

Offered: 5/8/87  
Referred: Finance

5-0672L

Original sponsor: Navarre

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 205 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to regulation of the practice of  
7 occupational therapy and physical therapy; and pro-  
8 viding for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 08.01.010(15) is amended to read:

11 (15) State Physical Therapy and Occupational Therapy Board  
12 (AS 08.84.010);

13 \* Sec. 2. AS 08.02.010(a) is amended to read:

14 (a) An audiologist licensed under AS 08.11, a person licensed in  
15 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,  
16 a medical practitioner or osteopath under AS 08.64, a registered nurse  
17 under AS 08.68, an optometrist under AS 08.72, a registered pharmacist  
18 under AS 08.80, a registered physical therapist or occupational thera-  
19 pist under AS 08.84, or a psychologist under AS 08.86, shall use as  
20 professional identification appropriate letters or a title after that  
21 person's name which represents that person's specific field of prac-  
22 tice. The letters or title shall appear on all signs, stationery, or  
23 other advertising in which the person offers or displays personal  
24 professional services to the public. In addition, a person engaged in  
25 the practice of medicine or osteopathy under AS 08.64.380(2) or a  
26 person engaged in any manner in the healing arts who diagnoses,  
27 treats, tests, or counsels other persons in relation to human health  
28 or disease and uses the letters "M.D." or the title "doctor" or "phy-  
29 sician" or another title that tends to show that the person is willing

1 or qualified to diagnose, treat, test, or counsel another person,  
2 shall clarify the letters or title by adding the appropriate special-  
3 ist designation, if any, such as "dermatologist", "radiologist",  
4 "audiologist", "naturopath", or the like.

5 \* Sec. 3. AS 08.03.010(c)(8) is amended to read:

6 (8) State Physical Therapy and Occupational Therapy Board  
7 (AS 08.84.010) -- June 30, 1989.

8 \* Sec. 4. AS 08.84.010 is amended to read:

9 Sec. 08.84.010. STATE PHYSICAL THERAPY AND OCCUPATIONAL THERAPY  
10 BOARD. (a) There is created the State Physical Therapy and Occupa-  
11 tional Therapy Board, which consists of seven [FIVE] members appointed  
12 by the governor. The membership consists of one physician licensed to  
13 practice medicine in the state, three physical therapists licensed in  
14 the state or two physical therapists and a physical therapy assistant  
15 licensed in the state, two occupational therapists licensed in the  
16 state or an occupational therapist and an occupational therapy assis-  
17 tant licensed in the state, and one lay person with no direct finan-  
18 cial interest in the health care industry. Members of the board shall  
19 be United States [U.S.] citizens domiciled in the state and shall be  
20 appointed for a term of four years, and until their successors are  
21 appointed. A member may not serve more than two terms in succession.  
22 The governor may remove a member from the board for neglect of duty,  
23 incompetence, dishonorable conduct, or suspension or revocation of  
24 license.

25 (b) The board [PHYSICAL THERAPY BOARD] shall control all matters  
26 pertaining to the licensing of physical therapists, [AND] physical  
27 therapy assistants, occupational therapists, and occupational therapy  
28 assistants and the practice of physical therapy and the practice of  
29 occupational therapy. The board shall

- 1 (1) pass upon the qualifications of applicants;
- 2 (2) provide for the examination of applicants [CONDUCT  
3 EXAMINATIONS];
- 4 (3) issue temporary permits and licenses to persons [PHYS-  
5 ICAL THERAPISTS AND PHYSICAL THERAPY ASSISTANTS] qualified under this  
6 chapter;
- 7 (4) suspend, revoke, or refuse to issue or renew a license  
8 under [IN ACCORDANCE WITH] AS 08.84.120;
- 9 (5) keep a current register listing the name, business  
10 address, date, and number of the license of each person [PHYSICAL  
11 THERAPIST AND PHYSICAL THERAPY ASSISTANT] who is licensed to practice  
12 under this chapter [IN THIS STATE];
- 13 (6) keep a record and minutes of its meetings, proceedings,  
14 and hearings and submit an annual report of its activities to the  
15 governor and other interested parties;
- 16 (7) limit or condition the authority to practice physical  
17 therapy or occupational therapy, or discipline a practitioner, under  
18 [IN ACCORDANCE WITH] AS 08.84.185(a); and
- 19 (8) adopt regulations under AS 44.62 necessary to carry out  
20 the purposes of this chapter including regulations establishing quali-  
21 fications for licensure and renewal of licensure under this chapter  
22 [AS A PHYSICAL THERAPIST OR PHYSICAL THERAPY ASSISTANT].
- 23 \* Sec. 5. AS 08.84.030 is amended by adding a new subsection to read:
- 24 (b) To be eligible for licensure by the board as an occupational  
25 therapist or occupational therapy assistant, an applicant, unless a  
26 graduate of a foreign school of occupational therapy located outside  
27 the United States, shall
- 28 (1) have successfully completed a curriculum of occupa-  
29 tional therapy approved by the Committee of Allied Health Education

