

## HOUSE BILL No. 2265

By Committee on Health and Human Services

1-26

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9 AN ACT concerning occupational therapy; relating to nonmedical serv-  
10 ices; amending K.S.A. 2006 Supp. 65-5418 and repealing the existing  
11 section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 65-5418 is hereby amended to read as  
15 follows: 65-5418. (a) Nothing in the occupational therapy practice act is  
16 intended to limit, preclude or otherwise interfere with the practices of  
17 other health care providers formally trained and licensed, registered, cre-  
18 dentialied or certified by appropriate agencies of the state of Kansas.

19 (b) The practice of occupational therapy shall not be construed to  
20 include the following:

- 21 (1) Persons rendering assistance in the case of an emergency;
- 22 (2) members of any church practicing their religious tenets;
- 23 (3) persons whose services are performed pursuant to the delegation  
24 of and under the supervision of an occupational therapist who is licensed  
25 under this act;
- 26 (4) any person employed as an occupational therapist or occupational  
27 therapy assistant by the government of the United States or any agency  
28 thereof, if such person practices occupational therapy solely under the  
29 direction or control of the organization by which such person is employed;
- 30 (5) licensees under the healing arts act when licensed and practicing  
31 in accordance with the provisions of law or persons performing services  
32 pursuant to a delegation authorized under subsection (g) of K.S.A. 65-  
33 2872 and amendments thereto;
- 34 (6) dentists practicing their professions, when licensed and practicing  
35 in accordance with the provisions of law;
- 36 (7) nurses practicing their professions, when licensed and practicing  
37 in accordance with the provisions of law or persons performing services  
38 pursuant to the delegation of a licensed nurse under subsection (m) of  
39 K.S.A. 65-1124 and amendments thereto;
- 40 (8) health care providers who have been formally trained and are  
41 practicing in accordance with the training or have received specific train-  
42 ing in one or more functions included in the occupational therapy practice  
43 act pursuant to established educational protocols, or both;

- 1 (9) any person pursuing a supervised course of study leading to a  
2 degree or certificate in occupational therapy at an accredited or approved  
3 educational program, if the person is designated by the title which clearly  
4 indicates such person's status as a student or trainee;
- 5 (10) any person fulfilling the supervised fieldwork experience  
6 requirements as part of the experience necessary to meet the requirement  
7 of the occupational therapy practice act;
- 8 (11) self-care by a patient or gratuitous care by a friend or family  
9 member who does not represent or hold oneself out to the public to be  
10 an occupational therapist or an occupational therapy assistant;
- 11 (12) optometrists practicing their profession when licensed and prac-  
12 ticing in accordance with the provisions of article 15 of chapter 65 of the  
13 Kansas Statutes Annotated and amendments thereto;
- 14 (13) podiatrists practicing their profession when licensed and prac-  
15 ticing in accordance with the provisions of article 15 of chapter 65 of the  
16 Kansas Statutes Annotated and amendments thereto;
- 17 (14) physical therapists practicing their profession when licensed and  
18 practicing in accordance with K.S.A. 65-2901 *et seq.* and amendments  
19 thereto;
- 20 (15) physician assistants practicing their profession when licensed and  
21 practicing in accordance with the physician assistant licensure act;
- 22 (16) athletic trainers practicing their profession when licensed and  
23 practicing in accordance with the athletic trainers licensure act;
- 24 (17) manufacturers of prosthetic devices;
- 25 (18) any person performing occupational therapy services, if these  
26 services are performed for no more than 45 days in a calendar year in  
27 association with an occupational therapist licensed under the occupational  
28 therapy practice act so long as (A) the person is registered or licensed  
29 under the laws of another state which has licensure requirements at least  
30 as stringent as the licensure requirements of this act, or (B) the person  
31 meets the requirements for certification as an occupational therapist reg-  
32 istered (OTR) or a certified occupational therapy assistant (COTA) es-  
33 tablished by the national board for certification in occupational therapy  
34 (NBCOT).
- 35 (c) Any patient monitoring, assessment or other procedures designed  
36 to evaluate the effectiveness of prescribed occupational therapy must be  
37 performed by or pursuant to the delegation of a licensed occupational  
38 therapist or other health care provider.
- 39 (d) ~~Education-related~~ *Nonmedical* therapy services provided by an  
40 occupational therapist to school systems or consultation regarding pre-  
41 vention, ergonomics and wellness within the occupational therapy scope  
42 of practice shall not require a referral, supervision, order or direction of  
43 a physician, a licensed podiatrist, a licensed dentist or a licensed optom-

1 etrist. However, when in the course of providing such services an occu-  
2 pational therapist reasonably believes that an individual may have an un-  
3 derlying injury, illness, disease, disorder or impairment, the occupational  
4 therapist shall refer the individual to a physician, a licensed podiatrist, a  
5 licensed dentist or a licensed optometrist, as appropriate.

6 (e) Nothing in the occupational therapy practice act shall be con-  
7 strued to permit the practice of medicine and surgery. No statute granting  
8 authority to licensees of the state board of healing arts shall be construed  
9 to confer authority upon occupational therapists to engage in any activity  
10 not conferred by the occupational therapy practice act.

11 (f) This section shall be part of and supplemental to the occupational  
12 therapy practice act.

13 Sec. 2. K.S.A. 2006 Supp. 65-5418 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its  
15 publication in the statute book.