

HB

368

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House L<sup>3</sup>C

March 22, 1988

March 24, 1988

March 29, 1988

# HOUSE COMMITTEE REPORT

(7)

Date referred: 1/18/88

FURTHER REFERRALS:

HESS  
Finance

DATE: 3/29/88

The Labor & Commerce Committee has considered HB 368

"An Act exempting certain persons from the requirement to be licensed as an occupational therapist or occupational therapy assistant; and providing for an effective date."

**RECOMMENDS:**

- replace with CS HB 368 (LTC)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 1/18/88
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

John Ellis  
Chip Davidson  
Scott Wimmer  
Nick Kozan

Dave Douley (NO REC)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
Dave Douley  
 Chairman's signature

RECEIVED  
FEB 1 1987

6  
FYI

January 24, 1988

8159 Erin  
Juneau, Alaska 99801

Reference: HB 368

The Honorable David Donnely  
Chairman, Labor and Commerce Committee  
Alaska State House of Representatives  
Alaska State Capitol Building  
Juneau, Alaska

Dear Mr. Donnely:

I am a Registered Occupational Therapist. This means that I have completed a Bachelor of Science Degree in Occupational Therapy from a University program which has been accredited by the American Occupational Therapy Association and the Council on Medical Education of the American Medical Association, and have passed the AOTA Registration Examination covering all areas of O.T. practice. My course of study in college was divided between O.T. theory, neurology, anatomy, physiology, pathology, kinesiology, psychology, and treatment media courses. In addition to course work I completed a series of full-time clinical affiliations consisting of two months training in pediatrics at Childrens Medical Center in Tulsa, Oklahoma, three months at the Arizona State Psychiatric Hospital in Phoenix, two months in general medicine at the Veteran's Administration Hospital in Houston, Texas, and three months in physical medicine and rehabilitation at the VA's east coast spinal cord injury center in the Bronx, New York.

I have had twelve years of employment experience in the position of Registered Occupational Therapist, including five years in Day Treatment Centers for multi-handicapped children, one as a contract therapist for the Southeast Regional Resource Center to the Lower Kuskokwim School District, and am currently employed as an O.T. for the Juneau School District. I feel that my training and experience has been extensive and vital to my present position. My knowledge not only includes methods for treating various disabilities, but equally important, an awareness of practices to be avoided.

As an Occupational Therapist for the school district, I administer standardized testing and use clinical observation to determine a student's eligibility for treatment and program planning. I prepare goals and objectives for the student which become a part of the individual educational plan, or IEP. I consult with classroom and resource teachers and other administrative and special education personnel for the coordination of the student's education. I prepare initial reports, maintain progress notes, complete annual reviews and reevaluations for children receiving services. I go to

four schools in the district - two a day, see a different child each half hour, and make equipment available to carry out an appropriate activity or exercise for each child. If it were not for my training as an Occupational Therapist plus additional study in the areas of practice encountered in the school population and keeping abreast of O.T. issues, I would not be able to do my job.

During the last session of the Alaska Legislature an Act was passed which created a licensure procedure and board for Occupational and Physical Therapists. I have gone through the necessary steps to become licensed under this act.

The Department of Education for the State of Alaska has now taken it upon themselves to write a bill and has been successful in having it introduced by the Governor's Rules Committee into the House of Representative as HB 368. Although this document is less than two pages in length, it in effect waives all the requirements used to designate an Occupational Therapist as outlined in the Occupational Therapy Licensure Bill from applying to the schools. By their action the Department of Education felt that they could save a great deal of money and still be in compliance with Federal Guidelines if they got a law passed that made it legal to allow any school employee to provide occupational therapy services. The dangers inherent in this tactic are damaging both to the children serviced and to the occupational therapy profession.

HB 368 as written by the Department of Education is not only dangerous, it is unnecessary. It was in part created because of their mininterpretation of Federal Laws and the OT Licensure Act, as well as a lack of knowledge of accepted practices in other states. The American Occupational Therapy Association has long realized that there will be rural areas where children are in need of O.T. services but where a registered O.T. is not available on site, and that under such circumstances a therapist can designate activities or exercises to be carried out by another person. The therapist, however, will have evaluated the child, outlined the program, and provided training to the service provider. The person working with the child on a day to day basis may not call himself an occupational therapist nor the services given occupational therapy. This practice is now in effect in many rural communities of Alaska through agencies providing contract therapists to the school district. The DOE bill, however, opens up the possibility of having untrained and unsupervised personnel operating in the capacity of an O.T. when they have no knowledge of either the scope of O.T. or the appropriate treatment or precautions for an individual student. This, indeed, would save the schools money, and because it would, it has the ability to become a widespread practice.

