

1 SB215
2 148362-1
3 By Senator Waggoner
4 RFD: Health
5 First Read: 14-FEB-13

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the Alabama State
9 Occupational Therapy Practice Act governs the
10 practice of occupational therapists, occupational
11 therapy assistants, and occupational therapy aides
12 in the state.

13 This bill would provide further for the
14 definition of occupational therapy.

15 This bill would include licensed assistants
16 to a physician acting pursuant to a valid
17 supervisory agreement, licensed certified
18 registered nurse practitioners in a collaborative
19 practice agreement with a licensed physician, and
20 licensed psychologists among those persons
21 permitted to refer a patient for occupational
22 therapy treatment.

23 This bill would exempt occupational
24 therapists performing services in a wellness or
25 community setting from the referral requirement.

26 This bill would allow a licensee to include
27 academic credentials with license acronyms.

1 This bill would increase the number of
2 consecutive terms a board member may serve from two
3 to three.

4 This bill would delete the requirement that
5 the State Board of Medical Examiners and the State
6 Board of Occupational Therapy jointly approve
7 certain rules, regulations, and policies.

8 This bill would provide for the employment
9 and compensation of an executive director.

10 This bill would delete certain requirements
11 for degree or certificate conferral.

12 This bill would provide for the revocation
13 of an active limited permit upon failure of the
14 permit holder to pass the qualifying examination.

15 This bill would allow the executive
16 director, at the request of the secretary of the
17 board, to mail a copy of a complaint to the
18 accused.

19 This bill would also make certain technical
20 corrections.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 To amend Sections 34-39-3, 34-39-4, 34-39-5,
27 34-39-6, 34-39-7, 34-39-8, 34-39-11, and 34-39-16, Code of

1 Alabama 1975, relating to the Alabama State Occupational
2 Therapy Practice Act; to provide further for the definition of
3 occupational therapy; to include licensed assistants to a
4 physician acting pursuant to a valid supervisory agreement,
5 licensed certified registered nurse practitioners in a
6 collaborative practice agreement with a licensed physician,
7 and licensed psychologists among those permitted to refer a
8 patient for occupational therapy treatment; to exempt
9 occupational therapists performing services in a wellness or
10 community setting from the referral requirement; to allow a
11 licensee to include academic credentials with license
12 acronyms; to increase the number of consecutive terms a board
13 member may serve from two to three; to delete the requirement
14 that the State Board of Medical Examiners and the State Board
15 of Occupational Therapy jointly approve certain rules; to
16 provide for the employment and compensation of an executive
17 director; to delete certain requirements for degree or
18 certificate conferral; to provide for the revocation of an
19 active limited permit upon failure of the permit holder to
20 pass the qualifying examination; to allow the executive
21 director, at the request of the secretary, to mail complaints;
22 and to make certain technical corrections.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Sections 34-39-3, 34-39-4, 34-39-5,
25 34-39-6, 34-39-7, 34-39-8, 34-39-11, and 34-39-16 of the Code
26 of Alabama 1975, are amended to read as follows:

27 "§34-39-3.

1 "In this chapter, the following terms shall have the
2 respective meanings provided in this section unless the
3 context clearly requires a different meaning:

4 "(1) ASSOCIATION. The Alabama Occupational Therapy
5 Association.

6 "(2) BOARD. The Alabama State Board of Occupational
7 Therapy.

8 "(3) LICENSE. A valid and current certificate of
9 registration issued by the Alabama State Board of Occupational
10 Therapy.

11 "(4) OCCUPATIONAL THERAPY. ~~The application of~~
12 ~~purposeful activity in which one engages for evaluation,~~
13 ~~treatment, and consultation related to problems interfering~~
14 ~~with functional performance in persons impaired or threatened~~
15 ~~by physical illness or injury; psychosocial dysfunction;~~
16 ~~congenital dysfunction; developmental and learning~~
17 ~~dysfunction; the aging process; environmental deprivation or~~
18 ~~anticipated dysfunction; in order to maximize independence,~~
19 ~~prevent disability, and maintain health. Specific occupational~~
20 ~~therapy services include, but are not limited to, evaluation~~
21 ~~techniques such as assessment of sensory motor abilities;~~
22 ~~assessment of the development of self-care activities and~~
23 ~~capacity for independence; assessment of the capacity for work~~
24 ~~readiness and work tasks; assessment of play and leisure~~
25 ~~performance; and assessment of environmental areas for~~
26 ~~individuals with disabilities. Specific occupational therapy~~
27 ~~treatment techniques include activities of daily living (ADL);~~

