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 16, 1993 PRINTING REPORT.

ON MOTION, CONSIDERATION PASSED
TILL THE 41ST LEGISLATIVE DAY.

FEBRUARY 19, 1993 SECOND READING, DO PASS.

FEBRUARY 20, 1993 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

FIRST READING.

MARCH 13, 1993 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 17, 1993 SECOND READING, CONCURRED IN.

MARCH 19, 1993 THIRD READING, CONCURRED IN.
AYES, 99; NOES, 0.

MARCH 22, 1993 RETURNED TO SENATE.

IN THE SENATE

MARCH 22, 1993 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1
 2 INTRODUCED BY Senate BILL NO. 166
Paul Fitz SR.

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN
 5 DEFINITIONS RELATING TO OCCUPATIONAL THERAPY; ESTABLISHING
 6 CRITERIA FOR THE USE OF OCCUPATIONAL THERAPY TECHNIQUES;
 7 AMENDING SECTION 37-24-103, MCA; AND PROVIDING AN IMMEDIATE
 8 EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

12 "37-24-103. (Temporary) Definitions. As used in this
 13 chapter, unless the context requires otherwise, the
 14 following definitions apply:

15 (1) "Board" means the board of occupational therapy
 16 practice established by 2-15-1859.

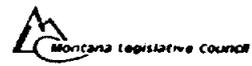
17 (2) "Certified occupational therapy assistant" means a
 18 person licensed to assist in the practice of occupational
 19 therapy under this chapter, who works under the general
 20 supervision of an occupational therapist in accordance with
 21 the provisions of the Essentials for an Approved Educational
 22 Program for the Occupational Therapy Assistant, published by
 23 the American occupational therapy association and adopted by
 24 the board.

25 (2)(3) "Department" means the department of commerce

1 provided for in Title 2, chapter 15, part 18.

2 (3)(4) "Occupational therapist" means a person licensed
 3 to practice occupational therapy under this chapter.

4 (4)(5) "Occupational therapy" means the use of
 5 purposeful activity ~~with--an~~ and interventions to achieve
 6 functional outcomes to maximize the independence and the
 7 maintenance of health of an individual who is limited by
 8 physical injury or illness, psychosocial dysfunction, mental
 9 illness, developmental or learning disability, or the aging
 10 process, cognitive impairment, or an adverse environmental
 11 condition in--order--to--maximize---independence,---prevent
 12 disability,---and--maintain--health. The practice encompasses
 13 evaluation assessment, treatment, and consultation.
 14 Treatment--includes--the--use--of--superficial--heat--and--cold,
 15 including--hot--packs,--cold--packs,--ice,--paraffin,--and--water,
 16 applied--to--the--elbow,--forearm,--and--hand,--vibration--and
 17 brushing,--treatment--of--oral--motor--conditions,--and--the--use--of
 18 therapeutic--devices--limited--to--the--elbow,--forearm,--and--hand
 19 that--the--board--approves--consistent--with--the--basic--education
 20 requirements--for--professional--licensure--under--this--chapter.
 21 Treatment--is--limited--to--procedures--in--preparation--for--or--in
 22 conjunction--with--purposeful--activity. Occupational therapy
 23 services may be provided individually, in groups, or through
 24 social systems. ~~Specific occupational~~ Occupational therapy
 25 services interventions include but are not limited to:



- 1 (a) teaching daily living skills;
- 2 (b) developing perceptual-motor skills and sensory
3 integrative functioning;
- 4 (c) developing play skills and--prevocational and
5 leisure capacities and enhancing educational performance
6 skills;
- 7 (d) designing, fabricating, or applying ~~splints--or~~
8 ~~selective--adaptive--equipment--and--training--in-the-use-of~~
9 ~~upper-extremity--prosthetics--or--upper--extremity--orthotic~~
10 ~~devices~~ rehabilitative technology, such as selected orthotic
11 devices, and providing training in the functional use of
12 assistive technology and upper extremity orthotic or
13 prosthetic devices;
- 14 (e) ~~using-specifically-designed-crafts-and-exercises-to~~
15 ~~enhance-functional-performance~~ providing for the development
16 of emotional, motivational, cognitive, psychosocial, or
17 physical components of performance;
- 18 (f) ~~administering-and-interpreting-tests-such-as-manual~~
19 ~~muscle--and--range--of--motion;--and~~ providing assessment and
20 evaluation, including the use of skilled observation or the
21 administration and interpretation of standardized or
22 nonstandardized tests and measurements to identify areas for
23 occupational therapy services;
- 24 (g) adapting environments for the handicapped disabled,
25 including assistive technology, such as environmental