1 and Accreditation of the American Medical Association, and the Ameri-  
2 can Occupational Therapy Association appropriate to the license being  
3 sought;

4 (2) submit proof of successful completion of supervised  
5 field work approved by the board

6 (A) for an occupational therapist, a minimum of six  
7 months of supervised field work;

8 (B) for an occupational therapy assistant, a minimum  
9 of two months of supervised field work;

10 (3) pass, to the satisfaction of the board, an examination  
11 prepared by a national testing service approved by the board or an  
12 examination recognized by the American Occupational Therapy Asso-  
13 ciation to determine the applicant's fitness for practice as an occu-  
14 pational therapist or an occupational therapy assistant, or be enti-  
15 tled to licensure without examination under AS 08.84.060; and

16 (4) meet qualifications for licensure established in regu-  
17 lations adopted by the board under AS 08.84.010(b).

18 \* Sec. 6. AS 08.84.032 is amended by adding a new subsection to read:

19 (b) To be eligible for licensure by the board as an occupational  
20 therapist or occupational therapy assistant, an applicant who is a  
21 graduate of a school of occupational therapy that is located outside  
22 of the United States shall

23 (1) have completed, to the satisfaction of the board, a  
24 resident course of study and professional instruction equivalent to  
25 that provided by a curriculum approved by the Committee of Allied  
26 Health Education and Accreditation of the American Medical Association  
27 and the American Occupational Therapy Association, and have furnished  
28 documentary evidence of compliance with this paragraph, translated, if  
29 necessary, into the English language by a person verifying the

- 1 accuracy of the translations;
- 2 (2) have completed, to the satisfaction of the board,  
3 supervised field work equivalent to that required under AS 08.84.-  
4 030(b);
- 5 (3) have met applicable requirements under 8 U.S.C. 1101 -  
6 1503 (Immigration and Nationality Act) unless a United States citizen;
- 7 (4) pass an [THE] examination administered or approved by  
8 the board under AS 08.84.030; and
- 9 (5) pay the fee required under AS 08.84.050.

10 \* Sec. 7. AS 08.84.040 is amended to read:

11 Sec. 08.84.040. APPLICATION FOR LICENSE. To be licensed under  
12 this chapter to practice physical therapy or occupational therapy [AS  
13 A PHYSICAL THERAPIST OR PHYSICAL THERAPY ASSISTANT], an applicant  
14 shall apply to the board on a form prescribed by the board. An appli-  
15 cant shall include in the [HIS] application [,] evidence under oath  
16 that the applicant [HE] possesses the qualifications required by  
17 AS 08.84.030 or 08.84.032.

18 \* Sec. 8. AS 08.84.050 is amended to read:

19 Sec. 08.84.050. FEES. The Department of Commerce and Economic  
20 Development shall set fees under AS 08.01.065 for the following:

- 21 (1) application;
- 22 (2) license by examination;
- 23 (3) license by acceptance of credentials;
- 24 (4) renewal;
- 25 (5) temporary permit;
- 26 (6) limited permit.

27 \* Sec. 9. AS 08.84.060 is amended to read:

28 Sec. 08.84.060. LICENSURE BY ACCEPTANCE OF CREDENTIALS. The  
29 board may license without examination an applicant who is a physical

- 1 accuracy of the translations;
- 2 (2) have completed, to the satisfaction of the board,  
3 supervised field work equivalent to that required under AS 08.84.-  
4 030(b);
- 5 (3) have met applicable requirements under 8 U.S.C. 1101 -  
6 1503 (Immigration and Nationality Act) unless a United States citizen;
- 7 (4) pass an [THE] examination administered or approved by  
8 the board under AS 08.84.030; and
- 9 (5) pay the fee required under AS 08.84.050.