If time allowed, the horror stories of damage done to children by unqualified personnel would be the most convincing argument against HB 368. For now, due to the urgency of the situation and the manner

by which the Department of Education has chosen to trim their costs at the expense of a profession and the children of the state of Alaska, I would ask you to use your influence and your vote to assure that this harmful legislation is carefully investigated and hopefully defeated. Your consideration of this bill is greatly needed and appreciated.

Sincerely,

*Deborah J. Anderson*

Deborah J. Anderson, OTR  
Occupational Therapist

POSITION PAPER  
HOUSE BILL NO. 368

"An Act exempting certain persons from the requirement to be licensed as an occupational therapist or occupational therapy assistant; and providing for an effective date."

EFFECT OF BILL

This bill would exempt government employees and educational institution employees who provide occupational therapy services from the licensing requirement in Chapter 2, FSSLA 1987.

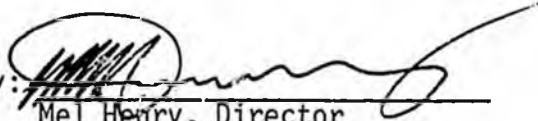
DISCUSSION

Such an exemption is necessary because many activities falling under the overly broad definition of "occupational therapy" in Chapter 2 are performed by personnel who have no formal occupational therapy training. If licensed personnel were required for these activities, many of the services would not be performed. Occupational therapists with formal training are in short supply. The most efficient way to provide the services is to use other personnel for provision of the less complex activities falling under the definition of "occupational therapy" in Chapter 2, FSSLA 1987. Without the exemption contained in this bill, that would not be possible.

RECOMMENDATION

The Department of Health and Social Services supports the passage of HB 368.

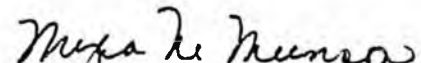
Recommended by:

  
Mel Henry, Director

Date:

20<sup>th</sup> January, 1988

Approved by:

  
Myra M. Munson, Commissioner

Date:

Feb 9, 1988

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act exempting certain persons  
. . . occupational therapist . . ."  
Sponsor: Rules  
Requestor: Governor

Agency Affected: Health & Social Services  
BRU: Institutions and Administration  
Components: API, Harborview

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

The enactment of HB 368 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Mel Henry, Director  
Division: Mental Health & Developmental Disabilities

Phone: 465-3370  
Date: 1/21/88

Approved by Commissioner: Myra M. Munson  
Agency: Health & Social Services

Date: 2-9-88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

G

**PHYSICAL  
THERAPY  
CENTER**

Beth Hansen, LPT

Denice A.B. McPherson, LPT

789-4880

February 19, 1988

RECEIVED  
FEB 22 1988

Rep. Dave Donley, Chairman  
House Commerce Committee  
P. O. Box 5  
Juneau, Alaska 99811

Dear Representative Donley,

I would like to express my concern regarding HB 368. This bill proposes that occupational therapy done in the school system be done by a non-licensed person. The requirements of licensing are not at all exclusive; so there is no rational reason why any Occupational Therapist would avoid the process. Therefore, the intent of this legislation is to allow untrained persons to perform therapy skills. There is only one reason to explain this move: saving money by having therapy performed by nonqualified persons.

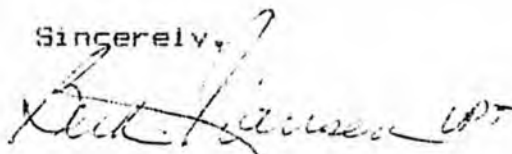
The duties required of the Physical Therapists and Occupational Therapists in the school system often involve severely handicapped children. The skills used in this type of treatment are now being recognized as a sub-speciality in both professions.

I am an orthopedically oriented Physical Therapist and have practiced therapy in the hospital and clinical setting for 12 years. To convert to the practice of neurologically involved pediatrics would involve at least a year of education to upgrade my skills in that area.

I would hate to think of these special children being given less than adequate treatment by an unskilled person. I am concerned for the parents who will think that their children are being treated by a professional.

I also recommend that the legislature be sure that this would not be a violation of the Federal government requirement in public law 94-142.