- 1 controls, wheelchair modifications, and positioning;
- 2 (h) developing feeding and swallowing skills;
- 3 (i) enhancing and assessing functional performance and
4 work readiness through exercise, range of motion, and use of
5 ergonomic principles;
- 6 (j) providing neuromuscular facilitation and
7 inhibition, including the activation, facilitation, and
8 inhibition of muscle action, both voluntary and involuntary,
9 through the use of appropriate sensory stimulation,
10 including vibration or brushing, to evoke a desired muscular
11 response;
- 12 (k) employing physical agent modalities as defined in
13 this section; and
- 14 (l) promoting health and wellness.
- 15 (5)(6) "Occupational therapy aide" means a person who
16 assists in the practice of occupational therapy under the
17 direct supervision of an occupational therapist or
18 occupational therapy assistant and whose activities require
19 an understanding of occupational therapy but do not require
20 professional or advanced training in the basic anatomical,
21 biological, psychological, and social sciences involved in
22 the practice of occupational therapy.
- 23 (6)--~~"Occupational therapy assistant"--means--a--person~~
24 ~~licensed--to--assist-in-the-practice-of-occupational-therapy~~
25 ~~under-this-chapter,--who-works-under-the-general--supervision~~

1 of---an---occupational---therapist---in---accordance---with---the
2 provisions-of-the-Essentials---for---an---Approved---Educational
3 Program-for-the-Occupational-Therapy-Assistant,---published-by
4 the-American-occupational-therapy-association,---as-it-read-on
5 October-17-1985.

6 (7) "Purposeful activity" means an activity in which
7 the individual is an active, voluntary participant and is
8 directed toward a goal that the individual considers
9 meaningful. Purposeful activities are used to evaluate,
10 facilitate, restore, or maintain individuals' abilities to
11 function within their daily occupations.

12 (8) "Physical agent modalities" means those modalities
13 that produce a response in soft tissue through the use of
14 light, water, temperature, sound, or electricity. Physical
15 agent modalities are characterized as adjunctive methods
16 used in conjunction with or in immediate preparation for
17 patient involvement in purposeful activity. Superficial
18 physical agent modalities include hot packs, cold packs,
19 ice, fluidotherapy, paraffin, water, and other commercially
20 available superficial heating and cooling devices. Use of
21 superficial physical agent modalities is limited to the
22 shoulder, arm, elbow, forearm, wrist, and hand and is
23 subject to the provisions of [section 2]. Use of sound and
24 electrical physical agent modality devices is limited to the
25 elbow, forearm, wrist, and hand and is subject to the

1 provisions of [section 3]. (Terminates July 1, 1993--sec. 3,
2 Ch. 35, L. 1991.)

3 37-24-103. (Effective July 1, 1993) Definitions. As
4 used in this chapter, unless the context requires otherwise,
5 the following definitions apply:

6 (1) "Board" means the board of occupational therapy
7 practice established by 2-15-1859.

8 (2) "Certified occupational therapy assistant" means a
9 person licensed to assist in the practice of occupational
10 therapy under this chapter, who works under the general
11 supervision of an occupational therapist in accordance with
12 the provisions of the Essentials for an Approved Educational
13 Program for the Occupational Therapy Assistant, published by
14 the American occupational therapy association and adopted by
15 the board.

16 †2†(3) "Department" means the department of commerce
17 provided for in Title 2, chapter 15, part 18.

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19 to practice occupational therapy under this chapter.

20 †4†(5) "Occupational therapy" means the use of
21 purposeful activity with-an and interventions to achieve
22 functional outcomes to maximize the independence and the
23 maintenance of health of an individual who is limited by
24 physical injury or illness, psychosocial dysfunction, mental
25 illness, developmental or learning disability, or the aging

1 process, cognitive impairment, or an adverse environmental
 2 condition in--order--to--maximize--independence,--prevent
 3 disability,--and--maintain--health. The practice encompasses
 4 evaluation assessment, treatment, and consultation.
 5 Occupational therapy services may be provided individually,
 6 in groups, or through social systems. ~~Specific-occupational~~
 7 Occupational therapy ~~services~~ interventions include but are
 8 not limited to:

- 9 (a) teaching daily living skills;
 10 (b) developing perceptual-motor skills and sensory
 11 integrative functioning;
 12 (c) developing play skills and--pre-occupational and
 13 leisure capacities and enhancing educational performance
 14 skills;
 15 (d) designing, fabricating, or applying splints--or
 16 selective-adaptive-equipment-and--training--in--the--use--of
 17 upper--extremity--prosthetics--or--upper--extremity-orthotic
 18 devices rehabilitative technology, such as selected orthotic
 19 devices, and providing training in the functional use of
 20 assistive technology, upper extremity orthotic or prosthetic
 21 devices;
 22 (e) using-specifically-designed-crafts-and-exercises-to
 23 enhance-functional-performance providing for the development
 24 of emotional, motivational, cognitive, or physical
 25 components of performance;

1 (f) ~~administering-and-interpreting-tests-such-as-manual~~
 2 ~~muscle--and--range--of--motion;--and~~ providing assessment and
 3 evaluation, including the use of skilled observation or the
 4 administration and interpretation of standardized or
 5 nonstandardized tests and measurements to identify areas for
 6 occupational therapy services;

7 (g) adapting environments for the handicapped disabled,
 8 including assistive technology, such as environmental
 9 controls, wheelchair modifications, and positioning;

10 (h) developing feeding and swallowing skills;

11 (i) enhancing and assessing functional performance and
 12 work readiness through exercise, range of motion, and use of
 13 ergonomic principles;

14 (j) providing neuromuscular facilitation and
 15 inhibition, including the activation, facilitation, and
 16 inhibition of muscle action, both voluntary and involuntary,
 17 through the use of appropriate sensory stimulation,
 18 including vibration or brushing, to evoke a desired muscular
 19 response;

20 (k) employing physical agent modalities as defined in
 21 this section; and

22 (l) promoting health and wellness.

