

OCCUPATIONAL THERAPY HEALTH  
BOARD LAWS  
AS OF THE 2019 LEGISLATIVE SESSION

TITLE 37, CHAPTER 24  
OCCUPATIONAL THERAPY

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## CHAPTER 24 OCCUPATIONAL THERAPY

### Chapter Administrative Rules

Title 24, chapter 165, ARM Board of Occupational Therapy Practice.

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### Part 1 General Provisions

**37-24-101. Short title.** This chapter may be cited as the "Occupational Therapy Practice Act".

**History:** En. Sec. 1, Ch. 629, L. 1985.

**37-24-102. Purpose.** The legislature declares that it is the purpose of this chapter to provide for the regulation of persons offering occupational therapy services in order to:

- (1) safeguard the public health, safety, and welfare;
- (2) protect the public from incompetent, unscrupulous, and unauthorized persons;
- (3) assure the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants; and
- (4) assure the availability of occupational therapy services of high quality to persons in need of such services.

**History:** En. Sec. 2, Ch. 629, L. 1985.

**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 2-15-1749.
- (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 national board for certification in occupational therapy, inc., and adopted by the board.
- (3) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.
- (4) "Occupational therapist" means a person licensed to practice occupational therapy under this chapter.
- (5) "Occupational therapy" means the therapeutic use of purposeful goal-directed activities and interventions to achieve functional outcomes to maximize the independence and the maintenance of health of an individual who is limited by disease or disorders, impairments, activity limitations, or participation restrictions that interfere with the individual's ability to function independently in daily life roles. The practice encompasses evaluation, assessment, treatment, consultation, remediation, and restoration of performance abilities that are limited due to impairment in biological, physiological, psychological, or neurological processes. Occupational therapy services may be provided individually, in groups, or through social systems. Occupational therapy interventions include but are not limited to:
  - (a) evaluating, developing, improving, sustaining, or restoring skills in activities of daily living, work or productive activities, including instrumental activities of daily living, and play and leisure activities;
  - (b) developing perceptual-motor skills and sensory integrative functioning;
  - (c) developing play skills and leisure capacities and enhancing educational performance skills;
  - (d) designing, fabricating, or applying orthotic or prosthetic devices, applying and training in the use of assistive technology, and training in the use of orthotic and prosthetic devices;

(e) providing for the development of emotional, motivational, cognitive, psychosocial, or physical components of performance;

(f) providing assessment and evaluation, including the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements to identify areas for occupational therapy services;

(g) adaptation of task, process, or the environment, as well as teaching of compensatory techniques, in order to enhance performance;

(h) developing feeding and swallowing skills;

(i) enhancing and assessing work performance and work readiness through occupational therapy intervention, including education and instruction, activities to increase and improve general work behavior and skill, job site evaluation, on-the-job training and evaluation, development of work-related activities, and supported employment placement;

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

(k) application of physical agent modalities, as defined in this section, as an adjunct to or in preparation for engagement in purposeful goal-directed activity;

(l) promoting health and wellness;

(m) evaluating and providing intervention in collaboration with the client, family, caregiver, or others;

(n) educating the client, family, caregiver, or others in carrying out appropriate nonskilled interventions;

(o) consulting with groups, programs, organizations, or communities to provide population-based services; and

(p) use of prescribed topical medications.

(6) "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, biological, psychological, and social sciences involved in the practice of occupational therapy.

(7) "Occupational therapy assistant" means a person who is licensed to assist in the practice of occupational therapy under this chapter and who works under the general supervision of an occupational therapist.

(8) "Physical agent modalities" means those modalities that produce a response in soft tissue through the use of light, water, temperature, sound, or electricity. Physical agent modalities are characterized as adjunctive methods used in conjunction with or in immediate preparation for patient involvement in purposeful activity. Superficial physical agent modalities include hot packs, cold packs, ice, fluidotherapy, paraffin, water, and other commercially available superficial heating and cooling devices. Use of superficial physical agent modalities is limited to the shoulder, arm, elbow, forearm, wrist, and hand and is subject to the provisions of 37-24-105. Use of sound and electrical physical agent modality devices is limited to the shoulder, arm, elbow, forearm, wrist, and hand and is subject to the provisions of 37-24-106.