1 ~~the design, fabrication, and application of selected splints~~
2 ~~or orthotics, or both; sensorimotor activities and exercise;~~
3 ~~the use of specifically designed goal oriented arts and~~
4 ~~crafts; design, fabrication, selection, and use of adaptive~~
5 ~~equipment; therapeutic activities, modalities, and exercises~~
6 ~~to enhance functional performance; work readiness evaluation~~
7 ~~and training.~~

8 "a. The practice of occupational therapy means the
9 therapeutic use of occupations, including everyday life
10 activities with individuals, groups, populations, or
11 organizations to support participation, performance, and
12 function in roles and situations in home, school, workplace,
13 community, and other settings. Occupational therapy services
14 are provided for habilitation, rehabilitation, and the
15 promotion of health and wellness to those who have or are at
16 risk for developing an illness, injury, disease, disorder,
17 condition, impairment, disability, activity limitation, or
18 participation restriction. Occupational therapy addresses the
19 physical, cognitive, psychosocial, sensory-perceptual, and
20 other aspects of performance in a variety of contexts and
21 environments to support engagement in occupations that affect
22 physical and mental health, well-being, and quality of life.
23 The practice of occupational therapy includes:

24 "1. Evaluation of factors affecting activities of
25 daily living (ADL), instrumental activities of daily living
26 (IADL), rest and sleep, education, work, play, leisure, and
27 social participation including all of the following:

1 "(i) Client factors, including body functions, such
2 as neuromusculoskeletal, sensory-perceptual, visual, mental,
3 cognitive, and pain factors; body structures such as
4 cardiovascular, digestive, nervous, integumentary,
5 genitourinary systems, and structures related to movement;
6 values, beliefs, and spirituality.

7 "(ii) Habits, routines, roles, rituals, and behavior
8 patterns.

9 "(iii) Physical and social environments, cultural,
10 personal, temporal, and virtual contexts, and activity demands
11 that affect performance.

12 "(iv) Performance skills, including motor and
13 praxis, sensory-perceptual, emotional regulation, cognitive,
14 communication, and social skills.

15 "2. Methods or approaches selected to direct the
16 process of interventions such as:

17 "(i) Establishment, remediation, or restoration of a
18 skill or ability that has not yet developed, is impaired, or
19 is in decline.

20 "(ii) Compensation, modification, or adaptation of
21 activity or environment to enhance performance, or to prevent
22 injuries, disorders, or other conditions.

23 "(iii) Retention and enhancement of skills or
24 abilities without which performance in everyday life
25 activities would decline.

1 "(iv) Promotion of health and wellness, including
2 the use of self-management strategies, to enable or enhance
3 performance in everyday life activities.

4 "(v) Prevention of barriers to performance and
5 participation, including injury and disability prevention.

6 "3. Interventions and procedures to promote or
7 enhance safety and performance in activities of daily living
8 (ADL), instrumental activities of daily living (IADL), rest
9 and sleep, education, work, play, leisure, and social
10 participation including all of the following:

11 "(i) Therapeutic use of occupations, exercises, and
12 activities.

13 "(ii) Training in self-care, self-management, health
14 management and maintenance, home management, community/work
15 reintegration, and school activities and work performance.

16 "(iii) Development, remediation, or compensation of
17 neuromusculoskeletal, sensory-perceptual, visual, mental, and
18 cognitive functions, pain tolerance and management, and
19 behavioral skills.

20 "(iv) Therapeutic use of self, including one's
21 personality, insights, perceptions, and judgments, as part of
22 the therapeutic process.

23 "(v) Education and training of individuals,
24 including family members, caregivers, groups, populations, and
25 others.

26 "(vi) Care coordination, case management, and
27 transition services.

1 "(vii) Consultative services to groups, programs,
2 organizations, or communities.

3 "(viii) Modification of environments, including
4 home, work, school, or community, and adaptation of processes,
5 including the application of ergonomic principles.

6 "(ix) Assessment, design, fabrication, application,
7 fitting, and training in seating and positioning, assistive
8 technology, adaptive devices, and orthotic devices, and
9 training in the use of prosthetic devices.

10 "(x) Assessment, recommendation, and training in
11 techniques to enhance functional mobility, including
12 management of wheelchairs and other mobility devices.

13 "(xi) Low vision rehabilitation.