23 (5)(6) "Occupational therapy aide" means a person who
 24 assists in the practice of occupational therapy under the
 25 direct supervision of an occupational therapist or

1 occupational therapy assistant and whose activities require
2 an understanding of occupational therapy but do not require
3 professional or advanced training in the basic anatomical,
4 biological, psychological, and social sciences involved in
5 the practice of occupational therapy.

6 ~~(6) "Occupational therapy assistant" means a person
7 licensed to assist in the practice of occupational therapy
8 under this chapter, who works under the general supervision
9 of an occupational therapist in accordance with the
10 provisions of the Essentials for an Approved Educational
11 Program for the Occupational Therapy Assistant, published by
12 the American occupational therapy association, as it read on
13 October 17, 1985.~~

14 (7) "Purposeful activity" means an activity in which
15 the individual is an active, voluntary participant and is
16 directed toward a goal that the individual considers
17 meaningful. Purposeful activities are used to evaluate,
18 facilitate, restore, or maintain individuals' abilities to
19 function within their daily occupations.

20 (8) "Physical agent modalities" means those modalities
21 that produce a response in soft tissue through the use of
22 light, water, temperature, sound, or electricity. Physical
23 agent modalities are characterized as adjunctive methods
24 used in conjunction with or in immediate preparation for
25 patient involvement in purposeful activity. Superficial

1 physical agent modalities include hot packs, cold packs,
2 ice, fluidotherapy, paraffin, water, and other commercially
3 available superficial heating and cooling devices. Use of
4 superficial physical agent modalities is limited to the
5 shoulder, arm, elbow, forearm, wrist, and hand and is
6 subject to the provisions of [section 2]. Use of sound and
7 electrical physical agent modality devices is limited to the
8 elbow, forearm, wrist, and hand and is subject to the
9 provisions of [section 3]."

10 NEW SECTION. Section 2. Use of superficial physical
11 agent modalities. (1) Except as provided in subsection (2),
12 a person may not use occupational therapy techniques
13 involving superficial physical agent modalities unless the
14 person:

15 (a) is a licensed occupational therapist under this
16 chapter;

17 (b) limits application of superficial agent modalities
18 to the shoulder, arm, elbow, forearm, wrist, and hand; and

19 (c) has successfully completed 16 hours of instruction
20 or training in superficial physical agent modalities and in
21 documents competency, as approved by the board, in the
22 following areas:

23 (i) principles of physics related to specific
24 properties of light, water, temperature, sound, or
25 electricity, as indicated by selected modalities;

(ii) physiological, neurophysiological, and electrophysiological changes that occur as a result of the application of selected modalities;

(iii) the response of normal and abnormal tissue to the application or modality;

(iv) indications and contraindications related to the selection and application of the modality;

(v) guidelines for the treatment or administration of the modality within the philosophical framework of occupational therapy;

(vi) guidelines for educating the patient, including information about risks and benefits of the occupational therapy techniques;

(vii) safety rules and precautions related to the selected modalities;

(viii) methods for documenting the effectiveness and immediate and long-term effects of treatment in relation to task-oriented activities; and

(ix) characteristics of and guidelines for the use of therapy equipment, including safe operation, adjustment, and care and maintenance of the equipment.

(2) A certified occupational therapy assistant who works under the direct supervision of an occupational therapist may apply superficial physical agent modalities to the shoulder, arm, elbow, forearm, wrist, and hand.

NEW SECTION. **Section 3.** Use of sound and electrical physical agent modalities. A person may not utilize occupational therapy techniques involving sound or electrical physical agent modality devices unless the person:

(1) is licensed under this chapter;

(2) limits application of sound and electrical physical agent modalities to the elbow, forearm, wrist, or hand; and

(3) (a) provides to the board documentation of certification by the hand certification commission, inc., and has successfully completed 40 hours of instruction or training in sound and electrical physical agent modality devices and in documents competency, as approved by the board, in the areas provided in [section 2(2)]; or

(b) has successfully completed 100 hours of instruction or training in sound and electrical physical agent modality devices and in documents competency, as approved by the board, in the areas provided in [section 2(2)].

NEW SECTION. **Section 4.** Codification instruction. [Sections 2 and 3] are intended to be codified as an integral part of Title 37, chapter 24, part 1, and the provisions of Title 37, chapter 24, part 1, apply to [sections 2 and 3].

NEW SECTION. **Section 5.** Effective date. [This act] is effective on passage and approval.

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 166

INTRODUCED BY TOWE, RYE, FRITZ, S. RICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN
DEFINITIONS RELATING TO OCCUPATIONAL THERAPY; ESTABLISHING
CRITERIA FOR THE USE OF OCCUPATIONAL THERAPY TECHNIQUES;
AMENDING SECTION 37-24-103, MCA; AND PROVIDING AN IMMEDIATE
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(2) "Certified occupational therapy assistant" means a
person licensed to assist in the practice of occupational
therapy under this chapter, who works under the general
supervision of an occupational therapist in accordance with
the provisions of the Essentials for an Approved Educational
Program for the Occupational Therapy Assistant, published by
the American occupational therapy association and adopted by
the board.

