A bill to be entitled
An act relating to occupational therapy; amending s. 468.203, F.S.; revising and providing definitions; amending s. 468.209, F.S.; revising the fieldwork experience requirement for certain persons to take the examination for licensure as an occupational therapist; amending s. 468.215, F.S.; authorizing licensed occupational therapists to use a specified title and initials in accordance with the rules of a national certifying organization; amending s. 468.223, F.S.; prohibiting certain persons from using a specified title and initials; providing criminal penalties; amending s. 468.225, F.S.; providing construction; reenacting ss. 1002.385(5)(c) and 1002.66(2)(c), F.S., relating to the Gardiner Scholarship and specialized instructional services for children with disabilities, respectively, to incorporate the amendments made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 468.203, Florida Statutes, is amended to read:
468.203 Definitions.—As used in this act, the term:
(4) "Occupational therapy" means the therapeutic use of occupations with individuals, groups, or populations, along with their families or organizations to support participation, performance, and function in roles and situations in the home, school, workplace, community, and other settings. Occupational therapy services are provided for habilitation, rehabilitation, and the promotion of health and wellness for clients with disability and nondisability-related needs. These services include acquisition and preservation of occupational identity for clients who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Through engagement in everyday activities, occupational therapy supports occupational performance in persons with, or at risk of experiencing, a range of developmental, physical, cognitive, behavioral, mental health, and other disorders and disabilities purposeful activity or interventions to achieve functional outcomes.

(a) For the purposes of this subsection:

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

2. "Assessment" means the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements to identify areas for occupational therapy services.

3. "Behavioral health services" means the promotion of occupational performance and participation through services to support and facilitate the prevention and treatment of, and for the management and recovery from, mental health and substance abuse disorders, within the scope of occupational therapy practice. These include services to support positive mental health, prevention of mental health disorders, and direct individual and group interventions for the purpose of improving occupational participation and performance.

4. "Health management" means activities related to developing, managing, and maintaining health and wellness, including self-management, with the goal of improving or maintaining health to support participation in occupations.

5. "Instrumental activities of daily living" means daily or routine activities a person must perform to live independently within the home and community.

6. "Mental health services" means the promotion of
occupational performance and participation related to mental health, coping, resilience, and well-being. These services include the treatment of mental health and substance abuse disorders, by providing individual, group, and population level supports and services to those who are at risk, experiencing, or in recovery from these conditions, along with their families and communities, within the scope of occupational therapy practice.

7. "Occupations" means meaningful and purposeful everyday activities performed and engaged in by individuals, groups, populations, families, or communities which occur in contexts and over time, being broadly categorized as activities of daily living, instrumental activities of daily living, health management, rest and sleep, education, work, play, leisure, and social participation. The term includes more specific occupations and execution of multiple activities that are influenced by performance patterns, performance skills, and client factors, resulting in varied outcomes.

8. "Occupational performance" means the ability to perceive, desire, recall, plan, and carry out roles, routines, tasks, and subtasks for the purpose of self-maintenance, self-preservation, productivity, leisure, and rest, for oneself or others, in response to internal or external demands of occupations and contexts.

(b) The practice of occupational therapy includes services include, but is are not limited to:
1. Evaluation of factors that affect activities of daily living, instrumental activities of daily living, health management, rest and sleep, education, work, play, leisure, and social participation including context, performance patterns, performance skills, and client factors. The assessment, treatment, and education of or consultation with the individual, family, or other persons.