Sincerely,

  
Beth Hansen, LPT

BH:1w



6

# AKOTA Alaska Occupational Therapy Association

3605 Arctic Blvd. #1616, Anchorage, Alaska 99503  
(907) 345-0034

February 2, 1988

Representative Dave Donley, Chairman  
Labor and Commerce Committee  
House of Representatives  
P.O. Box V  
Juneau, Ak 99801

RECEIVED  
FEB 9 1988

Dear Representative Donley:

The Alaska Occupational Therapy Association is strongly opposed to passage of HB 368. This bill would allow schools and governmental units, to employ persons to perform occupational therapy services without meeting qualifications for the practice of occupational therapy as defined in Alaska statutes.

Passage of this bill would allow consumers to receive treatment which is substandard and harmful. Consumers, including handicapped students, psychiatric patients, and developmentally disabled persons, in Alaska do not deserve less than qualified service providers.

To allow untrained, unqualified persons to say they are delivering occupational therapy services is certainly not in the best interest of the State of Alaska.

Please, consider the effect the passage of this bill would have on the health care consumers in Alaska.

The Alaska Occupational Therapy Association is eager to assist the Labor and Commerce Committee, the Department of Education or the Office of the Governor in understanding the potential effect of this bill. We are also willing to assist with any potential difficulties in the practice of occupational therapy. House Bill 368 must not be supported because it would allow unqualified persons to deliver occupational therapy services.

Sincerely,

Mary Melissa Robinson, OTR  
President, Ak.O.T.A.

February 9, 1988

RECEIVED  
FEB 16 1988

Labor & Commerce Committee Members  
PO Box V  
Juneau, AK 99811

Dear Labor & Commerce Committee Members:

*Rep. Jane Stacey*

I am writing to you for my concerns of HB 368 introduced by Governor Cowper to exempt government units and educational institutions from occupational therapy licensure. Passage of this bill would mean occupational therapists and certified occupational therapy assistants working for school districts and state agencies would not have to be qualified or meet the qualifications for licensure.

I work at Alaska Psychiatric Institute with many chronic and acutely ill schizophrenic patients. These patients don't usually have the abilities to distinguish whether a therapist is qualified or not. Even if they did several are committed and they don't usually have a choice of leaving API to seek a more qualified therapist.

Before API, I worked at Hope Cottages with the same children who receive occupational therapy in the schools. I was often called upon to consult and teach caregivers on how to feed a profoundly retarded, multiply handicapped child who couldn't swallow properly and choked on each bite of food that was given him. I ask you - can this child distinguish between a qualified and unqualified occupational therapist? Can he choose who will give advice on how he's to be fed? Passage of HB 368 would allow consumers of governmental and educational units to receive substandard service. Is this the pride we take in our State services?

The Department of Education has voiced many concerns that the occupational therapy licensure law prohibits any person who may be involved in any aspect of the occupational therapy definition from performing their work. The Alaska Occupational Therapy Association believes the purpose of the law is not to limit qualified professionals from practicing what they are qualified to practice as long as it is not represented as occupational therapy. Any clarification of this law could have been appropriately handled with regulations. There are several alternatives that could have handled the Department of Education's concerns. Yet, Governor Cowper chose to introduce HB 368 and attach governmental units to the Educational Department's concerns for no apparent reason. I ask you who must know him better than I... I ask you - Why? Why would he choose to introduce a bill that would be so detrimental to the needy people of this State? Why?

The Alaska Occupational Therapy Association has chosen to take a stance of proposing alternative language to HB 368 that will allow teachers and teacher aides to develop daily living, play, leisure, social, and developmental skills as long as such a person does not represent themselves as an occupational therapist.

Page 2  
Carol J. Laurion  
HB 368

I ask you to send a message to the needy people of this State and send a message to Governor Cowper by adopting the Alaska Occupational Therapy Association's language to HB 368 and encouraging your collages to do the same.

Sincerely,



Carol J. Laurion, OTR  
Occupational Therapist Registered

cc: Alaska Occupational Therapy Association  
ASK  
Mental Health Consumers of Alaska  
Alliance for the Mentally Ill



Alaska State Legislature  
House of Representatives  
COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCH V  
JUNEAU, AK 99811  
465-3759

