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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/21/2021 10:35 AM

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Senator Rodriguez moved the following:

Senate Amendment (with title amendment)

Between lines 914 and 915

insert:

Section 21. Subsection (4) of section 468.203, Florida Statutes, is amended to read:

468.203 Definitions.—As used in this act, the term:

(4) "Occupational therapy" means the therapeutic use of occupations through habilitation, rehabilitation, and the promotion of health and wellness with individuals, groups, or populations, along with their families or organizations, to



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12 support participation, performance, and function in the home,
13 school, workplace, community, and other settings for clients who
14 have or are at risk of developing an illness, injury, disease,
15 disorder, condition, impairment, disability, activity
16 limitation, or participation restriction ~~purposeful activity or~~
17 ~~interventions to achieve functional outcomes.~~

18 (a) For the purposes of this subsection:

19 1. "Activities of daily living" means functions and tasks
20 for self-care which are performed on a daily or routine basis,
21 including functional mobility, bathing, dressing, eating and
22 swallowing, personal hygiene and grooming, toileting, and other
23 similar tasks ~~"Achieving functional outcomes" means to maximize~~
24 ~~the independence and the maintenance of health of any individual~~
25 ~~who is limited by a physical injury or illness, a cognitive~~
26 ~~impairment, a psychosocial dysfunction, a mental illness, a~~
27 ~~developmental or a learning disability, or an adverse~~
28 ~~environmental condition.~~

29 2. "Assessment" means the use of skilled observation or the
30 administration and interpretation of standardized or
31 nonstandardized tests and measurements to identify areas for
32 occupational therapy services.

33 3. "Behavioral health services" means the promotion of
34 occupational performance through services to support positive
35 mental health by providing direct individual and group
36 interventions to improve the client's participation in daily
37 occupations.

38 4. "Health management" means activities related to
39 developing, managing, and maintaining health and wellness,
40 including self-management, with the goal of improving or



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41 maintaining health to support participation in occupations.

42 5. "Instrumental activities of daily living" means daily or
43 routine activities a person must perform to live independently
44 within the home and community.

45 6. "Mental health services" means the promotion of
46 occupational performance related to mental health, coping,
47 resilience, and well-being by providing individual, group, and
48 population-level supports and services to improve the client's
49 participation in daily occupations for those who are at risk of,
50 experiencing, or in recovery from these conditions, along with
51 their families and communities.

52 7. "Occupational performance" means the ability to
53 perceive, desire, recall, plan, and carry out roles, routines,
54 tasks, and subtasks for the purposes of self-maintenance, self-
55 preservation, productivity, leisure, and rest, for oneself or
56 others, in response to internal or external demands of
57 occupations and contexts.

58 8. "Occupations" means meaningful and purposeful everyday
59 activities performed and engaged in by individuals, groups,
60 populations, families, or communities which occur in contexts
61 and over time, such as activities of daily living, instrumental
62 activities of daily living, health management, rest and sleep,
63 education, work, play, leisure, and social participation. The
64 term includes more specific occupations and execution of
65 multiple activities that are influenced by performance patterns,
66 performance skills, and client factors.

67 (b) The practice of occupational therapy includes services
68 include, but is are not limited to:

69 1. Assessment, treatment, and education of, and



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70 consultation with, individuals, groups, and populations whose
71 abilities to participate safely in occupations, including
72 activities of daily living, instrumental activities of daily
73 living, rest and sleep, education, work, play, leisure, and
74 social participation, are impaired or at risk for impairment due
75 to issues related to, but not limited to, developmental
76 deficiencies, the aging process, learning disabilities, physical
77 environment and sociocultural context, physical injury or
78 disease, cognitive impairments, and psychological and social
79 disabilities ~~The assessment, treatment, and education of or~~
80 ~~consultation with the individual, family, or other persons.~~