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

(10) "Topical medications" means medications applied locally to the skin and includes only medications listed in 37-24-108(2) for which a prescription is required under state or federal law.

**History:** En. Sec. 3, Ch. 629, L. 1985; amd. Sec. 1, Ch. 35, L. 1991; amd. Sec. 1, Ch. 297, L. 1993; amd. Sec. 131, Ch. 483, L. 2001; amd. Sec. 1, Ch. 101, L. 2003.

### **Compiler's Comments**

*2003 Amendment:* Chapter 101 in definition of certified occupational therapy assistant near end after "provisions of" substituted "the national board for certification in occupational therapy, inc." for "the Essentials for an Approved Educational Program for the Occupational Therapy Assistant, published by the American occupational therapy association"; in definition of occupational therapy substituted first two sentences concerning therapeutic use of purposeful goal-directed activities and limitations in daily life

roles and restoration of performance abilities for former text that read: "means the use of purposeful activity 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, the aging process, cognitive impairment, or an adverse environmental condition. The practice encompasses assessment, treatment, and consultation" and in subsections enumerating interventions substituted (a) concerning activities of daily living for former text that read: "teaching daily living skills", in (d) after "applying" substituted "orthotic or prosthetic devices, applying and training in the use of assistive technology, and training in the use of orthotic and prosthetic devices" for "splints or selective adaptive equipment and training in the use of upper extremity prosthetics or upper extremity orthotic devices", substituted (g) concerning adaptation of task, process or the environment for former text that read: "adapting environments for the disabled, including assistive technology, such as environmental controls, wheelchair modifications, and positioning", in (k) at beginning substituted "application of" for "employing" and at end inserted "as an adjunct to or in preparation for engagement in purposeful goal-directed activity", inserted (m) concerning evaluating and providing intervention, inserted (n) concerning education, inserted (o) concerning consultation, and inserted (p) concerning use of topical medications; inserted definition of occupational therapy assistant; in definition of physical agent modalities in last sentence before "elbow" inserted "shoulder, arm"; substituted purposeful goal-directed activity for purposeful activity as defined term; inserted definition of topical medications; and made minor changes in style. Amendment effective October 1, 2003.

*2001 Amendment:* Chapter 483 in definition of department substituted reference to department of labor and industry for reference to department of commerce and substituted "part 17" for "part 18". Amendment effective July 1, 2001.

*1993 Amendment:* Chapter 297 inserted definitions of certified occupational therapy assistant, physical agent modalities, and purposeful activity; in definition of occupational therapy, near beginning of first sentence after "activity", substituted "and interventions to achieve functional outcomes to maximize the independence and the maintenance of health of" for "with", after "dysfunction" inserted "mental illness", and at end, after "process", substituted "cognitive impairment, or an adverse environmental condition" for "in order to maximize independence, prevent disability, and maintain health", in second sentence, after "encompasses", substituted "assessment" for "evaluation", (in former temporary version deleted former third and fourth sentences that read: "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"), in fourth sentence substituted "Occupational therapy interventions" for "Specific occupational therapy services", in (c), after "skills", deleted "and prevocational" and at end inserted "and enhancing educational performance skills", substituted (e) regarding provision of performance components for former language that read: "using specifically designed crafts and exercises to enhance functional performance", substituted (f) regarding assessment and evaluation for former language that read: "administering and interpreting tests such as manual muscle and range of motion", at end of (g) substituted "disabled, including assistive technology, such as environmental controls, wheelchair modifications, and positioning" for "handicapped", inserted (h) regarding feeding and swallowing skills, inserted (i) regarding work performance and work readiness, inserted (j) regarding neuromuscular facilitation and inhibition, inserted (k) regarding physical agent modalities, and inserted (l) regarding health promotion; deleted former definition of occupational therapy assistant that read: "'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, as it read on October 1, 1985"; and made minor changes in style. Amendment effective April 9, 1993.