14 "(xii) Driver rehabilitation and community mobility.

15 "(xiii) Management of feeding, eating, and
16 swallowing to enable eating and feeding performance.

17 "(xiv) Application of physical agent modalities, and
18 use of a range of specific therapeutic procedures such as
19 wound care management, interventions to enhance
20 sensory-perceptual and cognitive processing, and manual
21 therapy, all to enhance performance skills.

22 "(xv) Facilitating the occupational performance of
23 groups, populations, or organizations through the modification
24 of environments and the adaptation of processes.

25 "b. An occupational therapist or occupational
26 therapy assistant is qualified to perform the above activities
27 for which they have received training and any other activities

1 for which appropriate training or education, or both, has been
2 received. Notwithstanding any other provision of this chapter,
3 no occupational therapy treatment programs to be rendered by
4 an occupational therapist, occupational therapy assistant, or
5 occupational therapy aide shall be initiated without the
6 referral of a licensed physician, a licensed chiropractor, a
7 licensed optometrist, a licensed assistant to a physician
8 acting pursuant to a valid supervisory agreement, a licensed
9 certified registered nurse practitioner in a collaborative
10 practice agreement with a licensed physician, a licensed
11 psychologist, or a licensed dentist who shall establish a
12 diagnosis of the condition for which the individual will
13 receive occupational therapy services. In cases of long-term
14 or chronic disease, disability, or dysfunction, or any
15 combination of the foregoing, requiring continued occupational
16 therapy services, the person receiving occupational therapy
17 services shall be reevaluated by a licensed physician, a
18 licensed chiropractor, a licensed optometrist, a licensed
19 assistant to a physician acting pursuant to a valid
20 supervisory agreement, a licensed certified registered nurse
21 practitioner in a collaborative practice agreement with a
22 licensed physician, a licensed psychologist, or a licensed
23 dentist at least annually for confirmation or modification of
24 the diagnosis. Occupational therapists performing services in
25 a wellness or community setting for the purposes of enhancing
26 performance in everyday activities are exempt from this
27 referral requirement. Occupational therapists employed by

1 state agencies and those employed by the public schools and
2 colleges of this state who provide screening and
3 rehabilitation services for the educationally related needs of
4 the students are exempt from this referral requirement.

5 "(5) OCCUPATIONAL THERAPIST. A person licensed to
6 practice occupational therapy whose license is in good
7 standing.

8 "(6) OCCUPATIONAL THERAPY ASSISTANT. A person
9 licensed to assist in the practices of occupational therapy
10 under the supervision of, or with the consultation of, a
11 licensed occupational therapist whose license is in good
12 standing.

13 "(7) OCCUPATIONAL THERAPY AIDE. A person who assists
14 in the delivery of occupational therapy, who works under
15 direct on-site supervision of an occupational therapist or
16 occupational therapy assistant, or both, and whose activities
17 require an understanding of occupational therapy but do not
18 require professional or advanced training in the basic
19 anatomical, biological, psychological, and social sciences
20 involved in the practice of occupational therapy. No activity
21 listed under paragraph a. of subdivision (4) may be performed
22 by an occupational therapy aide.

23 "(8) PERSON. A human person only, not a legal
24 entity.

25 "(9) WITH THE CONSULTATION OF. The collaboration of
26 two or more persons on a regularly scheduled basis for the

1 purpose of planning, review, or evaluation of occupational
2 therapy services.

3 "§34-39-4.

4 "(a) No person may present ~~himself/herself~~ himself
5 or herself as an occupational therapist or an occupational
6 therapy assistant in this state unless he or she is licensed
7 in accordance with ~~the provisions of~~ this chapter. No firm,
8 partnership, association, or corporation may advertise or
9 otherwise offer to provide or convey the impression that it is
10 providing occupational therapy unless an individual holding a
11 current valid license or limited permit under this chapter is
12 or will at the appropriate time be rendering the occupational
13 therapy services to which reference is made.

