



386692

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/02/2021	.	
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The Committee on Health Policy (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 31 - 214

and insert:

settings for clients who have, or who have been identified as being at risk of developing, an illness, an injury, a disease, a disorder, a condition, an impairment, a disability, an activity limitation, or a participation restriction ~~purposeful activity or interventions to achieve functional outcomes.~~

(a) For the purposes of this subsection:



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11 1. “Activities of daily living” means functions and tasks
12 for self-care which are performed on a daily or routine basis,
13 including functional mobility, bathing, dressing, eating and
14 swallowing, personal hygiene and grooming, toileting, and other
15 similar tasks ~~“Achieving functional outcomes” means to maximize~~
16 ~~the independence and the maintenance of health of any individual~~
17 ~~who is limited by a physical injury or illness, a cognitive~~
18 ~~impairment, a psychosocial dysfunction, a mental illness, a~~
19 ~~developmental or a learning disability, or an adverse~~
20 ~~environmental condition.~~

21 2. “Assessment” means the use of skilled observation or the
22 administration and interpretation of standardized or
23 nonstandardized tests and measurements to identify areas for
24 occupational therapy services.

25 3. “Health management” means therapeutic services designed
26 to develop, manage, and maintain health and wellness routines,
27 including self-management, performed with the goal of improving
28 or maintaining health to support participation in occupations.

29 4. “Instrumental activities of daily living” means daily or
30 routine activities a person must perform to live independently
31 within the home and community.

32 5. “Occupational performance” means the ability to
33 perceive, desire, recall, plan, and carry out roles, routines,
34 tasks, and subtasks for the purpose of self-maintenance, self-
35 preservation, productivity, leisure, and rest, for oneself or
36 for others, in response to internal or external demands of
37 occupations and contexts.

38 6. “Occupational therapy services in mental health” means
39 occupation-based interventions and services for individuals,



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40 groups, populations, families, or communities to improve
41 participation in daily occupations for individuals who are
42 experiencing, are in recovery from, or are identified as being
43 at risk of developing mental health conditions.

44 7. "Occupations" means meaningful and purposeful everyday
45 activities performed and engaged in by individuals, groups,
46 populations, families, or communities which occur in contexts
47 and over time, such as activities of daily living, instrumental
48 activities of daily living, health management, rest and sleep,
49 education, work, play, leisure, and social participation. The
50 term includes more specific occupations and the execution of
51 multiple activities that are influenced by performance patterns,
52 performance skills, and client factors, and that result in
53 varied outcomes.

54 (b) The practice of occupational therapy includes services
55 include, but is are not limited to, the following services:

56 1. The Assessment, treatment, and education of or
57 consultation with individuals, groups, and populations whose
58 abilities to participate safely in occupations, including
59 activities of daily living, instrumental activities of daily
60 living, rest and sleep, education, work, play, leisure, and
61 social participation, are impaired or have been identified as
62 being at risk of impairment due to issues related to, but not
63 limited to, developmental deficiencies, the aging process,
64 learning disabilities, physical environment and sociocultural
65 context, physical injury or disease, cognitive impairments, or
66 psychological and social disabilities the individual, family, or
67 other persons.

68 2. Methods or approaches used to determine abilities and



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69 limitations related to performance of occupations, including,
70 but not limited to, the identification of physical, sensory,
71 cognitive, emotional, or social deficiencies ~~Interventions~~
72 ~~directed toward developing daily living skills, work readiness~~
73 ~~or work performance, play skills or leisure capacities, or~~
74 ~~enhancing educational performance skills.~~

75 3. Specific occupational therapy techniques used for
76 treatment which include, but are not limited to, training in
77 activities of daily living; environmental modification;
78 assessment of the need for the use of interventions such as the
79 design, fabrication, and application of orthotics or orthotic
80 devices; selecting, applying, and training in the use of
81 assistive technology and adaptive devices; sensory, motor, and
82 cognitive activities; therapeutic exercises; manual techniques;
83 physical agent modalities; and occupational therapy services in
84 mental health ~~Providing for the development of: sensory motor,~~
85 ~~perceptual, or neuromuscular functioning; range of motion; or~~
86 ~~emotional, motivational, cognitive, or psychosocial components~~
87 ~~of performance.~~