10 \* Sec. 7. AS 08.84.040 is amended to read:

11 Sec. 08.84.040. APPLICATION FOR LICENSE. To be licensed under  
12 this chapter to practice physical therapy or occupational therapy [AS  
13 A PHYSICAL THERAPIST OR PHYSICAL THERAPY ASSISTANT], an applicant  
14 shall apply to the board on a form prescribed by the board. An appli-  
15 cant shall include in the [HIS] application [,] evidence under oath  
16 that the applicant [HE] possesses the qualifications required by  
17 AS 08.84.030 or 08.84.032.

18 \* Sec. 8. AS 08.84.050 is amended to read:

19 Sec. 08.84.050. FEES. The Department of Commerce and Economic  
20 Development shall set fees under AS 08.01.065 for the following:

- 21 (1) application;
- 22 (2) license by examination;
- 23 (3) license by acceptance of credentials;
- 24 (4) renewal;
- 25 (5) temporary permit;
- 26 (6) limited permit.

27 \* Sec. 9. AS 08.84.060 is amended to read:

28 Sec. 08.84.060. LICENSURE BY ACCEPTANCE OF CREDENTIALS. The  
29 board may license without examination an applicant who is a physical

1 therapist, [OR] physical therapy assistant, occupational therapist, or  
2 occupational therapy assistant licensed under the laws of another  
3 state [OR TERRITORY OR THE DISTRICT OF COLUMBIA], if the requirements  
4 for licensure in that state [OR TERRITORY OR THE DISTRICT OF COLUM-  
5 BIA], were, at the date of the applicant's licensure, substantially  
6 equal to the requirements in this state.

7 \* Sec. 10. AS 08.84.065(c) is amended to read:

8 (c) A temporary permit issued to an applicant for licensure as a  
9 physical therapist or physical therapy assistant by examination is  
10 valid for eight months or until the results of the first examination  
11 for which the applicant is scheduled are published, whichever occurs  
12 first. If the applicant fails to take the first examination for which  
13 the applicant is scheduled the applicant's temporary permit lapses on  
14 the day of the examination.

15 \* Sec. 11. AS 08.84.065(d) is amended to read:

16 (d) A temporary permit issued to an applicant who is a graduate  
17 of a foreign school of physical therapy or occupational therapy locat-  
18 ed outside the United States is valid until the results of the first  
19 examination for which the applicant is scheduled are published follow-  
20 ing completion of the internship required under AS 08.84.032 [AS 08.-  
21 84.032(2)].

22 \* Sec. 12. AS 08.84.065 is amended by adding a new subsection to read:

23 (e) A temporary permit issued to an applicant for licensure as  
24 an occupational therapist or occupational therapy assistant by exam-  
25 ination is valid for eight months or until the results of the ex-  
26 amination for which the applicant is scheduled are published, which-  
27 ever occurs first. If the applicant fails to take an examination for  
28 which the applicant is scheduled the applicant's temporary permit  
29 lapses on the day of the examination.

1 \* Sec. 13. AS 08.84 is amended by adding a new section to read:

2 Sec. 08.84.075. LIMITED PERMIT. (a) The board may issue a  
3 limited permit to a person to practice occupational therapy in the  
4 state as a visiting, nonresident occupational therapist or occupation-  
5 al therapy assistant, if the person

6 (1) applies on the form provided by the board;

7 (2) has not previously been denied occupational therapy  
8 licensure in the state;

9 (3) is licensed to practice occupational therapy in another  
10 state or satisfies the requirements for certification by the American  
11 Occupational Therapy Association;

12 (4) provides proof satisfactory to the board that the  
13 person will not practice in the state for more than 120 days in the  
14 calendar year for which the permit is issued; and

15 (5) pays the fee required under AS 08.84.050.