March 2, 1988

RECEIVED  
MAR 5 1988

Ms. Deborah J. Anderson, OTR  
8159 Erin  
Juneau, Alaska 99801

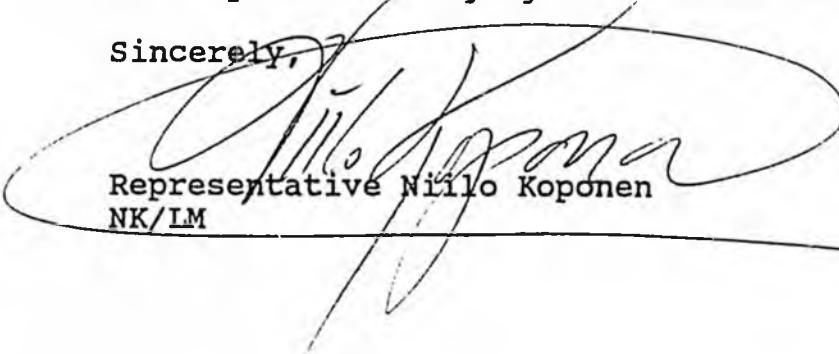
Dear Ms. Anderson:

I am forwarding a copy of your letter of January 24 regarding HB 368 to the House Labor and Commerce Committee Chair, Rep. Dave Donley. The bill remains in that committee and is not scheduled for a hearing. According to Rep. Donley's staff they have received a number of letters in regard to this legislation. If the bill is heard and passes from the House Labor and Commerce Committee, it will then come to the House Health, Education and Social Services Committee.

As it is the second year of the legislative session and the bill has not yet had a hearing in its first committee of referral, it does not appear to have priority status and chances of its passage this session seem slight. Your ongoing attention and vigilance, however, is warranted until May 9.

Thank you for bringing this matter to my attention.

Sincerely,

  
Representative Nillo Koponen  
NK/LM

January 24, 1988

8159 Erin

Juneau, Alaska 99801

Reference: HB 368

The Honorable Niile Kaponen  
Co-Chairman, Health, Education and  
Welfare Committee  
Alaska House of Representatives  
Alaska State Capitol Building  
Juneau, Alaska 99811

Dear Mr. Kaponen:

I am a Registered Occupational Therapist. This means that I have completed a Bachelor of Science Degree in Occupational Therapy from a University program which has been accredited by the American Occupational Therapy Association and the Council on Medical Education of the American Medical Association, and have passed the AOTA Registration Examination covering all areas of O.T. practice. My course of study in college was divided between O.T. theory, neurology, anatomy, physiology, pathology, kinesiology, psychology, and treatment media courses. In addition to course work I completed a series of full-time clinical affiliations consisting of two months training in pediatrics at Childrens Medical Center in Tulsa, Oklahoma, three months at the Arizona State Psychiatric Hospital in Phoenix, two months in general medicine at the Veteran's Administration Hospital in Houston, Texas, and three months in physical medicine and rehabilitation at the VA's east coast spinal cord injury center in the Bronx, New York.

I have had twelve years of employment experience in the position of Registered Occupational Therapist, including five years in Day Treatment Centers for multi-handicapped children, one as a contract therapist for the Southeast Regional Resource Center to the Lower Kuskoquim School District, and am currently employed as an O.T. for the Juneau School District. I feel that my training and experience has been extensive and vital to my present position. My knowledge not only includes methods for treating various disabilities, but equally important, an awareness of practices to be avoided.

As an Occupational Therapist for the school district, I administer standardized testing and use clinical observation to determine a student's eligibility for treatment and program planning. I prepare goals and objectives for the student which become a part of the individual educational plan, or IEP. I consult with classroom and resource teachers and other administrative and special education personnel for the coordination of the student's education. I prepare initial reports, maintain progress notes, complete annual reviews and reevaluations for children receiving services. I go to

four schools in the district - two a day, see a different child each half hour, and make equipment available to carry out an appropriate activity or exercise for each child. If it were not for my training as an Occupational Therapist plus additional study in the areas of practice encountered in the school population and keeping abreast of O.T. issues, I would not be able to do my job.

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The Department of Education for the State of Alaska has now taken it upon themselves to write a bill and has been successful in having it introduced by the Governor's Rules Committee into the House of Representative as HB 368. Although this document is less than two pages in length, it in effect waives all the requirements used to designate an Occupational Therapist as outlined in the Occupational Therapy Licensure Bill from applying to the schools. By their action the Department of Education felt that they could save a great deal of money and still be in compliance with Federal Guidelines if they got a law passed that made it legal to allow any school employee to provide occupational therapy services. The dangers inherent in this tactic are damaging both to the children serviced and to the occupational therapy profession.

