

1 AMENDMENT TO SENATE BILL 385

2 AMENDMENT NO. _____. Amend Senate Bill 385 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.14 and 4.24 as follows:

6 (5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

7 Sec. 4.14. Acts repealed.

8 (a) The following Acts are repealed December 31, 2003:

9 The Private Detective, Private Alarm, and Private
10 Security Act of 1993.

11 ~~The Illinois Occupational Therapy Practice Act.~~

12 (b) The following Acts are repealed January 1, 2004:

13 The Illinois Certified Shorthand Reporters Act of
14 1984.

15 The Veterinary Medicine and Surgery Practice Act of
16 1994.

17 (Source: P.A. 92-457, eff 8-21-01.)

18 (5 ILCS 80/4.24)

19 Sec. 4.24. Acts repealed on January 1, 2014. The
20 following Acts are repealed on January 1, 2014:

21 The Electrologist Licensing Act.

1 The Illinois Occupational Therapy Practice Act.

2 The Illinois Public Accounting Act.

3 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

4 Section 10. The Illinois Occupational Therapy Practice
5 Act is amended by changing Sections 2, 3, 3.1, 5, 7, 8, 9,
6 11, and 15 as follows:

7 (225 ILCS 75/2) (from Ch. 111, par. 3702)

8 (Section scheduled to be repealed on December 31, 2003)

9 Sec. 2. Definitions. In this Act:

10 (1) "Department" means the Department of Professional
11 Regulation.

12 (2) "Director" means the Director of Professional
13 Regulation.

14 (3) "Board" means the Illinois Occupational Therapy
15 Licensure Board appointed by the Director.

16 (4) "Registered Occupational therapist" means a person
17 initially registered and licensed to practice occupational
18 therapy as defined in this Act, and whose license is in good
19 standing.

20 (5) "Certified Occupational therapy assistant" means a
21 person initially registered and licensed to assist in the
22 practice of occupational therapy under the supervision of a
23 licensed registered occupational therapist, and to implement
24 the occupational therapy treatment program as established by
25 the licensed registered occupational therapist. Such program
26 may include training in activities of daily living, the use
27 of therapeutic activity including task oriented activity to
28 enhance functional performance, and guidance in the selection
29 and use of adaptive equipment.

30 (6) "Occupational therapy" means the therapeutic use of
31 purposeful and meaningful occupations or goal-directed
32 activities to evaluate and provide interventions for

1 individuals and populations who have a disease or disorder,
2 an impairment, an activity limitation, or a participation
3 restriction that interferes with their ability to function
4 independently in their daily life roles and to promote health
5 and wellness. Occupational therapy intervention may include
6 any of the following:

7 (a) remediation or restoration of performance
8 abilities that are limited due to impairment in
9 biological, physiological, psychological, or neurological
10 processes;

11 (b) adaptation of task, process, or the environment
12 or the teaching of compensatory techniques in order to
13 enhance performance;

14 (c) disability prevention methods and techniques
15 that facilitate the development or safe application of
16 performance skills; and

17 (d) health promotion strategies and practices that
18 enhance performance abilities.

19 The licensed registered occupational therapist or
20 licensed certified occupational therapy assistant may assume
21 a variety of roles in his or her career including, but not
22 limited to, practitioner, supervisor of professional students
23 and volunteers, researcher, scholar, consultant,
24 administrator, faculty, clinical instructor, and educator of
25 consumers, peers, and family.

26 (7) "Occupational therapy services" means services that
27 may be provided to individuals and populations including,
28 without limitation, the following:

29 (a) evaluating, developing, improving, sustaining,
30 or restoring skills in activities of daily living, work,
31 or productive activities, including instrumental living
32 and play and leisure activities;

33 (b) evaluating, developing, remediating improving,
34 or restoring sensorimotor sensory-meter, cognitive, or

1 psychosocial components of performance;

2 (c) designing, fabricating, applying, or training
3 in the use of assistive technology or temporary, orthoses
4 and training in the use of orthoses and prostheses;

5 (d) adapting environments and processes, including
6 the application of ergonomic principles, to enhance
7 performance and safety in daily life roles;

8 (e) for the occupational therapist or occupational
9 therapy assistant therapists possessing advanced
10 training, skill, and competency as demonstrated through
11 examinations that shall be determined by the Department,
12 applying physical agent modalities as an adjunct to or in
13 preparation for engagement in occupations;

14 (f) evaluating and providing intervention in
15 collaboration with the client, family, caregiver, or
16 others;

17 (g) educating the client, family, caregiver, or
18 others in carrying out appropriate nonskilled
19 interventions; and

20 (h) consulting with groups, programs,
21 organizations, or communities to provide population-based
22 services.

