

1 A bill to be entitled
 2 An act relating to occupational therapy; amending s.
 3 468.203, F.S.; revising and providing definitions;
 4 amending s. 468.209, F.S.; revising the fieldwork
 5 experience requirement for certain persons to take the
 6 examination for licensure as an occupational
 7 therapist; amending s. 468.215, F.S.; authorizing
 8 licensed occupational therapists to use a specified
 9 title and initials in accordance with the rules of a
 10 national certifying organization; amending s. 468.223,
 11 F.S.; prohibiting certain persons from using a
 12 specified title and initials; providing criminal
 13 penalties; amending s. 468.225, F.S.; providing
 14 construction; reenacting ss. 1002.385(5)(c) and
 15 1002.66(2)(c), F.S., relating to the Gardiner
 16 Scholarship and specialized instructional services for
 17 children with disabilities, respectively, to
 18 incorporate the amendments made by the act; providing
 19 an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

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 23 Section 1. Subsection (4) of section 468.203, Florida
 24 Statutes, is amended to read:
 25 468.203 Definitions.—As used in this act, the term:

26 (4) "Occupational therapy" means the therapeutic use of
 27 occupations through habilitation, rehabilitation, and the
 28 promotion of health and wellness with individuals, groups, or
 29 populations, along with their families or organizations to
 30 support participation, performance, and function in the home,
 31 school, workplace, community, and other settings for clients who
 32 have or are at risk of developing an illness, injury, disease,
 33 disorder, condition, impairment, disability, activity
 34 limitation, or participation restriction ~~purposeful activity or~~
 35 ~~interventions to achieve functional outcomes.~~

36 (a) For the purposes of this subsection:

37 1. "Activities of daily living" means functions and tasks
 38 for self-care which are performed on a daily or routine basis,
 39 including functional mobility, bathing, dressing, eating and
 40 swallowing, personal hygiene and grooming, toileting, and other
 41 similar tasks. ~~"Achieving functional outcomes" means to maximize~~
 42 ~~the independence and the maintenance of health of any individual~~
 43 ~~who is limited by a physical injury or illness, a cognitive~~
 44 ~~impairment, a psychosocial dysfunction, a mental illness, a~~
 45 ~~developmental or a learning disability, or an adverse~~
 46 ~~environmental condition.~~

47 2. "Assessment" means the use of skilled observation or
 48 the administration and interpretation of standardized or
 49 nonstandardized tests and measurements to identify areas for
 50 occupational therapy services.

51 3. "Behavioral health services" means the promotion of
52 occupational performance through services to support positive
53 mental health by providing direct individual and group
54 interventions to improve the client's participation in daily
55 occupations.

56 4. "Health management" means activities related to
57 developing, managing, and maintaining health and wellness,
58 including self-management, with the goal of improving or
59 maintaining health to support participation in occupations.

60 5. "Instrumental activities of daily living" means daily
61 or routine activities a person must perform to live
62 independently within the home and community.

63 6. "Mental health services" means the promotion of
64 occupational performance related to mental health, coping,
65 resilience, and well-being by providing individual, group, and
66 population level supports and services to improve the client's
67 participation in daily occupations for those who are at risk of,
68 experiencing, or in recovery from these conditions, along with
69 their families and communities.

70 7. "Occupations" means meaningful and purposeful everyday
71 activities performed and engaged in by individuals, groups,
72 populations, families, or communities which occur in contexts
73 and over time, such as activities of daily living, instrumental
74 activities of daily living, health management, rest and sleep,
75 education, work, play, leisure, and social participation. The

76 term includes more specific occupations and execution of
77 multiple activities that are influenced by performance patterns,
78 performance skills, and client factors, resulting in varied
79 outcomes.

80 8. "Occupational performance" means the ability to
81 perceive, desire, recall, plan, and carry out roles, routines,
82 tasks, and subtasks for the purpose of self-maintenance, self-
83 preservation, productivity, leisure, and rest, for oneself or
84 others, in response to internal or external demands of
85 occupations and contexts.

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

88 1. Assessment, treatment, education of, and consultation
89 with, individuals, groups, and populations whose abilities to
90 participate safely in occupations, including activities of daily
91 living, instrumental activities of daily living, rest and sleep,
92 education, work, play, leisure, and social participation are
93 impaired or at risk for impairment due to issues related, but
94 not limited, to developmental deficiencies, the aging process,
95 learning disabilities, physical environment and sociocultural
96 context, physical injury or disease, cognitive impairments, and
97 psychological and social disabilities ~~The assessment, treatment,~~
98 ~~and education of or consultation with the individual, family, or~~
99 ~~other persons.~~

100 2. Methods or approaches to determine abilities and

101 limitations related to performance of occupations, including,
102 but not limited to, the identification of physical, sensory,
103 cognitive, emotional, or social deficiencies ~~Interventions~~
104 ~~directed toward developing daily living skills, work readiness~~
105 ~~or work performance, play skills or leisure capacities, or~~
106 ~~enhancing educational performance skills.~~