14 "(b) It is unlawful for any person not licensed as
15 an occupational therapist or an occupational therapy assistant
16 or whose license has been suspended or revoked to use in
17 connection with ~~his/her~~ his or her name or place of business
18 the words "occupational therapist," "licensed occupational
19 therapist," "occupational therapy assistant," "licensed
20 occupational therapy assistant," or the letters "O.T.,"
21 "L.O.T.," "O.T.R./L.," "O.T.A.," "L.O.T.A.," "C.O.T.A./L.,"
22 thereby indicating or implying that he/she is qualified to
23 practice in this state as a licensed occupational therapist or
24 a licensed occupational therapy assistant. At the discretion
25 of the licensee, academic credentials including MS, OTR/L to
26 indicate a master's degree, and OTD to indicate a clinical
27 doctorate, may also be used in conjunction with the licensure

1 acronyms. It is unlawful also for any person not licensed
2 under this chapter to show in any other way, orally, in
3 writing, in print, or by sign, directly or by implication that
4 ~~he/she~~ he or she is engaged in performing occupational therapy
5 services.

6 "§34-39-5.

7 "Nothing in this chapter shall be construed as
8 preventing or restricting the practice, services, or
9 activities of any of the following persons:

10 "(1) Any person licensed under any other law of the
11 state from engaging in the profession for which he or she is
12 licensed.

13 "(2) Any person employed as an occupational
14 therapist or an occupational therapy assistant by the
15 government of the United States, if the person provides
16 occupational therapy solely under the direction or control of
17 the organization by which he or she is employed.

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

24 "(4) Any person fulfilling the supervised fieldwork
25 experience requirements of subdivision (2) of Section 34-39-8.

26 "§34-39-6.

1 "(a) There is established the Alabama State Board of
2 Occupational Therapy.

3 "(1) The board shall consist of five members, four
4 of whom shall be involved in the practice of occupational
5 therapy, of which one shall be an occupational therapy
6 assistant. The remaining member shall be a member of another
7 health profession or a member of the public with an interest
8 in the rights or the concerns of health services. Each member
9 of the board shall be a citizen of this state. The
10 occupational therapy board members shall be appointed by the
11 Governor from a list submitted by the Alabama Occupational
12 Therapy Association. In appointing members to the board, the
13 association and the Governor, to the extent possible, shall
14 select those persons whose appointments ensure that the
15 membership of the board is inclusive and reflects the racial,
16 gender, geographic, urban/rural, and economic diversity of the
17 state. Those board members who are occupational therapists, of
18 which one shall be a minority, and occupational therapy
19 assistants shall have been engaged in rendering services to
20 the public, teaching, or research in occupational therapy for
21 at least three years, and shall at all times be holders of
22 valid licenses for the practice of occupational therapy in
23 Alabama. Except for the members in the initial board, all
24 members who are occupational therapists and occupational
25 therapy assistants shall fulfill the requirements for
26 licensure pursuant to this chapter. Terms of appointment for
27 the initial board members shall be as follows: Two members

1 shall serve a one-year term; two members shall serve a
2 two-year term; and one member shall serve a three-year term.

3 "(2) The board shall, within 90 days after April 17,
4 1990, be selected as provided in subdivision (1). At the
5 expiration of the initial terms, board members shall be
6 appointed in the same manner as initial appointments, each for
7 a period of three years. No person shall be appointed to serve
8 more than ~~two~~ three consecutive terms.

9 "(3) Terms shall begin on the first day of the
10 calendar year and end on the last day of the calendar year, or
11 until successors are appointed, except for the initial members
12 who shall serve through the last calendar day of the year in
13 which they are appointed before the commencement of the terms
14 prescribed by subdivision (1).

15 "(4) Within 45 days after April 17, 1990, and
16 annually thereafter, the association shall submit two or three
17 names for each position on the board to be filled. In the
18 event of a midterm vacancy in one of the positions on the
19 board, the Governor shall appoint a member to fill the
20 unexpired term from a list submitted by the association in the
21 same manner as provided in subdivision (1).

22 "(5) The Governor, after notice and opportunity for
23 hearing by the board, may remove any member of the board for
24 neglect of duty, incompetence, revocation or suspension of the
25 license of the member, or other dishonorable conduct. After
26 removal, the Governor shall appoint a successor to the

1 unexpired term from a list of two or three names submitted by
2 the association.

3 "(6) The board shall elect from its membership a
4 chairperson, a secretary, and a treasurer. A majority of the
5 members of the board shall constitute a quorum. The board
6 shall meet during the first month of the calendar year to
7 select officers. No board member may hold the same position as
8 an officer of the board for more than two consecutive years.
9 At least one additional meeting shall be held before the end
10 of the calendar year. Further meetings may be convened at the
11 call of the chairperson, or on the request of any three board
12 members.

13 "(7) Members may be reimbursed for all reasonable
14 and necessary expenses actually incurred in the performance of
15 their duties in accordance with the laws of the State of
16 Alabama and regulations of the State Personnel Director.