HB 368 as written by the Department of Education is not only dangerous, it is unnecessary. It was in part created because of their misinterpretation of Federal Laws and the OT Licensure Act, as well as a lack of knowledge of accepted practices in other states. The American Occupational Therapy Association has long realized that there will be rural areas where children are in need of O.T. services but where a registered O.T. is not available on site, and that under such circumstances a therapist can designate activities or exercises to be carried out by another person. The therapist, however, will have evaluated the child, outlined the program, and provided training to the service provider. The person working with the child on a day to day basis may not call himself an occupational therapist nor the services given occupational therapy. This practice is now in effect in many rural communities of Alaska through agencies providing contract therapists to the school district. The DOE bill, however, opens up the possibility of having untrained and unsupervised personnel operating in the capacity of an O.T. when they have no knowledge of either the scope of O.T. or the appropriate treatment or precautions for an individual student. This, indeed, would save the schools money, and because it would, it has the ability to become a widespread practice.

If time allowed, the horror stories of damage done to children by unqualified personnel would be the most convincing argument against HB 368. For now, due to the urgency of the situation and the manner

by which the Department of Education has chosen to trim their costs at the expense of a profession and the children of the state of Alaska, I would ask you to use your influence and your vote to assure that this harmful legislation is carefully investigated and hopefully defeated. Your consideration of this bill is greatly needed and appreciated.

Sincerely,

*Deborah J. Anderson, OTR*

Deborah J. Anderson, OTR  
Occupational Therapist



## Alaska Occupational Therapy Association

3605 Arctic Blvd. #1616, Anchorage, Alaska 99503  
(907) 345-0034

March 24, 1988

Labor & Commerce Committee  
Dave Donley, Chair  
House of Representatives  
Room 17, Capitol  
Juneau, Alaska 99811

Members of the Labor & Commerce Committee:

The Alaska Occupational Therapy Association will favor passage of CS HB 368 only if there is an amendment to page 2 lines 9 and 10. The amendment would be practice occupational therapy (provide independent or unsupervised occupational therapy services.)

It is essential that the statute be clear and that the public not be misled about services which are called occupational therapy.

The Association believes that if CS HB 368 is amended as indicated, the two areas of concern about the occupational therapy licensing act will be covered. It will clarify that schools can continue to utilize programs written by licensed occupational therapists and carried out by teachers and aides; it will clarify the use of activities within the definition of occupational therapy when carried out by other professionals as within the law; and it will continue to protect the Alaskan public by identifying those qualified to practice occupational therapy.

Thank you for your concern and interest in providing Alaskans with services by qualified occupational therapists.

A handwritten signature in cursive script that reads "Mary Melissa Robinson".

Mary Melissa Robinson, OTR/L  
President, Ak.O.T.A.

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

JHB 368

January 18, 1988

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the licensing of occupational therapists and occupational therapy assistants. It would exempt certain persons from the new occupational therapist licensing requirements of AS 08.84.150. It would also exempt those same persons from the penalties applicable to those "holding out" as occupational therapists or occupational therapy assistants.

Sections 1 and 2 of the bill exclude those who are exempt from the occupational therapist licensing requirements under sec. 3 of the bill from the misdemeanor penalties otherwise applicable under AS 08.84.130(c) and (d) to persons holding themselves out or practicing as occupational therapists and occupational therapy assistants. These specific exclusions from the "holding out" penalty provisions of AS 08.84.130(c) and (d), are needed because those provisions are aimed at any unlicensed person who "directly or by implication" holds out as a licensee. A person practicing occupational therapy in a school setting could possibly be said to be "holding out by implication" as a licensed therapist or therapy assistant even though the person is exempted from the licensing requirement under sec. 3 of the bill. The exemptions are not broad enough, however, to exempt a person who "holds out" to the public as a licensed occupational therapist or therapy assistant for compensation in addition to the salary the person receives from his or her state or school district employer.

Section 3 of the bill adds to the list of those who are exempt from the licensing requirements of AS 08.84.150, a person employed by a governmental unit or an educational institution who is required to engage in some phase of occupational therapy work, so long as the person does not offer to render occupational therapy services to the public for compensation in addition to the salary received from his or her employer.

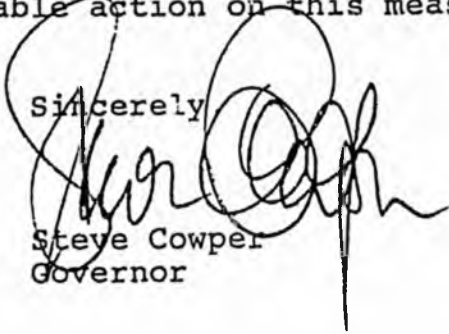
The Honorable Ben Grussendorf

Page 2

Section 4 of the bill provides for an immediate effective date in order to provide relief as soon as possible to school districts and others that are now required under ch. 2, FSSLA 1987, to hire licensed occupational therapists and therapy assistants to perform work that was formerly performed by unlicensed personnel.