(3) "Department" means the department of commerce

provided for in Title 2, chapter 15, part 18.

(4) "Occupational therapist" means a person licensed
to practice occupational therapy under this chapter.

(5) "Occupational therapy" means the use of
purposeful activity with an and interventions to achieve
functional outcomes to maximize the independence and the
maintenance of health of an individual who is limited by
physical injury or illness, psychosocial dysfunction, mental
illness, developmental or learning disability, or the aging
process, cognitive impairment, or an adverse environmental
condition in order to maximize independence, prevent
disability, and maintain health. The practice encompasses
evaluation assessment, treatment, and consultation.
Treatment includes the use of superficial heat and cold,
including hot packs, cold packs, ice, paraffin, and water,
applied to the elbow, forearm, and hand; vibration and
brushing; treatment of oral motor conditions; and the use of
therapeutic devices limited to the elbow, forearm, and hand
that the board approves consistent with the basic education
requirements for professional licensure under this chapter.
Treatment is limited to procedures in preparation for or in
conjunction with purposeful activity. Occupational therapy
services may be provided individually, in groups, or through
social systems. Specific occupational Occupational therapy
services interventions include but are not limited to:



- 1 (a) teaching daily living skills;
- 2 (b) developing perceptual-motor skills and sensory
3 integrative functioning;
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5 leisure capacities and enhancing educational performance
6 skills;
- 7 (d) designing, fabricating, or applying ~~splints--or~~
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12 assistive--technology--and--upper--extremity--orthotic--or
13 prosthetic--devices SPLINTS OR SELECTIVE ADAPTIVE EQUIPMENT
14 AND TRAINING IN THE USE OF UPPER EXTREMITY PROSTHETICS OR
15 UPPER EXTREMITY ORTHOTIC DEVICES;
- 16 (e) ~~using--specifically--designed--crafts--and--exercises--to~~
17 ~~enhance--functional--performance~~ providing for the development
18 of emotional, motivational, cognitive, psychosocial, or
19 physical components of performance;
- 20 (f) ~~administering--and--interpreting--tests--such--as--manual~~
21 ~~muscle--and--range--of--motion;--and~~ providing assessment and
22 evaluation, including the use of skilled observation or the
23 administration and interpretation of standardized or
24 nonstandardized tests and measurements to identify areas for
25 occupational therapy services;

- 1 (g) adapting environments for the ~~handicapped~~ disabled,
2 including assistive technology, such as environmental
3 controls, wheelchair modifications, and positioning;
- 4 (h) developing feeding and swallowing skills;
- 5 (i) enhancing and assessing ~~functional~~ WORK performance
6 and work readiness through ~~exercise, range-of-motion, and~~
7 use---of---ergonomic---principles OCCUPATIONAL THERAPY
8 INTERVENTION, INCLUDING EDUCATION AND INSTRUCTION,
9 ACTIVITIES TO INCREASE AND IMPROVE GENERAL WORK BEHAVIOR AND
10 SKILL, JOB SITE EVALUATION, ON-THE-JOB TRAINING AND
11 EVALUATION, DEVELOPMENT OF WORK-RELATED ACTIVITIES, AND
12 SUPPORTED EMPLOYMENT PLACEMENT;
- 13 (j) providing neuromuscular facilitation and
14 inhibition, including the activation, facilitation, and
15 inhibition of muscle action, both voluntary and involuntary,
16 through the use of appropriate sensory stimulation,
17 including vibration or brushing, to evoke a desired muscular
18 response;
- 19 (k) employing physical agent modalities as defined in
20 this section; and
- 21 (l) promoting health and wellness.
- 22 †5†(6) "Occupational therapy aide" means a person who
23 assists in the practice of occupational therapy under the
24 direct supervision of an occupational therapist or
25 occupational therapy assistant and whose activities require

1 an understanding of occupational therapy but do not require
2 professional or advanced training in the basic anatomical,
3 biological, psychological, and social sciences involved in
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1 EVALUATION, DEVELOPMENT OF WORK-RELATED ACTIVITIES, AND
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 4 inhibition, including the activation, facilitation, and
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 19 shoulder, arm, elbow, forearm, wrist, and hand and is
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 22 elbow, forearm, wrist, and hand and is subject to the
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24 NEW SECTION. Section 2. Use of superficial physical
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1 a person may not use occupational therapy techniques
2 involving superficial physical agent modalities unless the
3 person:

4 (a) is a licensed occupational therapist under this
5 chapter;

6 (b) limits application of superficial agent modalities
7 to the shoulder, arm, elbow, forearm, wrist, and hand; and

8 (c) has successfully completed 16 hours of instruction
9 or training in superficial physical agent modalities and in
10 documents competency, as approved by the board, in the
11 following areas:

12 (i) principles of physics related to specific
13 properties of light, water, temperature, sound, or
14 electricity, as indicated by selected modalities;