16 (b) The board may issue a limited permit to a person to practice  
17 physical therapy in the state as a visiting, nonresident physical  
18 therapist or physical therapy assistant, if the person

19 (1) applies on the form provided by the board;

20 (2) has not previously been denied physical therapy  
21 licensure in the state;

22 (3) is licensed to practice physical therapy in another  
23 state;

24 (4) provides proof satisfactory to the board that the  
25 person will not practice in the state for more than 120 days in the  
26 calendar year for which the permit is issued; and

27 (5) pays the fee required under AS 08.84.050.

28 (c) A limited permit is valid for a period not exceeding 120  
29 days in a calendar year.

1 (d) A person may not receive more than three limited permits to  
2 practice occupational therapy or physical therapy during the person's  
3 lifetime.

4 \* Sec. 14. AS 08.84.080 is amended to read:

5 Sec. 08.84.080. EXAMINATIONS. The board shall examine appli-  
6 cants for licensure under this chapter [AS PHYSICAL THERAPISTS OR  
7 PHYSICAL THERAPY ASSISTANTS] at the times and places it determines.

8 \* Sec. 15. AS 08.84.090 is amended to read:

9 Sec. 08.84.090. LICENSURE. The board shall license an applicant  
10 who meets the qualifications for licensure under this chapter. It  
11 shall issue a license certificate to each person licensed. A license  
12 certificate is prima facie evidence of the right of the person to hold  
13 out as a licensed physical therapist, [OR] licensed physical therapy  
14 assistant, occupational therapist, or occupational therapy assistant.

15 \* Sec. 16. AS 08.84.100 is amended to read:

16 Sec. 08.84.100. RENEWAL OF LICENSE. (a) A person licensed  
17 under this chapter [PHYSICAL THERAPIST OR PHYSICAL THERAPY ASSISTANT]  
18 shall renew the [A] license [ISSUED UNDER THIS CHAPTER] every two  
19 [FOUR] years with the Department of Commerce and Economic Development  
20 on or before the date set by the department under AS 08.01.100(a). If  
21 the license is not renewed on or before that date, it lapses.

22 (b) Before reinstatement of a license that remains lapsed for  
23 more than 60 days, the applicant must pay all delinquent renewal fees  
24 and a [ANY] penalty established under AS 08.01.100(b). If a license  
25 remains lapsed for more than three years, the board may require the  
26 applicant to submit proof, satisfactory to the board, of continued  
27 competency [TAKE AND PASS THE EXAMINATION GIVEN UNDER AS 08.84.-  
28 030(3)].

29 (c) A license may not be renewed unless the applicant

1 demonstrates competence to practice [AS A PHYSICAL THERAPIST OR]  
2 physical therapy or occupational therapy [ASSISTANT] in a manner  
3 established by the board in regulations adopted under AS 08.84.010(b)  
4 [AS 08.84.010(b)(8)].

5 \* Sec. 17. AS 08.84.120(a) is amended to read:

6 (a) The board may refuse to license an applicant, may refuse to  
7 renew the license of a person, and may suspend or revoke the license  
8 of a person who

9 (1) has obtained or attempted to obtain a license by fraud  
10 or material misrepresentation;

11 (2) uses drugs or alcohol in a manner that affects the  
12 person's ability to practice physical therapy or occupational therapy  
13 competently and safely;

14 (3) has been convicted of a state or federal felony or  
15 other crime that effects the person's ability to practice competently  
16 and safely;

17 (4) is guilty, in the judgment of the board, of gross  
18 negligence or malpractice or has engaged in conduct contrary to the  
19 recognized standards of ethics of the physical therapy profession or  
20 the occupational therapy profession;

21 (5) has continued to practice physical therapy or occupa-  
22 tional therapy after becoming unfit due to physical or mental disabil-  
23 ity;

24 (6) has failed to refer a patient to another qualified  
25 professional when the patient's condition is beyond the training or  
26 ability of the person [PHYSICAL THERAPIST]; [OR]

27 (7) as a physical therapy assistant, has attempted to  
28 practice physical therapy that has not been initiated, supervised, and  
29 terminated by a licensed physical therapist; or

1                   (8) as an occupational therapy assistant, has attempted to  
2                   practice occupational therapy that has not been supervised by a li-  
3                   icensed occupational therapist.