I urge your prompt and favorable action on this measure.

Sincerely



Steve Cowper  
Governor

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: HB 368  
PUBLISH DATE: HOUSE 1/18/88

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Occupational Therapist  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Education  
BRU: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The bill has no fiscal impact on the department. It will, however, save school districts a significant amount of money.

Prepared by: Steve Hole  
Division: Commissioner's Office  
Approved by Commissioner: [Signature]  
Agency: Education

Phone: 465-2800  
Date: 01-04-88  
Date: 01-04-88

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

# St. Jude Center, Inc.

Day Care  
Respite Care  
Special Programs

Therapy  
Education

3272 HOSPITAL DRIVE JUNEAU, ALASKA 99801  
(907) 586-2624 586-2627

March 22, 1988

Representative Dave Donley  
Chairman, House Labor and Commerce Committee  
Alaska State Legislature  
Box V  
Juneau, Alaska 99811

Dear Representative Donely:

As a facility that uses the services of an Occupational Therapist to provide services to developmentally disabled children in our preschool special education program, I feel it very important that those services are prescribed and delivered by licensed occupational therapists.

House Bill 368 that would provide for school districts and other governmental units to develop programs and deliver services seems to open door for the possibility that unqualified persons could in fact practice occupational therapy. For that reason alone I would urge your support in either the modification or defeat of this bill in its present form.

Sincerely,

  
Anne Meeker,  
Director

March 20, 1988

House Labor & Commerce Committee  
P.O. Box 0  
Juneau, AK., 99811

Dear Committee Members,

I am writing in regards to **HB 368**. I am an occupational therapist and am concerned that HB 368 as written will essentially nullify the Occupational Therapy Licensing bill enacted last session. This bill will exempt all occupational therapists working in the school system or any governmental agency from being licensed. Over half the therapists in the state work in these agencies. Out of the four therapists currently working in Juneau, I would be the only one licensed. I would be the only one required to be properly educated in this field and to pass a national test. Only the adults in my city would be protected from having people who are not properly qualified working with them. This bill as worded would leave most of the children in the state unprotected.

Last session the legislature of both houses went to great lengths to provide this protection for all Alaskans even to the extent of overriding the governor's veto. Please do not let HB 368 nullify your good work.

Sincerely,

*Ann Mattson OTR/L*

Ann Mattson OTR/L

To: Dave Donley,  
Labor and Commerce Committee Chairman  
P.O. box V  
Juneau, Alaska 99811

From: Robin Lampman, Legislative Co-Chairperson,  
Alaska Occupational Therapy Association  
Work Address:  
St. Jude Center, Inc.  
3272 Hospital Drive  
Juneau, Alaska 99801  
586-2624 W\* or 780-6082 H\*

Date: 3-21-88

It has come to my attention that **House Bill 368** will be heard, on 3-22-88, by your committee. This bill exempts from the requirements of licensure any person "employed by a governmental unit or an educational institution and is required to engage in some phase of work of an occupational therapy nature in the course of the person's employment, and does not render occupational therapy services to the public for compensation in addition to the salary the person receives from that employment."

Passage of this Bill would mean occupational therapists working for school districts and governmental units (includes state agencies such as Alaska Psychiatric Institute and Harborview and Infant Learning Programs) would not have to be qualified or meet the requirements for licensure. I believe this would not be in the best interest of the consumers in this State and defeats the purpose of licensure as protecting them from unqualified persons attempting to practice occupational therapy.

I would like to provide you with some background information on the concept of licensure of occupational therapists as well as some details on The American Occupational Therapy Association and the professionals it represents. I believe that this information may help answer questions which are often raised by legislators when the subject of professional licensure is discussed.

Occupational therapists are health professionals who specialize in increasing the independence and productivity of people of all ages who are physically, psychologically, or developmentally disabled. They provide rehabilitative services in acute general hospitals, long-term care facilities, community mental health centers, mental retardation centers, psychiatric hospitals, rehabilitation centers, early childhood intervention programs, and in private and public schools.

Over the years, The American Occupational Therapy Association has attempted to protect the public and guarantee the integrity of the profession through the development and maintenance of standards of education, training, and practice. These standards underlie the certification process that the Association attempts to require of anyone who seeks to practice occupational therapy. For persons who choose to meet the requirements imposed by this form of credentialing, the system successfully promotes the provision of quality health care services. The problem arises with those individuals who choose not to participate. Since this system of credentialing is a voluntary one, no effective enforcement procedures are available to prevent unqualified persons from attempting actual practice of occupational therapy, or to prohibit them from representing themselves as bona fide occupational therapists.