*1991 Amendment:* In definition of occupational therapy inserted third and fourth sentences relating to scope and limitation of treatment. Amendment effective February 19, 1991.

*Construction of Law:* Section 2, Ch. 35, L. 1991, provided: "Nothing in [this act] may be construed to prohibit the use of therapeutic devices or equipment authorized as a specific occupational therapy service under 37-24-103(4)(d)." Effective February 19, 1991, and terminates July 1, 1993.

*Effective Date — Termination:* Section 3, Ch. 35, L. 1991, provided: "[This act] is effective on passage and approval [approved February 19, 1991] and terminates July 1, 1993."

### **Attorney General's Opinions**

*Occupational Therapist Not Authorized to Use Iontophoresis:* Iontophoresis is a process that uses electricity to administer topical medication. The statutes governing the practice of physical therapy define topical medication and iontophoresis and authorize its use by physical therapists, but the statutes governing the practice of occupational therapy do not contain those definitions or authorize the use of topical medications, including medications administered through iontophoresis, by occupational therapists. If the Legislature had intended to authorize occupational therapists to use iontophoresis, it would have made an authorization corollary to the statutes governing physical therapists, but it did not. Therefore, occupational therapists are not authorized by Montana law to perform iontophoresis. 49 A.G. Op. 1 (2001).

*Restriction on Use of Modalities by Occupational Therapists:* While the list of permissible occupational services set out in this section is not exhaustive, allowable types of services involve functional activities, such as the development of skills, use of crafts, and administration of muscle and motion tests rather than application of therapeutic modalities, such as heat, cold, air, light, water, electricity, and sound. The use of therapeutic agents may be a viable part of the practice of occupational therapy, and occupational therapists may be fully trained in the employment of those agents; however, the Legislature has not authorized their use as within the scope of the practice (see 1993 amendment). 44 A.G. Op. 3 (1991).

**37-24-104. Exemptions.** Nothing in this chapter prevents or restricts the practice, services, or activities of:

(1) a person licensed in this state under any other law or certified or registered as a member of an occupational or professional group other than occupational therapy from engaging in the profession or occupation for which the person is licensed, certified, or registered;

(2) a person who provides treatment, teaches living skills, designs orthotic or prosthetic devices, administers tests, or engages in other activities described in 37-24-103 but does not represent to the public that the person is an occupational therapist;

(3) a person employed as an occupational therapist or occupational therapy assistant by an institution or agency of the federal government;

(4) a person pursuing a supervised course of study leading to a degree or certificate in occupational therapy at an accredited institution or under an approved educational program if the person is designated by a title that clearly indicates the person's status as a student or trainee;

(5) a person fulfilling the supervised fieldwork experience requirements of 37-24-303 if the experience constitutes a part of the experience necessary to meet the requirements of that section;

(6) a person performing occupational therapy services in the state if these services are performed for no more than 10 days in a calendar year in association with an occupational therapist licensed under this chapter, provided that:

(a) the person is licensed under the law of another state that has licensure requirements at least as stringent as the requirements of this chapter; or

(b) the person meets the requirements for certification as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA), established by the national board for certification in occupational therapy, inc. (NBCOT); or

(7) a person employed as an occupational therapy aide.

**History:** En. Sec. 4, Ch. 629, L. 1985; amd. Sec. 1, Ch. 325, L. 1989; amd. Sec. 74, Ch. 114, L. 2003.

### **Compiler's Comments**

*2003 Amendment:* Chapter 114 in (6)(b) at end substituted "national board for certification in occupational therapy, inc. (NBCOT)" for "American occupational therapy certification board (AOTCB)"; and made minor changes in style. Amendment effective October 1, 2003.

*1989 Amendment:* At end of (6)(b) substituted "certification board (AOTCB)" for "association".

**37-24-105. Use of superficial physical agent modalities.** (1) Except as provided in subsection (2), a person may not use occupational therapy techniques involving superficial physical agent modalities unless the person:

- (a) is a licensed occupational therapist under this chapter;
- (b) limits application of superficial agent modalities to the shoulder, arm, elbow, forearm, wrist, and hand; and
- (c) has successfully completed 16 hours of instruction or training in superficial physical agent modalities and documents competency, as approved by the board, in the following areas:
  - (i) principles of physics related to specific properties of light, water, temperature, sound, or 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 of selected modalities;
  - (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 a qualified occupational therapist may apply superficial physical agent modalities to the shoulder, arm, elbow, forearm, wrist, and hand.