15 (ii) physiological, neurophysiological, and
16 electrophysiological changes that occur as a result of the
17 application of selected modalities;

18 (iii) the response of normal and abnormal tissue to the
19 application ~~or modality~~ OF SELECTED MODALITIES;

20 (iv) indications and contraindications related to the
21 selection and application of the modality;

22 (v) guidelines for the treatment or administration of
23 the modality within the philosophical framework of
24 occupational therapy;

25 (vi) guidelines for educating the patient, including

1 information about risks and benefits of the occupational
2 therapy techniques;

3 (vii) safety rules and precautions related to the
4 selected modalities;

5 (viii) methods for documenting the effectiveness and
6 immediate and long-term effects of treatment in relation to
7 task-oriented activities; and

8 (ix) characteristics of and guidelines for the use of
9 therapy equipment, including safe operation, adjustment, and
10 care and maintenance of the equipment.

11 (2) A certified occupational therapy assistant who
12 works under the direct supervision of an A QUALIFIED
13 occupational therapist may apply superficial physical agent
14 modalities to the shoulder, arm, elbow, forearm, wrist, and
15 hand.

16 NEW SECTION. Section 3. Use of sound and electrical
17 physical agent modalities. A person may not utilize
18 occupational therapy techniques involving sound or
19 electrical physical agent modality devices unless the
20 person:

21 (1) is licensed under this chapter;

22 (2) limits application of sound and electrical physical
23 agent modalities to the elbow, forearm, wrist, or hand TO
24 RESTORE AND ENHANCE HAND FUNCTION; and

25 (3) (a) provides to the board documentation of

1 certification by the hand certification commission, inc.,
2 and has successfully completed 40 hours of instruction or
3 training in sound and electrical physical agent modality
4 devices and in documents competency, as approved by the
5 board, in the areas provided in [section 2(2) 2(1)(C)]; or

6 (b) has successfully completed 100 hours of instruction
7 or training in sound and electrical physical agent modality
8 devices and in documents competency, as approved by the
9 board, in the areas provided in [section 2(2) 2(1)(C)].

10 NEW SECTION. Section 4. Codification instruction.
11 [Sections 2 and 3] are intended to be codified as an
12 integral part of Title 37, chapter 24, part 1, and the
13 provisions of Title 37, chapter 24, part 1, apply to
14 [sections 2 and 3].

15 NEW SECTION. Section 5. Effective date. [This act] is
16 effective on passage and approval.

-End-

SENATE BILL NO. 166

INTRODUCED BY TOWE, RYE, PRITZ, S. RICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN DEFINITIONS RELATING TO OCCUPATIONAL THERAPY; ESTABLISHING CRITERIA FOR THE USE OF OCCUPATIONAL THERAPY TECHNIQUES; 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. (Temporary) 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) "Certified occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under this chapter, who works under the general supervision of an occupational therapist in accordance with the provisions of the Essentials for an Approved Educational Program for the Occupational Therapy Assistant, published by the American occupational therapy association and adopted by the board.

{2}{3} "Department" means the department of commerce

provided for in Title 2, chapter 15, part 18.

{3}{4} "Occupational therapist" means a person licensed to practice occupational therapy under this chapter.

{4}{5} "Occupational therapy" means the use of purposeful activity with--an and interventions to achieve functional outcomes to maximize the independence and the maintenance of health of an individual who is limited by physical injury or illness, psychosocial dysfunction, mental illness, developmental or learning disability, or the aging process, cognitive impairment, or an adverse environmental condition in--order--to--maximize---independence,---prevent disability,--and--maintain--health. The practice encompasses evaluation assessment, treatment, and consultation. Treatment--includes--the--use--of--superficial-heat-and-cold, including-hot-packs, cold-packs, ice, paraffin,--and--water, applied--to--the--elbow, forearm,--and--hand, vibration-and brushing, treatment-of-oral-motor-conditions, and-the-use-of therapeutic-devices-limited-to-the-elbow, forearm, and--hand

THERE ARE NO CHANGES IN THIS BILL AND WILL NOT BE REPRINTED. PLEASE REFER TO YELLOW COPY FOR COMPLETE TEXT.



1 SENATE BILL NO. 166

2 INTRODUCED BY TOWE, RYE, FRITZ, S. RICE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN
5 DEFINITIONS RELATING TO OCCUPATIONAL THERAPY; ESTABLISHING
6 CRITERIA FOR THE USE OF OCCUPATIONAL THERAPY TECHNIQUES;
7 AMENDING SECTION 37-24-103, MCA; AND PROVIDING AN IMMEDIATE
8 EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

12 "37-24-103. (Temporary) Definitions. As used in this
13 chapter, unless the context requires otherwise, the
14 following definitions apply:15 (1) "Board" means the board of occupational therapy
16 practice established by 2-15-1859.17 (2) "Certified occupational therapy assistant" means a
18 person licensed to assist in the practice of occupational
19 therapy under this chapter, who works under the general
20 supervision of an occupational therapist in accordance with
21 the provisions of the Essentials for an Approved Educational
22 Program for the Occupational Therapy Assistant, published by
23 the American occupational therapy association and adopted by
24 the board.