I consider individuals with little or no training in the profession that have represented themselves as qualified occupational therapists are providing potential source of serious harm to individuals in need of occupational therapy services. To ensure greater protection for the consuming public, I actively support the **House Bill 205**, "An Act relating to regulation of the practice of occupational therapy and physical therapy; and providing for an effective date." If necessary, I also encourage and support an amendment to **House Bill 368** to change the language, rather than exempting occupational therapists and occupational therapy assistants in educational institutions and governmental units from the requirements of licensure.

Thank you for your efforts in encouraging quality services for Alaskan consumers.

*Robin Lampman, OTR*

Robin Lampman, OTR  
Occupational Therapy



Official Business

**COMMITTEE:**

HOUSE LABOR & COMMERCE

**DATE:** March 29, 1988

**SIGN-IN**

**Subject of meeting:**

- HB 457 "An Act relating to the Alaska stabilization assistance program." WORK SESSION
- HB 458 "An Act making a special appropriation to the Alaska stabilization assistance fund." WORK SESSION
- HB 542 "An Act relating to employer obligations when an employer makes a substantial change in a business activity or when a governmental entity contracts certain activities to a private entity."
- HB 368 "An Act relating to occupational therapists."

PLEASE PRINT  
**NAME & TITLE**

**REPRESENTING**

**ADDRESS & ZIP**

**PHONE**

**DO YOU WANT TO TESTIFY?**

**SUBJECT: BILL #**

NAME & TITLE	REPRESENTING	ADDRESS & ZIP	PHONE	DO YOU WANT TO TESTIFY?	SUBJECT: BILL #
Dave Rose	SELF	4660 Thune Rd	H 586-4892 W 465-2047	Yes	457
Ashley Reed	Hollywood Group	1007 W 3rd Ave #200 Anchorage AK 99501	H 463-3564 W 279-5359		
James Sawick	Dept. of Labor		H W 465-2700	Yes	452
Paul Spritz	AFL-CIO	1211 FIRST ST ANCHORAGE, AK	H W 586-1620	No	452
Tom			H W		
Cherie Shelley	A.P.E.A.	3410 1st F... St ... 99801	H W 586-2334		
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Utermohle  
3/14/88

Original sponsor: Rules /Governor

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 368 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act exempting certain persons from the require-  
7 ment to be licensed as an occupational therapist or  
8 occupational therapy assistant; and providing for an  
9 effective date."

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

11 \* Section 1. AS 08.84.150(b) is amended to read:

12 (b) A person may not practice occupational therapy without being  
13 licensed unless the person is14 (1) a student in an accredited occupational therapy program  
15 or in a supervised field work program;16 (2) a graduate of a foreign school of occupational therapy  
17 fulfilling the internship requirement of AS 08.84.032, and then only  
18 unless under the continuous direction and immediate supervision of an  
19 occupational therapist;20 (3) an occupational therapist or occupational therapy  
21 assistant employed by the United States Government while in the dis-  
22 charge of official duties; [OR]

23 (4) granted a limited permit under AS 08.84.075;

24 (5) licensed under this title and uses occupational therapy  
25 skills in the practice of the profession for which the license is  
26 issued; or27 (6) employed as a teacher or teacher's aide by an educa-  
28 tional institution and is required to use occupational therapy skills  
29 during the course of employment, if

1                   (A) the occupational therapy skills are used under a  
2 program implemented by the employer and developed in consultation  
3 with a licensed occupational therapist;

4                   (B) the employer maintains direct supervision of the  
5 person's use of occupational therapy skills; and

6                   (C) the person does not represent to be an occupa-  
7 tional therapist or occupational therapy assistant.