81 2. Methods or approaches to determine abilities and
82 limitations related to performance of occupations, including,
83 but not limited to, the identification of physical, sensory,
84 cognitive, emotional, or social deficiencies ~~Interventions~~
85 ~~directed toward developing daily living skills, work readiness~~
86 ~~or work performance, play skills or leisure capacities, or~~
87 ~~enhancing educational performance skills.~~

88 3. Specific occupational therapy techniques used for
89 treatment which involve, but are not limited to, training in
90 activities of daily living; environmental modification;
91 assessment of the need for the use of interventions, such as the
92 design, fabrication, and application of orthotics or orthotic
93 devices; selecting, applying, and training in the use of
94 assistive technology and adaptive devices; sensory, motor, and
95 cognitive activities; therapeutic exercises; manual techniques;
96 physical agent modalities; behavioral health services; and
97 mental health services ~~Providing for the development of:~~
98 ~~sensory-motor, perceptual, or neuromuscular functioning; range~~



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99 ~~of motion; or emotional, motivational, cognitive, or~~
100 ~~psychosocial components of performance.~~

101
102 ~~These services may require assessment of the need for use of~~
103 ~~interventions such as the design, development, adaptation,~~
104 ~~application, or training in the use of assistive technology~~
105 ~~devices; the design, fabrication, or application of~~
106 ~~rehabilitative technology such as selected orthotic devices;~~
107 ~~training in the use of assistive technology; orthotic or~~
108 ~~prosthetic devices; the application of physical agent modalities~~
109 ~~as an adjunct to or in preparation for purposeful activity; the~~
110 ~~use of ergonomic principles; the adaptation of environments and~~
111 ~~processes to enhance functional performance; or the promotion of~~
112 ~~health and wellness.~~

113 (c) The use of devices subject to 21 C.F.R. s. 801.109 and
114 identified by the board is expressly prohibited except by an
115 occupational therapist or occupational therapy assistant who has
116 received training as specified by the board. The board shall
117 adopt rules to carry out the purpose of this provision.

118 Section 22. Subsection (2) of section 468.209, Florida
119 Statutes, is amended to read:

120 468.209 Requirements for licensure.—

121 (2) An applicant who has practiced as a state-licensed or
122 American Occupational Therapy Association-certified occupational
123 therapy assistant for 4 years and who, before ~~prior to~~ January
124 24, 1988, completed a minimum of 24 weeks ~~6 months~~ of supervised
125 occupational-therapist-level fieldwork experience may take the
126 examination to be licensed as an occupational therapist without
127 meeting the educational requirements for occupational therapists



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128 made otherwise applicable under paragraph (1) (b) .

129 Section 23. Subsection (2) of section 468.215, Florida
130 Statutes, is amended to read:

131 468.215 Issuance of license.—

132 (2) Any person who is issued a license as an occupational
133 therapist under the terms of this act may use the words
134 "occupational therapist," "licensed occupational therapist,"
135 "occupational therapist doctorate," or "occupational therapist
136 registered," or he or she may use the letters "O.T.," "L.O.T.,"
137 "O.T.D.," or "O.T.R.," in connection with his or her name or
138 place of business to denote his or her registration hereunder.

139 Section 24. Section 468.223, Florida Statutes, is amended
140 to read:

141 468.223 Prohibitions; penalties.—

142 (1) A person may not:

143 (a) Practice occupational therapy unless such person is
144 licensed pursuant to ss. 468.201-468.225;

145 (b) Use, in connection with his or her name or place of
146 business, the words "occupational therapist," "licensed
147 occupational therapist," "occupational therapist doctorate,"
148 "occupational therapist registered," "occupational therapy
149 assistant," "licensed occupational therapy assistant,"
150 "certified occupational therapy assistant"; the letters "O.T.,"
151 "L.O.T.," "O.T.D.," "O.T.R.," "O.T.A.," "L.O.T.A.," or
152 "C.O.T.A."; or any other words, letters, abbreviations, or
153 insignia indicating or implying that he or she is an
154 occupational therapist or an occupational therapy assistant or,
155 in any way, orally or in writing, in print or by sign, directly
156 or by implication, to represent himself or herself as an