25 (3) "Department" means the department of commerce

1 provided for in Title 2, chapter 15, part 18.

2 (4) "Occupational therapist" means a person licensed
3 to practice occupational therapy under this chapter.4 (5) "Occupational therapy" means the use of
5 purposeful activity with--an and interventions to achieve
6 functional outcomes to maximize the independence and the
7 maintenance of health of an individual who is limited by
8 physical injury or illness, psychosocial dysfunction, mental
9 illness, developmental or learning disability, or the aging
10 process, cognitive impairment, or an adverse environmental
11 condition in--order--to--maximize---independence,---prevent
12 disability,--and--maintain--health. The practice encompasses
13 evaluation assessment, treatment, and consultation.
14 Treatment--includes--the--use--of--superficial--heat--and--cold,
15 including--hot--packs,--cold--packs,--ice,--paraffin,--and--water,
16 applied--to--the--elbow,--forearm,--and--hand,--vibration--and
17 brushing;--treatment--of--oral--motor--conditions;--and--the--use--of
18 therapeutic--devices--limited--to--the--elbow,--forearm,--and--hand
19 that--the--board--approves--consistent--with--the--basic--education
20 requirements--for--professional--licensure--under--this--chapter.
21 Treatment--is--limited--to--procedures--in--preparation--for--or--in
22 conjunction--with--purposeful--activity. Occupational therapy
23 services may be provided individually, in groups, or through
24 social systems. Specific--occupational Occupational therapy
25 services interventions include but are not limited to:

- 1 (a) teaching daily living skills;
- 2 (b) developing perceptual-motor skills and sensory
3 integrative functioning;
- 4 (c) developing play skills and ~~pre-vocational~~ and
5 leisure capacities and enhancing educational performance
6 skills;
- 7 (d) designing, fabricating, or applying ~~splints--or~~
8 ~~selective--adaptive--equipment--and--training--in--the--use--of~~
9 ~~upper--extremity--prosthetics--or--upper--extremity--orthotic~~
10 ~~devices~~ rehabilitative technology, such as selected orthotic
11 devices,--and--providing--training--in--the--functional--use--of
12 assistive--technology--and--upper--extremity--orthotic--or
13 prosthetic--devices SPLINTS OR SELECTIVE ADAPTIVE EQUIPMENT
14 AND TRAINING IN THE USE OF UPPER EXTREMITY PROSTHETICS OR
15 UPPER EXTREMITY ORTHOTIC DEVICES;
- 16 (e) ~~using specifically designed crafts and exercises to~~
17 ~~enhance functional performance~~ providing for the development
18 of emotional, motivational, cognitive, psychosocial, or
19 physical components of performance;
- 20 (f) ~~administering and interpreting tests such as manual~~
21 ~~muscle--and--range--of--motion; and~~ providing assessment and
22 evaluation, including the use of skilled observation or the
23 administration and interpretation of standardized or
24 nonstandardized tests and measurements to identify areas for
25 occupational therapy services;

- 1 (g) adapting environments for the handicapped disabled,
2 including assistive technology, such as environmental
3 controls, wheelchair modifications, and positioning;
- 4 (h) developing feeding and swallowing skills;
- 5 (i) enhancing and assessing functional WORK performance
6 and work readiness through exercise, range-of-motion, and
7 use---of---ergonomic---principles OCCUPATIONAL THERAPY
8 INTERVENTION, INCLUDING EDUCATION AND INSTRUCTION,
9 ACTIVITIES TO INCREASE AND IMPROVE GENERAL WORK BEHAVIOR AND
10 SKILL, JOB SITE EVALUATION, ON-THE-JOB TRAINING AND
11 EVALUATION, DEVELOPMENT OF WORK-RELATED ACTIVITIES, AND
12 SUPPORTED EMPLOYMENT PLACEMENT;
- 13 (j) providing neuromuscular facilitation and
14 inhibition, including the activation, facilitation, and
15 inhibition of muscle action, both voluntary and involuntary,
16 through the use of appropriate sensory stimulation,
17 including vibration or brushing, to evoke a desired muscular
18 response;
- 19 (k) employing physical agent modalities as defined in
20 this section; and
- 21 (l) promoting health and wellness.

22 (5)(6) "Occupational therapy aide" means a person who
23 assists in the practice of occupational therapy under the
24 direct supervision of an occupational therapist or
25 occupational therapy assistant and whose activities require

1 an understanding of occupational therapy but do not require
2 professional or advanced training in the basic anatomical,
3 biological, psychological, and social sciences involved in
4 the practice of occupational therapy.

5 ~~{6} "Occupational therapy assistant" means a person~~
6 ~~licensed to assist in the practice of occupational therapy~~
7 ~~under this chapter, who works under the general supervision~~
8 ~~of an occupational therapist in accordance with the~~
9 ~~provisions of the Essentials for an Approved Educational~~
10 ~~Program for the Occupational Therapy Assistant, published by~~
11 ~~the American occupational therapy association, as it read on~~
12 ~~October 17, 1985.~~

13 {7} "Purposeful activity" means an activity in which
14 the individual is an active, voluntary participant and is
15 directed toward a goal that the individual considers
16 meaningful. Purposeful activities are used to evaluate,
17 facilitate, restore, or maintain individuals' abilities to
18 function within their daily occupations.