17 "(b) There is established a separate special revenue
18 fund in the State Treasury known as the Alabama State Board of
19 Occupational Therapy Fund. All receipts collected by the board
20 pursuant to this chapter shall be deposited in this fund and
21 used only to carry out the provisions of this chapter.
22 Receipts shall be disbursed only by warrant of the state
23 Comptroller upon the State Treasurer, upon itemized vouchers
24 approved by the chairperson. No funds shall be withdrawn or
25 expended except as budgeted and allotted according to the
26 provisions of Sections 41-4-80 to 41-4-96, inclusive, and
27 Sections 41-19-1 to 41-19-12, inclusive, and only in amounts

1 as stipulated in the general appropriations bill or other
2 appropriation bills.

3 "§34-39-7.

4 "(a) The board shall administer, coordinate, and
5 enforce this chapter.

6 "(b) The board shall, within 90 days of the time at
7 which it is appointed, notify all current practitioners of
8 occupational therapy in the state, as identified by the
9 American Occupational Therapy Certification Board, of the
10 enactment of this chapter and its otherwise becoming a law.

11 "(c) The board shall adopt and publish rules and
12 regulations relating to the professional conduct to carry out
13 the policies of this chapter, including but not limited to
14 regulations relating to professional licensure, registration,
15 and the establishment of ethical standards of practice. The
16 ~~State Board of Medical Examiners and the~~ Alabama State Board
17 of Occupational Therapy must ~~jointly~~ approve any rule,
18 regulation, or policy that interprets, explains, or enumerates
19 the permissible acts, functions, or services rendered by an
20 occupational therapist, occupational therapy assistant, or
21 occupational therapy aide as those acts, functions, and
22 services are defined in Section 34-39-3. Any rule, regulation,
23 or policy adopted in violation of this requirement is invalid.

24 "(d) The board shall evaluate the qualifications of
25 all applicants for licensure under this chapter and shall
26 maintain a register of all persons holding a license and a
27 record of all inspections made.

1 "(e) The board shall approve all examinations of
2 applicants for licensure at least twice a year, shall
3 determine the qualifications and authorize the issuance of
4 licenses to qualified occupational therapists and
5 occupational therapy assistants, and shall renew, suspend, or
6 revoke the licenses in the manner provided.

7 "(f) The board may investigate complaints and
8 allegations concerning the violation of this chapter and may
9 examine witnesses, issue subpoenas, and administer oaths in
10 connection with these investigations. Hearings may be
11 conducted, provided reasonable public notice is given and
12 records and minutes are kept in accordance with the rules and
13 regulations of the board.

14 "(g) The board shall make an annual report to the
15 Governor which shall contain an account of duties performed,
16 actions taken, and appropriate recommendations.

17 "(h) The board shall establish a budget in
18 accordance with the requirements of the state.

19 "(i) The board may establish and publish reasonable
20 fees as established in Section 34-39-14.

21 "(j) The board may employ and discharge an executive
22 ~~secretary~~ director and any officers and employees as may be
23 necessary, and shall determine their duties and fix their
24 compensation in accordance with applicable state statutes. The
25 board shall hire and establish the responsibilities and salary
26 of all employees.

27 "§34-39-8.

1 "An applicant for licensure as an occupational
2 therapist or as an occupational therapy assistant shall be a
3 citizen of the United States or, if not a citizen of the
4 United States, a person who is legally present in the United
5 States with appropriate documentation from the federal
6 government, and shall file a written application on forms
7 provided by the board, showing to the satisfaction of the
8 board fulfillment of all of the following requirements:

9 "(1) Applicant shall present evidence satisfactory
10 to the board of having successfully completed all of the
11 academic requirements of for degree or certificate conferral
12 from an educational program in occupational therapy recognized
13 by the board. The program shall be accredited by the
14 Accreditation Council for Occupational Therapy Education of
15 the American Occupational Therapy Association, Incorporated.