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157 occupational therapist or an occupational therapy assistant
158 unless the person is a holder of a valid license issued pursuant
159 to ss. 468.201-468.225;

160 (c) Present as his or her own the license of another;

161 (d) Knowingly give false or forged evidence to the board or
162 a member thereof;

163 (e) Use or attempt to use a license that ~~which~~ has been
164 suspended, revoked, or placed on inactive or delinquent status;

165 (f) Employ unlicensed persons to engage in the practice of
166 occupational therapy; or

167 (g) Conceal information relative to any violation of ss.
168 468.201-468.225.

169 (2) Any person who violates any provision of this section
170 commits a misdemeanor of the second degree, punishable as
171 provided in s. 775.082 or s. 775.083.

172 Section 25. Paragraph (e) is added to subsection (1) of
173 section 468.225, Florida Statutes, to read:

174 468.225 Exemptions.—

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

177 (e) Any person fulfilling an occupational therapy doctoral
178 capstone experience that involves clinical practice or projects.

179 Section 26. For the purpose of incorporating the amendment
180 made by this act to section 468.203, Florida Statutes, in a
181 reference thereto, paragraph (c) of subsection (5) of section
182 1002.385, Florida Statutes, is reenacted to read:

183 1002.385 The Gardiner Scholarship.—

184 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
185 used to meet the individual educational needs of an eligible



186 student and may be spent for the following purposes:

187 (c) Specialized services by approved providers or by a
188 hospital in this state which are selected by the parent. These
189 specialized services may include, but are not limited to:

190 1. Applied behavior analysis services as provided in ss.
191 627.6686 and 641.31098.

192 2. Services provided by speech-language pathologists as
193 defined in s. 468.1125.

194 3. Occupational therapy services as defined in s. 468.203.

195 4. Services provided by physical therapists as defined in
196 s. 486.021.

197 5. Services provided by listening and spoken language
198 specialists and an appropriate acoustical environment for a
199 child who is deaf or hard of hearing and who has received an
200 implant or assistive hearing device.

201

202 A provider of any services receiving payments pursuant to this
203 subsection may not share, refund, or rebate any moneys from the
204 Gardiner Scholarship with the parent or participating student in
205 any manner. A parent, student, or provider of any services may
206 not bill an insurance company, Medicaid, or any other agency for
207 the same services that are paid for using Gardiner Scholarship
208 funds.

209 Section 27. For the purpose of incorporating the amendment
210 made by this act to section 468.203, Florida Statutes, in a
211 reference thereto, paragraph (c) of subsection (2) of section
212 1002.66, Florida Statutes, is reenacted to read:

213 1002.66 Specialized instructional services for children
214 with disabilities.-



215 (2) The parent of a child who is eligible for the
216 prekindergarten program for children with disabilities may
217 select one or more specialized instructional services that are
218 consistent with the child's individual educational plan. These
219 specialized instructional services may include, but are not
220 limited to:

221 (c) Occupational therapy as defined in s. 468.203.
222

223 ===== T I T L E A M E N D M E N T =====

224 And the title is amended as follows:

225 Between lines 87 and 88

226 insert:

227 amending s. 468.203, F.S.; revising and defining
228 terms; amending s. 468.209, F.S.; revising the
229 fieldwork experience requirement for certain persons
230 to take the examination for licensure as an
231 occupational therapist; amending s. 468.215, F.S.;
232 authorizing licensed occupational therapists to use a
233 specified title and initials; amending s. 468.223,
234 F.S.; prohibiting certain persons from using a
235 specified title and initials; providing criminal
236 penalties; amending s. 468.225, F.S.; providing
237 construction; reenacting ss. 1002.385(5)(c) and
238 1002.66(2)(c), F.S., relating to the Gardiner
239 Scholarship and specialized instructional services for
240 children with disabilities, respectively, to
241 incorporate the amendment made to s. 468.203, F.S., in
242 references thereto;