2. Methods or approaches selected to direct the process of interventions including, but not limited to:

   a. Establishment, remediation, or restoration of a skill or ability that has not yet developed, is impaired, or is in decline.

   b. Compensation, modification, or adaptation of activity contexts to improve or enhance performance.

   c. Maintenance of capabilities without which performance in everyday life occupations would decline.

   d. Health promotion and wellness, including the use of self-management strategies, to enable or enhance performance in everyday life activities and quality of life.

   e. Prevention of the occurrence or emergence of barriers to performance and participation, including injury and disability prevention, and occupational deprivation. Interventions directed toward developing daily living skills, work readiness or work performance, play skills or leisure capacities, or enhancing educational performance skills.
3. Interventions and procedures to promote or enhance safety and performance in activities of daily living, instrumental activities of daily living, health management, rest and sleep, education, work, play, leisure, and social participation, including, but not limited to:
   a. Therapeutic use of occupations, exercises, and activities.
   b. Training in self-care, self-management, health management and maintenance, home management, community or work reintegration, and school activities and work performance.
   c. Identification, development, remediation, or compensation of neuromusculoskeletal, sensory-perceptual, emotional regulation, visual, mental, and cognitive functions, pain tolerance and management, mental and behavioral health, praxis, developmental skills, and behavioral skills.
   d. Education and training of individuals, including family members, caregivers, groups, and other populations.
   e. Care coordination, case management, transition services, and consultative services to individuals, groups, or populations, along with their families and communities or organizations.
   f. Group interventions facilitating learning, skills acquisition, and occupational performance of groups, populations, or organizations across the life course.
   g. Mental health services and behavioral health services
for the promotion of occupational performance and participation.

h. Facilitating occupational performance of individuals, groups, or populations through modification of contexts and adaptation of processes, including the application of ergonomic principles.

i. Assessment, design, fabrication, application, fitting, and training in seating and positioning of assistive technology, adaptive devices, orthotic devices, custom orthoses, and training in the use of prosthetic devices.

j. Assessment, recommendation, and training in techniques to enhance functional mobility, including management of wheelchairs and other mobility devices.

k. Remediation and compensation of visual deficits including low rehabilitation.

l. Driving skills rehabilitation and community mobility.

m. Management of feeding, eating, and swallowing to enable eating and feeding performance.

n. Application of physical agent and mechanical modalities and use of a range of therapeutic procedures to enhance performance skills.

o. Efforts directed toward promoting occupational justice and empowering clients to seek and obtain resources to fully participate in occupations. Providing for the development of sensory-motor, perceptual, or neuromuscular functioning; range of motion; or emotional, motivational, cognitive, or
psychosocial components of performance.

These services may require assessment of the need for use of interventions such as the design, development, adaptation, application, or training in the use of assistive technology devices; the design, fabrication, or application of rehabilitative technology such as selected orthotic devices; training in the use of assistive technology; orthotic or prosthetic devices; the application of physical agent modalities as an adjunct to or in preparation for purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; or the promotion of health and wellness.

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

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

468.209 Requirements for licensure.—

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

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

468.215 Issuance of license.—

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

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

468.223 Prohibitions; penalties.—

(1) A person may not:

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

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

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

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

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

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

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

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

Section 5. Paragraph (e) is added to subsection (1) of section 468.225, Florida Statutes, to read:

468.225 Exemptions.—
(1) Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(e) Any person fulfilling an occupational therapy doctoral capstone experience that involves clinical practice or projects.

Section 6. For the purpose of incorporating the amendment made by this act to section 468.203, Florida Statutes, in a reference thereto, paragraph (c) of subsection (5) of section 1002.385, Florida Statutes, is reenacted to read:

1002.385 The Gardiner Scholarship.—

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(c) Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to:
   1. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.
   2. Services provided by speech-language pathologists as defined in s. 468.1125.
   3. Occupational therapy services as defined in s. 468.203.
   4. Services provided by physical therapists as defined in s. 486.021.
   5. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an
implant or assistive hearing device.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

Section 7. For the purpose of incorporating the amendment made by this act to section 468.203, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 1002.66, Florida Statutes, is reenacted to read:

1002.66 Specialized instructional services for children with disabilities.—

(2) The parent of a child who is eligible for the prekindergarten program for children with disabilities may select one or more specialized instructional services that are consistent with the child's individual educational plan. These specialized instructional services may include, but are not limited to:

(c) Occupational therapy as defined in s. 468.203.

Section 8. This act shall take effect July 1, 2021.