107 3. Specific occupational therapy techniques used for
108 treatment that involve, but are not limited to, training in
109 activities of daily living; environmental modification;
110 assessment of the need for the use of interventions such as the
111 design, fabrication, and application of orthotics or orthotic
112 devices; selecting, applying, and training in the use of
113 assistive technology and adaptive devices; sensory, motor, and
114 cognitive activities; therapeutic exercises; manual techniques;
115 physical agent modalities; behavioral health services; and
116 mental health services ~~Providing for the development of:~~
117 ~~sensory-motor, perceptual, or neuromuscular functioning; range~~
118 ~~of motion; or emotional, motivational, cognitive, or~~
119 ~~psychosocial components of performance.~~

120
121 ~~These services may require assessment of the need for use of~~
122 ~~interventions such as the design, development, adaptation,~~
123 ~~application, or training in the use of assistive technology~~
124 ~~devices; the design, fabrication, or application of~~
125 ~~rehabilitative technology such as selected orthotic devices;~~

126 ~~training in the use of assistive technology; orthotic or~~
127 ~~prosthetic devices; the application of physical agent modalities~~
128 ~~as an adjunct to or in preparation for purposeful activity; the~~
129 ~~use of ergonomic principles; the adaptation of environments and~~
130 ~~processes to enhance functional performance; or the promotion of~~
131 ~~health and wellness.~~

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

137 Section 2. Subsection (2) of section 468.209, Florida
138 Statutes, is amended to read:

139 468.209 Requirements for licensure.—

140 (2) An applicant who has practiced as a state-licensed or
141 American Occupational Therapy Association-certified occupational
142 therapy assistant for 4 years and who, before ~~prior to~~ January
143 24, 1988, completed a minimum of 24 weeks ~~6 months~~ of supervised
144 occupational-therapist-level fieldwork experience may take the
145 examination to be licensed as an occupational therapist without
146 meeting the educational requirements for occupational therapists
147 made otherwise applicable under paragraph (1) (b).

148 Section 3. Subsection (2) of section 468.215, Florida
149 Statutes, is amended to read:

150 468.215 Issuance of license.—

151 (2) Any person who is issued a license as an occupational
152 therapist under the terms of this act may use the words
153 "occupational therapist," "licensed occupational therapist,"
154 "occupational therapist doctorate," or "occupational therapist
155 registered," or he or she may use the letters "O.T.," "L.O.T.,"
156 "O.T.D.," or "O.T.R.," in connection with his or her name or
157 place of business to denote his or her registration hereunder.

158 Section 4. Section 468.223, Florida Statutes, is amended
159 to read:

160 468.223 Prohibitions; penalties.—

161 (1) A person may not:

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

164 (b) Use, in connection with his or her name or place of
165 business, the words "occupational therapist," "licensed
166 occupational therapist," "occupational therapist doctorate,"
167 "occupational therapist registered," "occupational therapy
168 assistant," "licensed occupational therapy assistant,"
169 "certified occupational therapy assistant"; the letters "O.T.,"
170 "L.O.T.," "O.T.D.," "O.T.R.," "O.T.A.," "L.O.T.A.," or
171 "C.O.T.A."; or any other words, letters, abbreviations, or
172 insignia indicating or implying that he or she is an
173 occupational therapist or an occupational therapy assistant or,
174 in any way, orally or in writing, in print or by sign, directly
175 or by implication, to represent himself or herself as an

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

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

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

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

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

186 (g) Conceal information relative to any violation of ss.
 187 468.201-468.225.

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

191 Section 5. Paragraph (e) is added to subsection (1) of
 192 section 468.225, Florida Statutes, to read:

193 468.225 Exemptions.—

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

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

198 Section 6. For the purpose of incorporating the amendment
 199 made by this act to section 468.203, Florida Statutes, in a
 200 reference thereto, paragraph (c) of subsection (5) of section

201 1002.385, Florida Statutes, is reenacted to read:

202 1002.385 The Gardiner Scholarship.—

203 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
204 be used to meet the individual educational needs of an eligible
205 student and may be spent for the following purposes:

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

209 1. Applied behavior analysis services as provided in ss.
210 627.6686 and 641.31098.

211 2. Services provided by speech-language pathologists as
212 defined in s. 468.1125.

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

214 4. Services provided by physical therapists as defined in
215 s. 486.021.

216 5. Services provided by listening and spoken language
217 specialists and an appropriate acoustical environment for a
218 child who is deaf or hard of hearing and who has received an
219 implant or assistive hearing device.

220
221 A provider of any services receiving payments pursuant to this
222 subsection may not share, refund, or rebate any moneys from the
223 Gardiner Scholarship with the parent or participating student in
224 any manner. A parent, student, or provider of any services may
225 not bill an insurance company, Medicaid, or any other agency for

226 | the same services that are paid for using Gardiner Scholarship
227 | funds.

228 | Section 7. For the purpose of incorporating the amendment
229 | made by this act to section 468.203, Florida Statutes, in a
230 | reference thereto, paragraph (c) of subsection (2) of section
231 | 1002.66, Florida Statutes, is reenacted to read:

232 | 1002.66 Specialized instructional services for children
233 | with disabilities.—

234 | (2) The parent of a child who is eligible for the
235 | prekindergarten program for children with disabilities may
236 | select one or more specialized instructional services that are
237 | consistent with the child's individual educational plan. These
238 | specialized instructional services may include, but are not
239 | limited to:

240 | (c) Occupational therapy as defined in s. 468.203.

241 | Section 8. This act shall take effect July 1, 2021.