4       \* Sec. 18. AS 08.84.130 is amended by adding new subsections to read:

5                   (c) A person not licensed as an occupational therapist, or whose  
6                   license is suspended or revoked, or whose license is lapsed, who uses  
7                   in connection with the person's name the words "Licensed Occupational  
8                   Therapist," or other letters, words, or insignia indicating or imply-  
9                   ing that the person is a licensed occupational therapist, or who  
10                  orally or in writing, directly or by implication, holds out as a  
11                  licensed occupational therapist is guilty of a class B misdemeanor.

12                  (d) A person not licensed as an occupational therapy assistant,  
13                  or whose license is suspended or revoked, or whose license is lapsed,  
14                  who orally or in writing, directly or by implication, holds out as a  
15                  licensed occupational therapy assistant is guilty of a class B misde-  
16                  meanor.

17       \* Sec. 19. AS 08.84.150 is amended to read:

18                  Sec. 08.84.150. LICENSURE OF PHYSICAL THERAPISTS. It is unlaw-  
19                  ful for a person [ANYONE] to practice physical therapy without being  
20                  licensed under [IN ACCORDANCE WITH] this chapter unless the person is

21                         (1) a student in an accredited physical therapy program;

22                         (2) [OR] a graduate of a foreign school of physical therapy  
23                         fulfilling the internship requirement of AS 08.84.032(2), and then  
24                         only unless under the continuous direction and immediate supervision  
25                         of a physical therapist; or

26                         (3) issued a limited permit under AS 08.84.075.

27       \* Sec. 20. AS 08.84.150 is amended by adding a new subsection to read:

28                   (b) A person may not practice occupational therapy without being  
29                   licensed unless the person is

1 (1) a student in an accredited occupational therapy program  
2 or in a supervised field work program;

3 (2) a graduate of a foreign school of occupational therapy  
4 fulfilling the internship requirement of AS 08.84.032, and then only  
5 unless under the continuous direction and immediate supervision of an  
6 occupational therapist;

7 (3) an occupational therapist or occupational therapy  
8 assistant employed by the United States Government while in the dis-  
9 charge of official duties; or

10 (4) granted a limited permit under AS 08.84.075.

11 \* Sec. 21. AS 08.84.160 is amended to read:

12 Sec. 08.84.160. PRACTICE OF LICENSED PHYSICAL THERAPIST OR  
13 LICENSED OCCUPATIONAL THERAPIST. This chapter does not authorize a  
14 [ANY] person to practice medicine, osteopathy, chiropractic [AS DE-  
15 FINED IN AS 08.20.220], or other method of healing, but only to prac-  
16 tice physical therapy or occupational therapy [AS DEFINED IN AS 08.-  
17 84.190(3)].

18 \* Sec. 22. AS 08.84.185 is repealed and reenacted to read:

19 Sec. 08.84.185. DISCIPLINARY SANCTIONS. (a) The board may  
20 impose the following sanctions singly or in combination:

21 (1) permanently revoke a license or permit to practice;

22 (2) suspend a license for a stated period of time;

23 (3) censure a licensee;

24 (4) issue a letter of reprimand;

25 (5) impose limitations or conditions on the professional  
26 practice of a licensee;

27 (6) impose peer review;

28 (7) impose professional education requirements until a  
29 satisfactory degree of skill has been attained in those aspects of

1 professional practice determined by the board to need improvement;

2 (8) impose probation and require the licensee to report  
3 regularly to the board upon matters involving the basis for the pro-  
4 bation;

5 (9) impose a civil fine of not more than \$5,000;

6 (10) accept a voluntary surrender of a license.

7 (b) The board may withdraw probation status if it finds that the  
8 deficiencies that required the sanction have been remedied.

9 (c) The board may summarily suspend a license before final  
10 hearing or during the appeals process if the board finds that the  
11 licensee poses a clear and immediate danger to the public health and  
12 safety. A person whose license is suspended under this section is  
13 entitled to a hearing by the board within seven days after the effec-  
14 tive date of the order. If, after a hearing, the board upholds the  
15 suspension, the licensee may appeal the suspension to a court of  
16 competent jurisdiction.

17 (d) The board may reinstate a license that has been suspended or  
18 revoked if the board finds, after a hearing, that the applicant is  
19 able to practice with skill and safety.