**History:** En. Sec. 2, Ch. 297, L. 1993.

#### **Compiler's Comments**

*Effective Date:* Section 5, Ch. 297, L. 1993, provided: "[This act] is effective on passage and approval." Approved April 9, 1993.

#### **Administrative Rules**

Title 24, chapter 165, subchapter 5, ARM Licensing and scope of practice.

**37-24-106. Use of sound and electrical physical agent modalities.** (1) Except as provided in subsection (2), a person may not utilize occupational therapy techniques involving sound or electrical physical agent modality devices unless the person:

- (a) is licensed under this chapter; and
- (b) limits application of sound and electrical physical agent modalities to the shoulder, arm, elbow, forearm, wrist, or hand to restore and enhance upper extremity function.

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

**History:** En. Sec. 3, Ch. 297, L. 1993; amd. Sec. 2, Ch. 101, L. 2003; amd. Sec. 1, Ch. 112, L. 2019.

#### **Compiler's Comments**

*2019 Amendment:* Chapter 112 deleted former (1)(c) that read: "(c) (i) 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 documents competency, as approved by the board, in the areas provided in 37-24-105(1)(c); or

(ii) has successfully completed 20 hours of instruction or training and five proctored treatments under the direct supervision of a licensed medical practitioner in sound physical agent modality devices and 20 hours of instruction or training and five proctored treatments under the direct supervision of a licensed medical practitioner in electrical physical agent modality devices and documents competency, as approved by the board, in the areas provided in 37-24-105(1)(c)"; and made minor changes in style. Amendment effective October 1, 2019.

*2003 Amendment:* Chapter 101 in (1) at beginning inserted exception clause; in (1)(b) near middle after "modalities to the" inserted "shoulder, arm" and near end substituted "upper extremity function" for "hand function"; in (1)(c)(ii) near beginning reduced hours from 100 to 20 and near middle after "training" substituted "and five proctored treatments under the direct supervision of a licensed medical practitioner in sound physical agent modality devices and 20 hours of instruction or training and five proctored treatments under the direct supervision of a licensed medical practitioner in electrical physical agent modality devices" for "in sound and electrical physical agent modality devices"; inserted (2) concerning work under direct supervision of a qualified occupational therapist; and made minor changes in style. Amendment effective October 1, 2003.

*Effective Date:* Section 5, Ch. 297, L. 1993, provided: "[This act] is effective on passage and approval." Approved April 9, 1993.

#### **Administrative Rules**

Title 24, chapter 165, subchapter 5, ARM Licensing and scope of practice.

**37-24-107. Use of occupational therapy techniques involving topical medications.** A person may not utilize occupational therapy techniques involving topical medications as described in 37-24-108 unless the person has successfully completed the following:

(1) 5 hours of instruction or training in pharmacology relevant to topical medications listed in 37-24-108(2);

(2) one proctored treatment in direct application of topical medications under the direct supervision of a licensed medical practitioner; and

(3) (a) two proctored treatments in phonophoresis under the direct supervision of a licensed medical practitioner; or

(b) three proctored treatments of iontophoresis under the direct supervision of a licensed medical practitioner.

*History:* En. Sec. 3, Ch. 101, L. 2003; amd. Sec. 2, Ch. 112, L. 2019.

#### **Compiler's Comments**

*2019 Amendment:* Chapter 112 in introductory clause after "completed the following" deleted "hours of instruction in addition to those provided for in 37-24-106"; and in (1) substituted "relevant to" for "as it pertains to". Amendment effective October 1, 2019.

*Effective Date:* This section is effective October 1, 2003.

#### **Administrative Rules**

ARM 24.165.514 Qualifications to apply topical medications — clinician defined.

ARM 24.165.516 Use of topical medications.