8 \* Sec. 2. AS 08.84.190(3) is amended to read:

9                   (3) "occupational therapy" means, for compensation, the use  
10 of purposeful activity, evaluation, treatment, and consultation with  
11 human beings whose ability to cope with the tasks of daily living are  
12 threatened with, or impaired by developmental deficits, learning  
13 disabilities, aging, poverty, cultural differences, physical injury or  
14 illness, or psychological and social disabilities to maximize indepen-  
15 dence, prevent disability, and maintain health; "occupational therapy"  
16 includes

17                   (A) developing daily living, play, leisure, social,  
18 and developmental skills;

19                   (B) facilitating perceptual-motor and sensory inte-  
20 grative functioning;

21                   (C) enhancing functional performance, prevocational  
22 skills, and work capabilities using specifically designed exer-  
23 cises, therapeutic activities and measure, manual intervention,  
24 and appliances;

25                   (D) design, fabrication, and application of splints or  
26 selective adaptive equipment;

27                   (E) administering and interpreting standardized and  
28 nonstandardized assessments, including sensory, manual muscle,  
29 and range of motion assessments, necessary for planning effective

1 treatment; and

2 (F) adapting environments for the disabled;

3 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).  
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Utermohle  
3/23/88

Original sponsor: Rules /Governor

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 368 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act exempting certain persons from the require-  
7 ment to be licensed as an occupational therapist or  
8 occupational therapy assistant; and providing for an  
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12 (b) A person may not practice occupational therapy without being  
13 licensed unless the person is

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

16 (2) a graduate of a foreign school of occupational therapy  
17 fulfilling the internship requirement of AS 08.84.032, and then only  
18 unless under the continuous direction and immediate supervision of an  
19 occupational therapist;

20 (3) an occupational therapist or occupational therapy  
21 assistant employed by the United States Government while in the dis-  
22 charge of official duties; [OR]

23 (4) granted a limited permit under AS 08.84.075;

24 (5) licensed under this title and uses occupational therapy  
25 skills in the practice of the profession for which the license is  
26 issued; or

27 (6) employed as a teacher or teacher's aide by an educa-  
28 tional institution and is required to use occupational therapy skills  
29 during the course of employment, if

1                   (A) the occupational therapy skills are used under a  
2 program implemented by the employer and developed by a licensed  
3 occupational therapist;

4                   (B) the employer maintains direct supervision of the  
5 person's use of occupational therapy skills; and

6                   (C) the person does not represent to

7                         (i) be an occupational therapist or occupational  
8 therapy assistant; and

9                         (ii) provide independent or unsupervised occupa-  
10 tional therapy services.

11 \* Sec. 2. AS 08.84.190(3) is amended to read:

12                   (3) "occupational therapy" means, for compensation, the use  
13 of purposeful activity, evaluation, treatment, and consultation with  
14 human beings whose ability to cope with the tasks of daily living are  
15 threatened with, or impaired by developmental deficits, learning  
16 disabilities, aging, poverty, cultural differences, physical injury or  
17 illness, or psychological and social disabilities to maximize indepen-  
18 dence, prevent disability, and maintain health; "occupational therapy"  
19 includes

20                         (A) developing daily living, play, leisure, social,  
21 and developmental skills;

22                         (B) facilitating perceptual-motor and sensory inte-  
23 grative functioning;

24                         (C) enhancing functional performance, prevocational  
25 skills, and work capabilities using specifically designed exer-  
26 cises, therapeutic activities and measure, manual intervention,  
27 and appliances;

28                         (D) design, fabrication, and application of splints or  
29 selective adaptive equipment;

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

(F) adapting environments for the disabled;

\* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

go0068hX

Utermohle  
3/25/88

Original sponsor: Rules /Governor

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 368 (L&amp;C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act exempting certain persons from the require-  
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19 occupational therapist;20 (3) an occupational therapist or occupational therapy  
21 assistant employed by the United States Government while in the dis-  
22 charge of official duties; [OR]

23 (4) granted a limited permit under AS 08.84.075;

24 (5) licensed under this title and uses occupational therapy  
25 skills in the practice of the profession for which the license is  
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28 tional institution and is required to use occupational therapy skills  
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2 program implemented by the employer and developed by a licensed  
3 occupational therapist;

4                   (B) the employer maintains direct supervision of the  
5 person's use of occupational therapy skills; and

6                   (C) the person does not represent to  
7                         (i) be an occupational therapist or occupational  
8 therapy assistant; and

9                         (ii) practice occupational therapy.

10 \* Sec. 2. AS 08.84.190(3) is amended to read:

11                   (3) "occupational therapy" means, for compensation, the use  
12 of purposeful activity, evaluation, treatment, and consultation with  
13 human beings whose ability to cope with the tasks of daily living are  
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24 skills, and work capabilities using specifically designed exer-  
25 cises, therapeutic activities and measure, manual intervention,  
26 and appliances;

27                         (D) design, fabrication, and application of splints or  
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29                         (E) administering and interpreting standardized and

1 nonstandardized assessments, including sensory, manual muscle,  
2 and range of motion assessments, necessary for planning effective  
3 treatment; and

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5 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).  
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