20 (e) The board may return a license that has been voluntarily  
21 surrendered if the board determines that the licensee is competent to  
22 resume practice and that applicable renewal fees are paid.

23 (f) The board shall seek consistency in the application of  
24 disciplinary sanctions. A significant departure from prior decisions  
25 involving similar situations shall be explained in the findings of  
26 fact or order.

27 \* Sec. 23. AS 08.84.190(1) is amended to read:

28 (1) "board" means the State Physical Therapy and Occupa-  
29 tional Therapy Board;

1 \* Sec. 24. AS 08.84.190 is amended by adding new paragraphs to read:

2 (5) "occupational therapist" means a person who practices  
3 occupational therapy;

4 (6) "occupational therapy" means the use of purposeful  
5 activity, evaluation, treatment, and consultation with human beings  
6 whose ability to cope with the tasks of daily living are threatened  
7 with, or impaired by developmental deficits, learning disabilities,  
8 aging, poverty, cultural differences, physical injury or illness, or  
9 psychological and social disabilities to maximize independence, pre-  
10 vent disability, and maintain health; "occupational therapy" includes

11 (A) developing daily living, play, leisure, social,  
12 and developmental skills;

13 (B) facilitating perceptual-motor and sensory integra-  
14 tive functioning;

15 (C) enhancing functional performance, prevocational  
16 skills, and work capabilities using specifically designed exer-  
17 cises, therapeutic activities and measures, manual intervention,  
18 and appliances;

19 (D) design, fabrication, and application of splints or  
20 selective adaptive equipment;

21 (E) administering and interpreting standardized and  
22 nonstandardized assessments, including sensory, manual muscle,  
23 and range of motion assessments, necessary for planning effective  
24 treatment; and

25 (F) adapting environments for the disabled;

26 (7) "occupational therapy assistant" means a person who  
27 assists in the practice of occupational therapy under the supervision  
28 of an occupational therapist.

29 \* Sec. 25. AS 08.84.200 is amended to read:

1           Sec. 08.84.200. SHORT TITLE. This chapter may be cited as the  
2           Physical Therapists and Occupational Therapists Practice Act.

3       \* Sec. 26. AS 09.55.560(1) is amended to read:

4           (1) "health care provider" means an audiologist licensed  
5           under AS 08.11; a chiropractor licensed under AS 08.20; a dental  
6           hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;  
7           a nurse licensed under AS 08.68; a dispensing optician licensed under  
8           AS 08.71; a naturopath licensed under AS 08.45; an optometrist  
9           licensed under AS 08.72; a pharmacist licensed under AS 08.80; a  
10          physical therapist or occupational therapist licensed under AS 08.84;  
11          a physician licensed under AS 08.64; a podiatrist; a psychologist and  
12          a psychological associate licensed under AS 08.86; and a hospital as  
13          defined in AS 18.20.130, including a governmentally owned or operated  
14          hospital; a corporate entity covered under AS 21.88.050(b)(11); and an  
15          employee of a health care provider acting within the course and scope  
16          of employment;

17       \* Sec. 27. AS 18.23.070(3) is amended to read:

18           (3) "health care provider" means a chiropractor licensed  
19           under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist  
20           licensed under AS 08.36; a nurse licensed under AS 08.68; a dispensing  
21           optician licensed under AS 08.71; an optometrist licensed under  
22           AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist  
23           or occupational therapist licensed [REGISTERED] under AS 08.84; a  
24           physician licensed under AS 08.64; a podiatrist; a psychologist and a  
25           psychological associate licensed under AS 08.86; and a hospital as  
26           defined in AS 18.20.130, including a governmentally owned or operated  
27           hospital; a corporate entity covered under AS 21.88.050(b)(11); and an  
28           employee of a health care provider acting within the course and scope  
29           of employment;

1 \* Sec. 28. AS 21.88.900(9) is amended to read:

2 (9) "health care provider" means an audiologist licensed  
3 under AS 08.11; a chiropractor licensed under AS 08.20; a dental  
4 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;  
5 a nurse licensed under AS 08.68; a dispensing optician licensed under  
6 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-  
7 censed under AS 08.80; a physical therapist or occupational therapist  
8 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-  
9 trist; a psychologist and a psychological associate licensed under  
10 AS 08.86; a hospital as defined in AS 18.20.130, including a govern-  
11 mentally owned or operated hospital; a corporate entity covered under  
12 AS 21.88.050(b)(11); an employee of a health care provider acting  
13 within the course and scope of employment;

14 \* Sec. 29. AS 21.88.900 is amended by adding a new paragraph to read:

15 (17) "occupational therapist" means a person licensed under  
16 AS 08.84.