23 (8) "An aide in occupational therapy" means an
24 individual who provides supportive services to occupational
25 therapists or occupational therapy assistants ~~therapy~~
26 ~~practitioners~~ but who is not certified by a nationally
27 recognized occupational therapy certifying or licensing body.
28 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02;
29 92-651, eff. 7-11-02.)

30 (225 ILCS 75/3) (from Ch. 111, par. 3703)

31 (Section scheduled to be repealed on December 31, 2003)

32 Sec. 3. After the effective date of this Act, no person
33 shall practice occupational therapy or hold himself out as an

1 occupational therapist or an occupational therapy assistant,
2 or as being able to practice occupational therapy or to
3 render services designated as occupational therapy in this
4 State, unless he is licensed in accordance with the
5 provisions of this Act.

6 Nothing in this Act shall be construed as preventing or
7 restricting the practice, services, or activities of:

8 (1) Any person licensed in this State by any other law
9 from engaging in the profession or occupation for which he is
10 licensed; or

11 (2) Any person employed as an occupational therapist or
12 occupational therapy assistant by the Government of the
13 United States, if such person provides occupational therapy
14 solely under the direction or control of the organization by
15 which he or she is employed; or

16 (3) Any person pursuing a course of study leading to a
17 degree or certificate in occupational therapy at an
18 accredited or approved educational program if such activities
19 and services constitute a part of a supervised course of
20 study, and if such person is designated by a title which
21 clearly indicates his or her status as a student or trainee;
22 or

23 (4) Any person fulfilling the supervised work experience
24 requirements of Sections 8 and 9 of this Act, if such
25 activities and services constitute a part of the experience
26 necessary to meet the requirement of those Sections; or

27 (5) Any person performing occupational therapy services
28 in the State, if such a person is not a resident of this
29 State and is not licensed under this Act, and if such
30 services are performed for no more than 60 days a calendar
31 year in association with an occupational therapist licensed
32 under this Act and if such person meets the qualifications
33 for license under this Act and:

34 (i) such person is licensed under the law of

1 another state which has licensure requirements at least
2 as restrictive as the requirements of this Act, or

3 (ii) such person meets the requirements for
4 certification as an Occupational Therapist Registered
5 (O.T.R.) or a Certified Occupational Therapy Assistant
6 (C.O.T.A.) established by the National Board for
7 Certification of Occupational Therapy or another
8 nationally recognized credentialing body approved by the
9 Board American-Occupational-Therapy-Association; or

10 (6) The practice of occupational therapy by one who has
11 applied in writing to the Department for a license, in form
12 and substance satisfactory to the Department, and has
13 complied with all the provisions of either Section 8 or 9
14 except the passing of the examination to be eligible to
15 receive such license. In no event shall this exemption
16 extend to any person for longer than 6 months, except as
17 follows:

18 (i) if the date on which a person can take the next
19 available examination authorized by the Department
20 extends beyond 6 months from the date the person
21 completes the occupational therapy program as required
22 under Section 8 or 9, the Department shall extend the
23 exemption until the results of that examination become
24 available to the Department; or

25 (ii) if the Department is unable to complete its
26 evaluation and processing of a person's application for a
27 license within 6 months after the date on which the
28 application is submitted to the Department in proper
29 form, the Department shall extend the exemption until the
30 Department has completed its evaluation and processing of
31 the application.

32 In the event such applicant fails the examination, the
33 applicant shall cease work immediately until such time as the
34 applicant is licensed to practice occupational therapy in

1 this State.

2 (7) The practice of occupational therapy by one who has
3 applied to the Department, in form and substance satisfactory
4 to the Department, and who is licensed to practice
5 occupational therapy under the laws of another state,
6 territory of the United States or country and who is
7 qualified to receive a license under the provisions of either
8 Section 8 or 9 of this Act. In no event shall this exemption
9 extend to any person for longer than 6 months.