88
89 ~~These services may require assessment of the need for use of~~
90 ~~interventions such as the design, development, adaptation,~~
91 ~~application, or training in the use of assistive technology~~
92 ~~devices; the design, fabrication, or application of~~
93 ~~rehabilitative technology such as selected orthotic devices;~~
94 ~~training in the use of assistive technology; orthotic or~~
95 ~~prosthetic devices; the application of physical agent modalities~~
96 ~~as an adjunct to or in preparation for purposeful activity; the~~
97 ~~use of ergonomic principles; the adaptation of environments and~~



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98 ~~processes to enhance functional performance; or the promotion of~~
99 ~~health and wellness.~~

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

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

107 468.209 Requirements for licensure.—

108 (2) An applicant who has practiced as a state-licensed or
109 American Occupational Therapy Association-certified occupational
110 therapy assistant for 4 years and who, before ~~prior to~~ January
111 24, 1988, completed a minimum of 24 weeks ~~6 months~~ of supervised
112 occupational-therapist-level fieldwork experience may take the
113 examination to be licensed as an occupational therapist without
114 meeting the educational requirements for occupational therapists
115 made otherwise applicable under paragraph (1) (b).

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

118 468.215 Issuance of license.—

119 (2) (a) Any person who is issued a license as an
120 occupational therapist under the terms of this act may use the
121 words "occupational therapist," "licensed occupational
122 therapist," or "occupational therapist registered," or ~~he or she~~
123 may use the letters "O.T.," "L.O.T.," or "O.T.R.," in connection
124 with his or her name or place of business to denote his or her
125 registration hereunder.

126 (b) Any person who is issued a license as an occupational



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127 therapist under the terms of this act and holds a doctorate
128 degree in occupational therapy may also use the words
129 "occupational therapist doctorate" and the letters "O.T.D." in
130 connection with his or her name or place of business to denote
131 his or her registration hereunder.

132 Section 4. Section 468.223, Florida Statutes, is amended to
133 read:

134 468.223 Prohibitions; penalties.—

135 (1) A person may not:

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

138 (b) Use, in connection with his or her name or place of
139 business, the words "occupational therapist," "licensed
140 occupational therapist," "occupational therapist doctorate,"
141 "occupational therapist registered," "occupational therapy
142 assistant," "licensed occupational therapy assistant,"
143 "certified occupational therapy assistant"; the letters "O.T.,"
144 "L.O.T.," "O.T.D.," "O.T.R.," "O.T.A.," "L.O.T.A.," or
145 "C.O.T.A."; or any other words, letters, abbreviations, or
146 insignia indicating or implying that he or she is an
147 occupational therapist or an occupational therapy assistant or,
148 in any way, orally or in writing, in print or by sign, directly
149 or by implication, to represent himself or herself as an
150 occupational therapist or an occupational therapy assistant
151 unless the person is a holder of a valid license issued pursuant
152 to ss. 468.201-468.225;

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

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



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

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

160 (g) Conceal information relative to any violation of ss.
161 468.201-468.225.

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

165 Section 5. Subsection (2) of section 468.225, Florida
166 Statutes, is amended, and paragraph (e) is added to subsection
167 (1) of that section, to read:

168 468.225 Exemptions.—

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

171 (e) Any person fulfilling an occupational therapy doctoral
172 capstone experience that involves clinical practice or projects.
173 To benefit from an exemption under this paragraph, a person must
174 register with the department in a manner determined by
175 department rule before commencing the capstone experience.