17 \* Sec. 30. AS 47.17.070(9) is amended to read:

18 (9) "practitioner of the healing arts" includes chiroprac-  
19 tors, dental hygienists, dentists, health aides, nurses, nurse practi-  
20 tioners, occupational therapists, occupational therapy assistants,  
21 optometrists, osteopaths, naturopaths, physical therapists, physical  
22 therapy assistants, physicians, physician's assistants, psychiatrists,  
23 psychologists, psychological associates, audiologists licensed under  
24 AS 08.11, hearing aid dealers licensed under AS 08.55, religious  
25 healing practitioners, and surgeons;

26 \* Sec. 31. TRANSITION. (a) Until June 30, 1988, the Department of  
27 Commerce and Economic Development may issue a provisional license for the  
28 practice of occupational therapy to a person engaged in the practice of  
29 occupational therapy as an occupational therapist or occupational therapy

1 assistant, if the person

2 (1) pays a fee set by the department;

3 (2) certifies to the department that the person is of good moral  
4 character; and

5 (3) provides proof of either employment in the state as an  
6 occupational therapist or occupational therapy assistant and certification  
7 as an occupational therapist or occupational therapy assistant by the  
8 American Occupational Therapy Association.

9 (b) A provisional license issued under (a) of this section is valid  
10 until June 30, 1988, until revoked by the department, or until the provi-  
11 sional licensee is issued a license or temporary permit by the State Phys-  
12 ical Therapy and Occupational Therapy Board to practice occupational thera-  
13 py, whichever occurs first.

14 (c) The department may adopt regulations under the Administrative  
15 Procedure Act (AS 44.62) to implement this section.

16 \* Sec. 32. LICENSING BY CREDENTIAL. (a) Notwithstanding AS 08.84.-  
17 030(b), enacted by sec. 5 of this Act, the State Physical Therapy and  
18 Occupational Therapy Board may license a person as an occupational thera-  
19 pist or occupational therapy assistant who

20 (1) has engaged in the practice of occupational therapy or is  
21 currently engaged in the practice of occupational therapy in the state;

22 (2) holds an appropriate certificate from the American Occupa-  
23 tional Therapy Association as a certified occupational therapist or a  
24 certified occupational therapy assistant; and

25 (3) applies for the license before January 1, 1989.

26 (b) A license issued under this section is for all purposes a license  
27 issued under AS 08.84.

28 \* Sec. 33. EXPERIENCE-BASED LICENSURE OF OCCUPATIONAL THERAPISTS. (a)  
29 Notwithstanding AS 08.84.030(b), enacted by sec. 5 of this Act, a person is

1 eligible for licensure as an occupational therapist if before July 1, 1988,  
2 the person

3 (1) submits proof of completion of four years of board approved  
4 practice as an occupational therapy assistant before January 1, 1988;

5 (2) submits proof of successful completion of a minimum of six  
6 months of supervised field work approved by the board; and

7 (3) passes to the satisfaction of the board an examination  
8 approved by the board.

9 (b) A license issued under this section is for all purposes a license  
10 issued under AS 08.84.

11 \* Sec. 34. Notwithstanding AS 08.84.100(a), as amended by sec. 16 of  
12 this Act, a license issued under AS 08.84 that is in effect on the effec-  
13 tive date of this Act is valid for the period for which it was issued  
14 unless revoked or suspended under procedures set out in AS 08.84.

15 \* Sec. 35. INITIAL APPOINTMENTS. The governor shall fill the positions  
16 created on the State Physical Therapy and Occupational Therapy Board by  
17 this Act before March 1, 1988, and shall appoint one person to a term of  
18 four years and one person to a term of two years.

19 \* Sec. 36. Section 31 of this Act takes effect immediately under  
20 AS 01.10.070(c).

21 \* Sec. 37. Sections 1 - 30, and 32 - 35 of this Act take effect  
22 January 1, 1988.