**37-24-108. Application and administration of topical medications — prescription, purchasing, and recordkeeping requirements.** (1) A licensed occupational therapist who meets the requirements of 37-24-106 may apply or administer topical medications by:

(a) direct application;

(b) iontophoresis, a process in which topical medications are applied through the use of electricity; or

(c) phonophoresis, a process in which topical medications are applied through the use of ultrasound.

(2) A licensed occupational therapist may apply or administer the following topical medications:

(a) bactericidal agents;

(b) debriding agents;

(c) anesthetic agents;

(d) anti-inflammatory agents;

(e) antispasmodic agents; and

(f) adrenocorticosteroids.

(3) (a) Topical medications applied or administered by a licensed occupational therapist must be prescribed on a specific or standing basis by a licensed medical practitioner authorized to order or prescribe topical medications and must be purchased from a pharmacy certified under 37-7-321.

(b) Topical medications dispensed under this section must comply with packaging and labeling guidelines developed by the board of pharmacy under Title 37, chapter 7.

(4) A licensed occupational therapist who applies or administers topical medications shall keep appropriate records with respect to those medications.

**History:** En. Sec. 4, Ch. 101, L. 2003.

#### **Compiler's Comments**

*Effective Date:* This section is effective October 1, 2003.

**37-24-109. Board adoption of protocols.** The board, in consultation with the board of medical examiners and the board of pharmacy, shall adopt written protocols for each class of topical medication listed in 37-24-108(2) for which a prescription is required by state or federal law. Protocols must include a description of each topical medication, its actions, indications, and contraindications, and the proper procedure and technique for its application or administration.

**History:** En. Sec. 5, Ch. 101, L. 2003.

#### **Compiler's Comments**

*Effective Date:* This section is effective October 1, 2003.

#### **Administrative Rules**

ARM 24.165.517 Protocols for use of topical medications.

ARM 24.165.518 Debriding agents protocols.

ARM 24.165.519 Anesthetic agents protocols.

ARM 24.165.520 Nonsteroidal anti-inflammatory agents protocols.

ARM 24.165.521 Antispasmodic agents protocols.

ARM 24.165.522 Adrenocortico-steroid agent protocols.

ARM 24.165.524 Protocol for use of approved medication as neuropathic pain agent.

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## **Part 2**

### **Board of Occupational Therapy Practice**

#### **Part Cross-References**

Right to know, Art. II, sec. 9, Mont. Const.

Oath defined, 1-1-201.

Seal defined, 1-4-201.

Oaths, Title 1, ch. 6.

Open meetings, Title 2, ch. 3, part 2.

Meeting defined, 2-3-202.

Power of agencies to issue subpoenas, 2-4-104.

Adoption and publication of rules, Title 2, ch. 4, part 3.

Power of hearings officer to issue subpoenas, 2-4-611.

Public records, Title 2, ch. 6.

Allocation of boards for administrative purposes, 2-15-121.

Preservation of records, Title 22, ch. 3, part 2.

Subpoenas, Title 26, ch. 2, part 1.

Arrest of witness for disobedience of subpoena, 26-2-106, 26-2-107.

Duties of Department, Director, and boards, Title 37, ch. 1, part 1.

Licensing investigation and review — record access, 37-1-135.

Disrupting meeting as disorderly conduct, 45-8-101.



**37-24-201. Organization — general rulemaking power.** (1) The board of occupational therapy practice shall meet annually and elect a presiding officer and a secretary from its members. The board shall hold other meetings when necessary to transact its business.

(2) The board may adopt rules for the conduct of its affairs and the administration of this chapter. Rules adopted by the board may include rules that are reasonable or necessary for the proper performance of its duties and the regulation of proceedings before it.

**History:** En. Sec. 6, Ch. 629, L. 1985; amd. Sec. 28, Ch. 492, L. 2001.

#### **Compiler's Comments**

*2001 Amendment:* Chapter 492 deleted former (3) that read: "(3) Three board members constitute a quorum for the transaction of business"; and made minor changes in style. Amendment effective October 1, 2001.