176 (2) No provision of this act shall be construed to prohibit
177 physicians, physician assistants, nurses, physical therapists,
178 osteopathic physicians or surgeons, clinical psychologists,
179 clinical social workers, marriage and family therapists, mental
180 health counselors, speech-language pathologists, or audiologists
181 from using occupational therapy as a part of or incidental to
182 their profession, when they practice their profession under the
183 statutes applicable to their profession.

184 Section 6. Paragraph (b) of subsection (1) of section



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185 490.014, Florida Statutes, is amended to read:

186 490.014 Exemptions.—

187 (1)

188 (b) No provision of this chapter shall be construed to
189 limit the practice of nursing, clinical social work, marriage
190 and family therapy, mental health counseling, occupational
191 therapy, or other recognized businesses or professions, or to
192 prevent qualified members of other professions from doing work
193 of a nature consistent with their training, so long as they do
194 not hold themselves out to the public as psychologists or use a
195 title or description protected by this chapter. Nothing in this
196 subsection shall be construed to exempt any person from the
197 provisions of s. 490.012.

198 Section 7. Subsection (2) of section 491.014, Florida
199 Statutes, is amended to read:

200 491.014 Exemptions.—

201 (2) No provision of this chapter shall be construed to
202 limit the practice of nursing, school psychology, ~~or~~ psychology,
203 or occupational therapy, or to prevent qualified members of
204 other professions from doing work of a nature consistent with
205 their training and licensure, so long as they do not hold
206 themselves out to the public as possessing a license,
207 provisional license, registration, or certificate issued
208 pursuant to this chapter or use a title protected by this
209 chapter.

210 Section 8. For the purpose of incorporating the amendment
211 made by this act to section 490.014, Florida Statutes, in a
212 reference thereto, paragraph (c) of subsection (1) of section
213 490.012, Florida Statutes, is reenacted to read:



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214 490.012 Violations; penalties; injunction.-

215 (1)

216 (c) No person shall hold herself or himself out by any
217 title or description incorporating the words, or permutations of
218 them, "psychology," "psychological," or "psychodiagnostic," or
219 describe any test or report as psychological, unless such person
220 holds a valid, active license under this chapter or is exempt
221 from the provisions of this chapter.

222 Section 9. Paragraph (b) of subsection (4) of section
223 1002.394, Florida Statutes, is amended to read:

224 1002.394 The Family Empowerment Scholarship Program.-

225 (4) AUTHORIZED USES OF PROGRAM FUNDS.-

226 (b) Program funds awarded to a student with a disability
227 determined eligible pursuant to paragraph (3) (b) may be used for
228 the following purposes:

229 1. Instructional materials, including digital devices,
230 digital periphery devices, and assistive technology devices that
231 allow a student to access instruction or instructional content
232 and training on the use of and maintenance agreements for these
233 devices.

234 2. Curriculum as defined in subsection (2).

235 3. Specialized services by approved providers or by a
236 hospital in this state which are selected by the parent. These
237 specialized services may include, but are not limited to:

238 a. Applied behavior analysis services as provided in ss.
239 627.6686 and 641.31098.

240 b. Services provided by speech-language pathologists as
241 defined in s. 468.1125(8).

242 c. Occupational therapy ~~services~~ as defined in s. 468.203.



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

And the title is amended as follows:

Delete lines 6 - 17

and insert:

amending s. 468.215, F.S.; authorizing certain
licensed occupational therapists to use a specified
title and the associated initials; amending s.
468.223, F.S.; prohibiting certain persons from using
a specified title and the associated initials;
providing criminal penalties; amending ss. 468.225,
490.014, and 491.014, F.S.; revising construction;
reenacting s. 490.012(1)(c), F.S., relating to
violations, penalties, and injunctions, to incorporate
the amendment made to s. 490.014, F.S., in a reference
thereto; amending s. 1002.394, F.S.; conforming a
provision to changes made by the act; reenacting s.
1002.66(2)(c), F.S., relating to specialized
instructional services for children with disabilities,
to incorporate the amendments made to s. 468.203,
F.S., in a reference thereto;