10 (8) The practice of occupational therapy by one who has
11 applied to the Department, in form and substance satisfactory
12 to the Department, and who is qualified to receive a license
13 under the provisions of either Section 8 or 9 of this Act.
14 In no event shall this exemption extend to any person for
15 longer than 6 months.

16 (Source: P.A. 90-427, eff. 8-15-97.)

17 (225 ILCS 75/3.1)

18 (Section scheduled to be repealed on December 31, 2003)

19 Sec. 3.1. Referrals. A licensed registered occupational
20 therapist or licensed certified occupational therapy
21 assistant may consult with, educate, evaluate, and monitor
22 services for clients concerning non-medical occupational
23 therapy needs. Implementation of direct occupational therapy
24 to individuals for their specific health care conditions
25 shall be based upon a referral from a licensed physician,
26 dentist, podiatrist, or optometrist.

27 An occupational therapist shall refer to a licensed
28 physician, dentist, optometrist, or podiatrist any patient
29 whose medical condition should, at the time of evaluation or
30 treatment, be determined to be beyond the scope of practice
31 of the occupational therapist.

32 (Source: P.A. 92-297, eff. 1-1-02.)

1 (225 ILCS 75/5) (from Ch. 111, par. 3705)

2 (Section scheduled to be repealed on December 31, 2003)

3 Sec. 5. The Director shall appoint an Illinois
4 Occupational Therapy Licensure Board as follows: 7 persons
5 who shall be appointed by and shall serve in an advisory
6 capacity to the Director. One 1 member must be a physician
7 licensed to practice medicine in all of its branches; 3
8 members must be licensed registered occupational therapists
9 in good standing, and actively engaged in the practice of
10 occupational therapy in this State; 2 members must be
11 licensed eertified occupational therapy assistants in good
12 standing and actively engaged in the practice of occupational
13 therapy in this State; and 1 member must be a public member
14 who is not licensed under this Act, or a similar Act of
15 another jurisdiction, and is not a provider of health care
16 service.

17 Members shall serve 4 year terms and until their
18 successors are appointed and qualified. No member shall be
19 appointed under this or any prior Act to the Board for
20 service which would constitute more than 2 full terms.
21 Appointments to fill vacancies shall be made in the same
22 manner as original appointments, for the unexpired portion of
23 the vacated term. Initial terms shall begin upon the
24 effective date of this Act.

25 The membership of the Board should reasonably reflect
26 representation from the geographic areas in this State.

27 The Director may terminate the appointment of any member
28 for cause which in the opinion of the Director reasonably
29 justifies such termination.

30 The Director shall consider the recommendations of the
31 Board on questions involving standards of professional
32 conduct, discipline and qualifications of candidates and
33 license holders under this Act.

34 (Source: P.A. 88-424.)

1 (225 ILCS 75/7) (from Ch. 111, par. 3707)

2 (Section scheduled to be repealed on December 31, 2003)

3 Sec. 7. The Department shall authorize examinations at
4 least annually and at such time and place as it may
5 designate. The examination shall be of a character to give a
6 fair test of the qualifications of the applicant to practice
7 occupational therapy.

8 Applications for examination as occupational therapists
9 and occupational therapy assistants shall be required to pay,
10 either to the Department or the designated testing service, a
11 fee covering the cost of providing the examination. Failure
12 to appear for the examination on the scheduled date, at the
13 time and place specified, after the applicant's application
14 for examination has been received and acknowledged by the
15 Department or the designated testing service, shall result in
16 the forfeiture of the examination fee.

17 If an applicant neglects, fails or refuses to take the
18 examination within 90 days after the date the Confirmation of
19 Examination and Eligibility to Examine Notice is issued next
20 ~~available-examination-offered~~ or fails to pass an examination
21 for certification under this Act, the application shall be
22 denied. If an applicant fails to pass an examination for
23 registration under this Act within 3 years after filing his
24 application, the application shall be denied. The applicant
25 may thereafter make a new application accompanied by the
26 required fee, however, the applicant shall meet all
27 requirements in effect at the time of subsequent application
28 before obtaining licensure.

29 The Department may employ consultants for the purposes of
30 preparing and conducting examinations.

31 (Source: P.A. 88-424.)