*Statement of Intent:* The statement of intent attached to Ch. 629, L. 1985, provided: "A statement of intent is required for this act because it delegates rulemaking authority to the board of occupational therapy practice. It is the intent of the legislature that in adopting its rules the board should look to standards promulgated by the American occupational therapy association and the committee on allied health, education, and accreditation of the American medical association. These standards should provide guidance to the board for rules regarding recognition of educational programs and the type of examination to be given for licensure. The legislature intends that rules adopted by board governing licensure and conduct of members of the profession be aimed at ensuring the public that practitioners are competent and are providing quality health care services within the scope of this act."

#### **Administrative Rules**

ARM 24.165.101 Organization rule.

ARM 24.165.201 Procedural rules.

ARM 24.165.202 Public participation.

Title 24, chapter 165, subchapter 4, ARM General provisions.

**37-24-202. Powers and duties of board.** (1) The board shall:

(a) administer, coordinate, and enforce the provisions of this chapter;

(b) adopt rules relating to professional licensure and the establishment of ethical standards of practice under this chapter; and

(c) adopt a seal by which the board shall authenticate board proceedings.

(2) A copy of the proceedings, records, or acts of the board, signed by the presiding officer or secretary of the board and stamped with the seal, is prima facie evidence of the validity of the document.

**History:** En. Sec. 7, Ch. 629, L. 1985; amd. Sec. 79, Ch. 429, L. 1995; amd. Sec. 71, Ch. 467, L. 2005.

#### **Compiler's Comments**

*2005 Amendment:* Chapter 467 deleted former (1)(b) that read: "(b) evaluate the qualifications of applicants for licensure under this chapter and approve and supervise the examination of applicants"; deleted former (1)(d) that read: "(d) conduct hearings and keep records and minutes as the board considers necessary to carry out its functions"; deleted former (3) that read: "(3) The department may employ persons it considers necessary to carry out the provisions of this chapter"; and made minor changes in style. Amendment effective July 1, 2005.

*1995 Amendment:* Chapter 429 deleted former (1)(c) that required Board to investigate persons engaging in practices that allegedly violate the provisions of this chapter; and made minor changes in style.

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Saving Clause:* Section 132, Ch. 429, L. 1995, was a saving clause.

*Applicability* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

#### **Administrative Rules**

ARM 24.165.411 Board filing practices.

**37-24-203. Compensation and expenses.** Each board member is entitled to compensation and travel expenses as provided in 37-1-133.  
**History:** En. Sec. 8, Ch. 629, L. 1985.

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## Part 3 Licensing

### Part Cross-References

Licensing to follow contested case procedure, 2-4-631.  
Recognition of out-of-state licenses during disaster or emergency, 10-3-204.  
Duty of Department to administer and grade examinations, 37-1-101.  
Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.  
Licensing boards to establish fees commensurate with costs, 37-1-134.  
Licensing investigation and review — record access, 37-1-135.  
Grounds for disciplinary action as grounds for license denial — conditions to new licenses, 37-1-137.  
Licensure of criminal offenders, Title 37, ch. 1, part 2.  
Nondiscrimination in licensing, 49-3-204.

**37-24-301. License required.** (1) (a) A person may not hold out to the public that the person is an occupational therapist or is able to practice occupational therapy or able to render occupational therapy services in this state unless the person is licensed as an occupational therapist under the provisions of this chapter.

(b) A person may not practice or hold out to the public that the person is an occupational therapy assistant in this state unless the person is licensed as an occupational therapist or as an occupational therapy assistant.

(2) Only an individual may be licensed under this chapter.

**History:** En. Sec. 9, Ch. 629, L. 1985; amd. Sec. 1391, Ch. 56, L. 2009.

### Compiler's Comments

*2009 Amendment:* Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

*Grandfather Provisions:* Section 20, Ch. 629, L. 1985, provided: "The board shall grant a license to any person certified as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA) by the American occupational therapy association (AOTA) prior to October 1, 1985."

**37-24-302. Application.** An applicant applying for licensure as an occupational therapist or as an occupational therapy assistant shall file a written application on forms prescribed by the board, showing that the applicant meets the requirements of 37-24-303(1)(a) through (1)(c).