19 {8} "Physical agent modalities" means those modalities
20 that produce a response in soft tissue through the use of
21 light, water, temperature, sound, or electricity. Physical
22 agent modalities are characterized as adjunctive methods
23 used in conjunction with or in immediate preparation for
24 patient involvement in purposeful activity. Superficial
25 physical agent modalities include hot packs, cold packs,

1 ice, fluidotherapy, paraffin, water, and other commercially
2 available superficial heating and cooling devices. Use of
3 superficial physical agent modalities is limited to the
4 shoulder, arm, elbow, forearm, wrist, and hand and is
5 subject to the provisions of [section 2]. Use of sound and
6 electrical physical agent modality devices is limited to the
7 elbow, forearm, wrist, and hand and is subject to the
8 provisions of [section 3]. (Terminates July 1, 1993--sec. 3,
9 Ch. 35, L. 1991.)

10 37-24-103. (Effective July 1, 1993) Definitions. As
11 used in this chapter, unless the context requires otherwise,
12 the following definitions apply:

13 (1) "Board" means the board of occupational therapy
14 practice established by 2-15-1859.

15 (2) "Certified occupational therapy assistant" means a
16 person licensed to assist in the practice of occupational
17 therapy under this chapter, who works under the general
18 supervision of an occupational therapist in accordance with
19 the provisions of the Essentials for an Approved Educational
20 Program for the Occupational Therapy Assistant, published by
21 the American occupational therapy association and adopted by
22 the board.

23 ~~{2}~~{3} "Department" means the department of commerce
24 provided for in Title 2, chapter 15, part 18.

25 ~~{3}~~{4} "Occupational therapist" means a person licensed

1 to practice occupational therapy under this chapter.

2 ~~{4}~~(5) "Occupational therapy" means the use of
3 purposeful activity with--an and interventions to achieve
4 functional outcomes to maximize the independence and the
5 maintenance of health of an individual who is limited by
6 physical injury or illness, psychosocial dysfunction, mental
7 illness, developmental or learning disability, or the aging
8 process, cognitive impairment, or an adverse environmental
9 condition in--order--to--maximize---independence,---prevent
10 disability,--and--maintain--health. The practice encompasses
11 evaluation assessment, treatment, and consultation.
12 Occupational therapy services may be provided individually,
13 in groups, or through social systems. Specific--occupational
14 Occupational therapy services interventions include but are
15 not limited to:

16 (a) teaching daily living skills;

17 (b) developing perceptual-motor skills and sensory
18 integrative functioning;

19 (c) developing play skills and--pre vocational and
20 leisure capacities and enhancing educational performance
21 skills;

22 (d) designing, fabricating, or applying splints--or
23 selective--adaptive--equipment--and--training--in-the-use-of
24 upper-extremity--prosthetics--or--upper--extremity--orthotic
25 devices rehabilitative-technology, such as selected orthotic

1 devices,--and--providing--training--in-the-functional-use-of
2 assistive-technology, upper-extremity-orthotic-or-prosthetic
3 devices SPLINTS OR SELECTIVE ADAPTIVE EQUIPMENT AND TRAINING
4 IN THE USE OF UPPER EXTREMITY PROSTHETICS OR UPPER EXTREMITY
5 ORTHOTIC DEVICES;

6 (e) using-specifically-designed-crafts-and-exercises-to
7 enhance-functional-performance providing for the development
8 of emotional, motivational, cognitive, PSYCHOSOCIAL, or
9 physical components of performance;

10 (f) administering-and-interpreting-tests-such-as-manual
11 muscle-and-range-of-motion,--and providing assessment and
12 evaluation, including the use of skilled observation or the
13 administration and interpretation of standardized or
14 nonstandardized tests and measurements to identify areas for
15 occupational therapy services;

16 (g) adapting environments for the handicapped disabled,
17 including assistive technology, such as environmental
18 controls, wheelchair modifications, and positioning;

19 (h) developing feeding and swallowing skills;

20 (i) enhancing and assessing functional WORK performance
21 and work readiness through exercise, range--of--motion,--and
22 use---of---ergonomic---principles OCCUPATIONAL THERAPY
23 INTERVENTION, INCLUDING EDUCATION AND INSTRUCTION,
24 ACTIVITIES TO INCREASE AND IMPROVE GENERAL WORK BEHAVIOR AND
25 SKILL, JOB SITE EVALUATION, ON-THE-JOB TRAINING AND

1 EVALUATION, DEVELOPMENT OF WORK-RELATED ACTIVITIES, AND
 2 SUPPORTED EMPLOYMENT PLACEMENT;

3 (j) providing neuromuscular facilitation and
 4 inhibition, including the activation, facilitation, and
 5 inhibition of muscle action, both voluntary and involuntary,
 6 through the use of appropriate sensory stimulation,
 7 including vibration or brushing, to evoke a desired muscular
 8 response;

9 (k) employing physical agent modalities as defined in
 10 this section; and

11 (l) promoting health and wellness.