16 ~~"a. For an occupational therapist, such a program~~
17 ~~shall be accredited by the Accreditation Council for~~
18 ~~Occupational Therapy Education of the American Occupational~~
19 ~~Therapy Association, Inc.; or an individual may have~~
20 ~~successfully completed the career mobility program of the~~
21 ~~American Occupational Therapy Association.~~

22 ~~"b. For an occupational therapy assistant, the~~
23 ~~program shall be accredited by the American Occupational~~
24 ~~Therapy Association, Inc.~~

25 ~~"(2) Applicant shall submit to the board evidence of~~
26 ~~having successfully completed a period of supervised fieldwork~~
27 ~~experience at a recognized educational institution or a~~

1 ~~training program approved by the educational institution where~~
2 ~~he or she met the academic requirements.~~

3 ~~"a. For an occupational therapist, a minimum of 24~~
4 ~~weeks supervised fieldwork experience is required.~~

5 ~~"b. For an occupational therapy assistant, a minimum~~
6 ~~of eight weeks supervised fieldwork experience is required.~~

7 ~~"(3)(2) Applicant shall pass an examination as~~
8 ~~provided for in Section 34-39-9.~~

9 "§34-39-11.

10 "(a) The board shall issue a license to any person
11 who meets the requirements of this chapter upon payment of the
12 license fee as described in Section 34-39-14.

13 "(b) The board shall issue a limited permit to
14 persons who have completed the educational and fieldwork
15 experience requirements of this chapter. This permit shall
16 allow the person to practice occupational therapy under the
17 supervision of an occupational therapist who holds a current
18 license in this state and shall be valid until the date on
19 which the results of the ~~next~~ qualifying examination have been
20 made public. This limited permit shall not be renewed if the
21 applicant has failed the examination. Failure of the
22 examination shall result in revocation of an active limited
23 permit.

24 "(c) Any person who is issued a license as an
25 occupational therapist under the terms of this chapter may use
26 the words "occupational therapist," "licensed occupational
27 therapist," "occupational therapist registered," or may use

1 the letters "O.T.," "L.O.T.," or "O.T.R./L." in connection
2 with his/her name or place of business to denote registration
3 hereunder.

4 "(d) Any person who is issued a license as an
5 occupational therapy assistant under the terms of this chapter
6 may use the words "occupational therapy assistant," "licensed
7 occupational therapy assistant," "certified occupational
8 therapy assistant," or may use the letters "O.T.A.,"
9 "L.O.T.A.," or "C.O.T.A./L." in connection with his or her
10 name or place of business to denote registration hereunder.

11 "§34-39-16.

12 "(a) Any person may file a complaint with the board
13 against any licensed occupational therapist or licensed
14 occupational therapy assistant in the state charging the
15 person with having violated ~~the provisions of~~ this chapter.
16 The complaint shall set forth specifications of charges in
17 sufficient detail so as to disclose to the accused fully and
18 completely the alleged acts of misconduct for which he or she
19 is charged. When ~~such~~ a complaint is filed, the secretary of
20 the board, or the executive director at the request of the
21 secretary, shall mail a copy thereof to the accused by
22 ~~registered~~ return receipt mail at his or her address of
23 record, with a written notice of the time and place of hearing
24 thereof, advising him or her that he or she may be present in
25 person and by counsel if he or she so desires, to offer
26 evidence and be heard in his or her defense.

1 "(b) At the time and place fixed for the hearing,
2 the board shall receive evidence upon the subject matter under
3 consideration and shall accord the person against whom charges
4 are preferred a full and fair opportunity to be heard in his
5 or her defense. The board shall be bound by the rules of
6 evidence in contested cases under Section 41-22-13 of the
7 Alabama Administrative Procedure ~~Statute~~ Act and all oral
8 testimony considered by the board ~~must~~ shall be under oath. If
9 the board finds that the licensed occupational therapist or
10 the licensed occupational therapy assistant has violated ~~the~~
11 ~~provisions of this chapter, it shall immediately~~ the board may
12 suspend or revoke his or her licensure, levy a reasonable fine
13 not to exceed one thousand dollars (\$1,000) per violation, or
14 restrict his or her license and require the licensee to report
15 regularly to the board on matters related to the reasons for
16 the restricted license, or any combination of these.

17 "(c) The action of the board in suspending,
18 revoking, or refusing to issue a license may be appealed to
19 the Circuit Court of Montgomery County accompanied by a bond
20 to be approved by the court. The notice of appeal shall be
21 filed within 30 days from the receipt of such order or
22 ruling. Appeals shall be governed by the judicial review
23 provisions of Section 41-22-20 of the Alabama Administrative
24 Procedure ~~Statute~~ Act, except that the review procedure
25 provided therein shall not suspend the action of the board nor
26 stay the enforcement of any order in the suspension,
27 revocation, or refusal of a license."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.