32 (225 ILCS 75/8) (from Ch. 111, par. 3708)

33 (Section scheduled to be repealed on December 31, 2003)

1 Sec. 8. A person shall be qualified for licensure as an
2 occupational therapist if that person:

3 (1) has applied in writing in form and substance to
4 the Department;

5 (2) (blank) ~~is-a-citizen-of-the-United-States-or-a~~
6 ~~lawfully-admitted-alien,-in-status,-registered-with-the~~
7 ~~United---States---Department---of---Justice,-Division--of~~
8 ~~Immigration-and-Naturalization;~~

9 (3) has completed an occupational therapy program
10 of at least 4 years in length, leading to a baccalaureate
11 degree, or its equivalent, approved by the Department;
12 and

13 (4) has successfully completed the examination
14 authorized by the Department within the past 5 years.

15 (Source: P.A. 91-357, eff. 7-29-99.)

16 (225 ILCS 75/9) (from Ch. 111, par. 3709)

17 (Section scheduled to be repealed on December 31, 2003)

18 Sec. 9. A person shall be qualified for licensure as an
19 occupational therapy assistant if that person:

20 (1) has applied in writing in form and substance to
21 the Department;

22 (2) (blank) ~~is-a-citizen-of-the-United-States-or--a~~
23 ~~lawfully--admitted--alien,-in-status,-registered-with-the~~
24 ~~United--States--Department--of---Justice,-Division---of~~
25 ~~Immigration-and-Naturalization;~~

26 (3) has completed an occupational therapy program
27 of at least 2 years in length leading to an associate
28 degree, or its equivalent, approved by the Department;
29 and

30 (4) has successfully completed the examination
31 authorized by the Department within the past 5 years.

32 (Source: P.A. 91-357, eff. 7-29-99.)

1 (225 ILCS 75/11) (from Ch. 111, par. 3711)

2 (Section scheduled to be repealed on December 31, 2003)

3 Sec. 11. The expiration date and renewal period for each
4 certificate issued under this Act shall be set by rule.

5 Any occupational therapist or occupational therapy
6 assistant who has permitted his license to expire or who has
7 had his license on inactive status may have his license
8 restored by making application to the Department and filing
9 proof acceptable to the Department of his fitness to have his
10 license restored. The Department may consider a certificate
11 expired less than 5 years as prima facie evidence that the
12 applicant is fit. If the applicant's license has expired or
13 been placed on inactive status, proof of fitness may include
14 sworn evidence certifying to active practice in another
15 jurisdiction satisfactory to the Department and by paying the
16 required restoration fee.

17 If the occupational therapist or occupational therapy
18 assistant has not maintained an active practice in another
19 jurisdiction satisfactory to the Department, the Department
20 shall determine, by an evaluation program established by
21 rule, his fitness to resume active status and may require the
22 occupational therapist or occupational therapy therapist
23 assistant to successfully complete a practice examination.

24 However, any occupational therapist or occupational
25 therapy assistant whose license certificate expired while he
26 was (1) in Federal Service on active duty with the Armed
27 Forces of the United States, or the State Militia called into
28 service or training, or (2) in training or education under
29 the supervision of the United States preliminary to induction
30 into the military service, may have his certificate renewed
31 or restored without paying any lapsed renewal fees if within
32 2 years after termination of such service, training or
33 education except under conditions other than honorable, he
34 furnished the Department with satisfactory evidence to the

1 effect that he has been so engaged and that his service,
2 training or education has been so terminated.

3 (Source: P.A. 84-793.)

4 (225 ILCS 75/15) (from Ch. 111, par. 3715)

5 (Section scheduled to be repealed on December 31, 2003)

6 Sec. 15. Any person who is issued a license as an
7 occupational therapist registered under the terms of this Act
8 may use the words "occupational therapist" or "licensed
9 occupational therapist registered", or he may use the letters
10 "O.T" or "~~OTR~~", in connection with his or her name or
11 place of business to denote his or her licensure under this
12 Act.

13 Any person who is issued a license as a certified
14 occupational therapy assistant under the terms of this Act
15 may use the words, "occupational therapy assistant" or
16 "licensed certified occupational therapy assistant", or he or
17 she may use the letters, "O.T.A." or "~~COTAs~~", in
18 connection with his or her name, or place of business to
19 denote his or her licensure under this Act hereunder.

20 (Source: P.A. 83-696.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."