12 ~~(5)~~(6) "Occupational therapy aide" means a person who
 13 assists in the practice of occupational therapy under the
 14 direct supervision of an occupational therapist or
 15 occupational therapy assistant and whose activities require
 16 an understanding of occupational therapy but do not require
 17 professional or advanced training in the basic anatomical,
 18 biological, psychological, and social sciences involved in
 19 the practice of occupational therapy.

20 ~~(6)--"Occupational therapy assistant"--means--a--person~~
 21 ~~licensed--to--assist--in--the--practice--of--occupational--therapy~~
 22 ~~under--this--chapter--who--works--under--the--general--supervision~~
 23 ~~of--an--occupational--therapist--in--accordance--with--the~~
 24 ~~provisions--of--the--Essentials--for--an--Approved--Educational~~
 25 ~~Program--for--the--Occupational--Therapy--Assistant--published--by~~

1 ~~the--American--occupational--therapy--association--as--it--read--on~~
 2 ~~October--17--1985.~~

3 (7) "Purposeful activity" means an activity in which
 4 the individual is an active, voluntary participant and is
 5 directed toward a goal that the individual considers
 6 meaningful. Purposeful activities are used to evaluate,
 7 facilitate, restore, or maintain individuals' abilities to
 8 function within their daily occupations.

9 (8) "Physical agent modalities" means those modalities
 10 that produce a response in soft tissue through the use of
 11 light, water, temperature, sound, or electricity. Physical
 12 agent modalities are characterized as adjunctive methods
 13 used in conjunction with or in immediate preparation for
 14 patient involvement in purposeful activity. Superficial
 15 physical agent modalities include hot packs, cold packs,
 16 ice, fluidotherapy, paraffin, water, and other commercially
 17 available superficial heating and cooling devices. Use of
 18 superficial physical agent modalities is limited to the
 19 shoulder, arm, elbow, forearm, wrist, and hand and is
 20 subject to the provisions of [section 2]. Use of sound and
 21 electrical physical agent modality devices is limited to the
 22 elbow, forearm, wrist, and hand and is subject to the
 23 provisions of [section 3]."

24 NEW SECTION. Section 2. Use of superficial physical
 25 agent modalities. (1) Except as provided in subsection (2),

1 a person may not use occupational therapy techniques
2 involving superficial physical agent modalities unless the
3 person:

4 (a) is a licensed occupational therapist under this
5 chapter;

6 (b) limits application of superficial agent modalities
7 to the shoulder, arm, elbow, forearm, wrist, and hand; and

8 (c) has successfully completed 16 hours of instruction
9 or training in superficial physical agent modalities and in
10 documents competency, as approved by the board, in the
11 following areas:

12 (i) principles of physics related to specific
13 properties of light, water, temperature, sound, or
14 electricity, as indicated by selected modalities;

15 (ii) physiological, neurophysiological, and
16 electrophysiological changes that occur as a result of the
17 application of selected modalities;

18 (iii) the response of normal and abnormal tissue to the
19 application or ~~modality~~ OF SELECTED MODALITIES;

20 (iv) indications and contraindications related to the
21 selection and application of the modality;

22 (v) guidelines for the treatment or administration of
23 the modality within the philosophical framework of
24 occupational therapy;

25 (vi) guidelines for educating the patient, including

1 information about risks and benefits of the occupational
2 therapy techniques;

3 (vii) safety rules and precautions related to the
4 selected modalities;

5 (viii) methods for documenting the effectiveness and
6 immediate and long-term effects of treatment in relation to
7 task-oriented activities; and

8 (ix) characteristics of and guidelines for the use of
9 therapy equipment, including safe operation, adjustment, and
10 care and maintenance of the equipment.

11 (2) A certified occupational therapy assistant who
12 works under the direct supervision of an A QUALIFIED
13 occupational therapist may apply superficial physical agent
14 modalities to the shoulder, arm, elbow, forearm, wrist, and
15 hand.

16 NEW SECTION. Section 3. Use of sound and electrical
17 physical agent modalities. A person may not utilize
18 occupational therapy techniques involving sound or
19 electrical physical agent modality devices unless the
20 person:

21 (1) is licensed under this chapter;

22 (2) limits application of sound and electrical physical
23 agent modalities to the elbow, forearm, wrist, or hand TO
24 RESTORE AND ENHANCE HAND FUNCTION; and

25 (3) (a) provides to the board documentation of

1 certification by the hand certification commission, inc.,
2 and has successfully completed 40 hours of instruction or
3 training in sound and electrical physical agent modality
4 devices and in documents competency, as approved by the
5 board, in the areas provided in [section 2(2) 2(1)(C)]; or

6 (b) has successfully completed 100 hours of instruction
7 or training in sound and electrical physical agent modality
8 devices and in documents competency, as approved by the
9 board, in the areas provided in [section 2(2) 2(1)(C)].

10 NEW SECTION. Section 4. Codification instruction.
11 [Sections 2 and 3] are intended to be codified as an
12 integral part of Title 37, chapter 24, part 1, and the
13 provisions of Title 37, chapter 24, part 1, apply to
14 [sections 2 and 3].

15 NEW SECTION. Section 5. Effective date. [This act] is
16 effective on passage and approval.

-End-