**History:** En. Sec. 10, Ch. 629, L. 1985; amd. Sec. 2, Ch. 325, L. 1989.

### Compiler's Comments

*1989 Amendment:* At end substituted "through (1)(c)" for "and (1)(b)".

### Administrative Rules

ARM 24.165.404 Applications for licensure.

**37-24-303. Requirements for licensure.** (1) To be eligible for licensure by the board as an occupational therapist or an occupational therapy assistant, the applicant shall:

(a) present evidence of having successfully completed the academic requirements of an educational program recognized by the board for the license sought;

(b) submit evidence of having successfully completed a period of supervised fieldwork experience arranged by the recognized educational institution where the person completed the academic requirements or by a nationally recognized professional association;

(c) submit evidence of having been certified by the national board for certification in occupational therapy, inc. (NBCOT); and

(d) pass an examination prescribed by the board.

(2) The supervised fieldwork experience requirement for an occupational therapist is a minimum of 6 months. The supervised fieldwork experience requirement for an occupational therapy assistant is a minimum of 2 months.

**History:** En. Sec. 11, Ch. 629, L. 1985; amd. Sec. 3, Ch. 325, L. 1989; amd. Sec. 75, Ch. 114, L. 2003; amd. Sec. 72, Ch. 467, L. 2005.

#### **Compiler's Comments**

*2005 Amendment:* Chapter 467 in (1)(d) at end substituted "prescribed by the board" for "as provided for in 37-24-304". Amendment effective July 1, 2005.

*2003 Amendment:* Chapter 114 in (1)(c) at end substituted "national board for certification in occupational therapy, inc. (NBCOT)" for "American occupational therapy certification board (AOTCB)"; and made minor changes in style. Amendment effective October 1, 2003.

*1989 Amendment:* Inserted (1)(c) requiring applicant for licensure to submit evidence of Board certification.

**37-24-304. Repealed.** Sec. 127, Ch. 467, L. 2005.

**History:** En. Sec. 12, Ch. 629, L. 1985.

**37-24-305. Repealed.** Sec. 128, Ch. 429, L. 1995.

**History:** En. Sec. 13, Ch. 629, L. 1985; amd. Sec. 4, Ch. 325, L. 1989.

**37-24-306. Issuance of license.** (1) The board shall issue a license to any person who meets the requirements of this chapter upon payment of the prescribed license fee.

(2) The license must include the dates of issuance and expiration.

**History:** En. Sec. 14, Ch. 629, L. 1985.

**37-24-307. Repealed.** Sec. 128, Ch. 429, L. 1995.

**History:** En. Sec. 15, Ch. 629, L. 1985.

**37-24-308. Repealed.** Sec. 127, Ch. 467, L. 2005.

**History:** En. Sec. 16, Ch. 629, L. 1985; amd. Sec. 80, Ch. 429, L. 1995; amd. Sec. 32, Ch. 271, L. 2003.

**37-24-309. Repealed.** Sec. 128, Ch. 429, L. 1995.

**History:** En. Sec. 17, Ch. 629, L. 1985; amd. Sec. 5, Ch. 325, L. 1989.

**37-24-310. Fees.** The board may adopt fees in accordance with 37-1-134 for:

(1) applications for licensure;

(2) initial license issuance; and

(3) limited permit issuance.

**History:** En. Sec. 18, Ch. 629, L. 1985; amd. Sec. 73, Ch. 467, L. 2005.

#### **Compiler's Comments**

*2005 Amendment:* Chapter 467 deleted former (1)(b) that read: "(b) examination"; deleted former (1)(d) and (1)(e) that read: "(d) license renewal;

(e) late license renewal"; deleted former (2) that read: "(2) All fees collected by the board under this section must be deposited in the state special revenue fund for the use of the board in administering this act, subject to 37-1-101(6)"; and made minor changes in style. Amendment effective July 1, 2005.

#### **Administrative Rules**

ARM 24.165.401 Fees.

**37-24-311. Penalty.** A person convicted of violating this chapter is guilty of a misdemeanor and shall be fined an amount not to exceed \$500.

**History:** En. Sec. 19, Ch. 629, L. 1985.