

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978
Part 183
OCCUPATIONAL THERAPISTS

333.18301 Definitions; principles of construction.

Sec. 18301.

(1) As used in this part:

(a) "Occupational therapy assistant" means an individual licensed under this article to engage in practice as an occupational therapy assistant.

(b) "Occupational therapist" means an individual licensed under this article to engage in the practice of occupational therapy.

(c) "Occupational therapy services" means those services provided to promote health and wellness, prevent disability, preserve functional capabilities, prevent barriers, and enable or improve performance in everyday activities, including, but not limited to, the following:

(i) Establishment, remediation, or restoration of a skill or ability that is impaired or not yet developed.

(ii) Compensation, modification, or adaptation of a person, activity, or environment.

(iii) Evaluation of factors that affect activities of daily living, instrumental activities of daily living, and other activities relating to education, work, play, leisure, and social participation. Those factors include, but are not limited to, body functions, body structure, habits, routines, role performance, behavior patterns, sensory motor skills, cognitive skills, communication and interaction skills, and cultural, physical, psychosocial, spiritual, developmental, environmental, and socioeconomic contexts and activities that affect performance.

(iv) Interventions and procedures, including, but not limited to, any of the following:

(A) Task analysis and therapeutic use of occupations, exercises, and activities.

(B) Training in self-care, self-management, home management, and community or work reintegration.

(C) Development remediation, or compensation of client factors such as body functions and body structure.

(D) Education and training.

(E) Care coordination, case management, transition, and consultative services.

(F) Modification of environments and adaptation processes such as the application of ergonomic and safety principles.

(G) Assessment, design, fabrication, application, fitting, and training in rehabilitative and assistive technology, adaptive devices, and low temperature orthotic devices, and training in the use of prosthetic devices. For the purposes of this sub-subparagraph, the design and fabrication of low temperature orthotic devices does not include permanent orthotics.

(H) Assessment, recommendation, and training in techniques to enhance safety, functional mobility, and community mobility such as wheelchair management and mobility.

(I) Management of feeding, eating, and swallowing.

(J) Application of physical agent modalities and use of a range of specific therapeutic procedures, including, but not limited to, techniques to enhance sensory-motor, perceptual, and cognitive processing, manual therapy techniques, and adjunctive and preparatory activities.

(K) Providing vision therapy services or low vision rehabilitation services, if those services are provided pursuant to a referral or prescription from, or under the supervision or comanagement of, a physician licensed under part 170 or 175 or an optometrist licensed under part 174.

(d) "Practice as an occupational therapy assistant" means the practice of occupational therapy under the supervision of an occupational therapist licensed under this article.

(e) "Practice of occupational therapy" means the therapeutic use of everyday life occupations and occupational therapy services to aid individuals or groups to participate in meaningful roles and situations in the home, school, workplace, community, and other settings, to promote health and wellness through research and practice, and to serve those individuals or groups who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. The practice of occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect a person's health, well-being, and quality of life throughout his or her life span. The practice of occupational therapy does not include any of the following:

(i) The practice of medicine or osteopathic medicine and surgery or medical diagnosis or treatment.

(ii) The practice of physical therapy.

(iii) The practice of optometry.

(2) In addition to the definitions in this part, article 1 contains general definitions and principles of construction applicable to all articles in this code and part 161 contains definitions applicable to this part.

History: Add. 1988, Act 473, Imd. Eff. Dec. 28, 1988 ;-- Am. 2008, Act 523, Imd. Eff. Jan. 13, 2009

Compiler's Notes: For transfer of powers and duties of certain health-related functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

Popular Name: Act 368

333.18303 Promulgation of rules; restricted use of words or titles; practice of occupational therapy or occupation therapy assistant; license required; exceptions.

Sec. 18303.

(1) After the rules described in sections 18307 and 18309 are promulgated for licensure under this article, an individual shall not use the titles "occupational therapist", "o.t.", "occupational therapist licensed", "o.t.l.", "occupational therapist registered", "o.t.r.", "occupational therapist registered licensed", "o.t.r.l.", "certified occupational therapy assistant", "c.o.t.a.", "certified occupational therapy assistant licensed", "c.o.t.a.l.", "occupational therapy assistant", "o.t.a.", "occupational therapy assistant licensed", "o.t.a.l.", or similar words which indicate that he or she is licensed as an occupational therapist or occupational therapy assistant unless the individual is licensed under this article.

(2) After the rules described in sections 18307 and 18309 are promulgated for licensure under this part, an individual shall not engage in the practice of occupational therapy or the practice as an occupational therapy assistant unless licensed or otherwise authorized by this article.

(3) Subsection (2) does not prevent any of the following:

(a) Self-care by a patient or uncompensated care by a friend or family member who does not represent or hold himself or herself out to be a licensed occupational therapist or occupational therapy assistant.

(b) An individual licensed or registered under any other part or act from performing activities that are considered occupational therapy services if those activities are within the individual's scope of practice and if the individual does not use the titles protected under subsection (1).

(c) An orthotist or prosthetist from providing services consistent with his or her training in orthotics or prosthetics if he or she is certified by the American board for certification in orthotics, prosthetics and pedorthics and he or she does not represent or hold himself or herself out to be a licensed occupational therapist or occupational therapy assistant.

(d) A parks and recreation professional who is directly employed by a local unit of government or a therapeutic recreation specialist certified by the national council for therapeutic recreation certification from providing services if he or she does not represent or hold himself or herself out to be a licensed occupational therapist or occupational therapy assistant.

History: Add. 1988, Act 473, Imd. Eff. Dec. 28, 1988 ;-- Am. 2008, Act 523, Imd. Eff. Jan. 13, 2009

Popular Name: Act 368

333.18305 Michigan board of occupational therapists; creation; membership; terms.

Sec. 18305.

(1) The Michigan board of occupational therapists is created in the department and shall consist of the following 9 voting members who shall meet the requirements of part 161: 5 licensed occupational therapists and 4 public members, 1 of whom shall be a physician licensed under part 170 or 175.

(2) The terms of office of individual members of the board created under this section, except those appointed to fill vacancies, expire 4 years after the appointment on December 31 of the year in which the term expires.

History: Add. 1988, Act 473, Imd. Eff. Dec. 28, 1988 ;-- Am. 1993, Act 79, Eff. Apr. 1, 1994 ;-- Am. 2006, Act 394, Imd. Eff. Sept. 27, 2006 ;-- Am. 2008, Act 523, Imd. Eff. Jan. 13, 2009

Popular Name: Act 368

333.18307 Licensure as occupational therapist; rules.

Sec. 18307.

The board, in consultation with the department, shall promulgate rules under section 16145 setting forth the minimum standards for licensure as an occupational therapist. For purposes of this section, the professional standards issued by the American occupational therapy association or any other recognized trade association may be adopted by the board. The board shall not promulgate rules under this section that diminish competition or exceed the minimum level of regulation necessary to protect the public.

History: Add. 1988, Act 473, Imd. Eff. Dec. 28, 1988 ;-- Am. 2008, Act 523, Imd. Eff. Jan. 13, 2009

Popular Name: Act 368

333.18309 Licensure as occupational therapy assistant; rules.

Sec. 18309.

The board, in consultation with the department, shall promulgate rules under section 16145 setting forth the minimum standards for licensure as an occupational therapy assistant. For purposes of this section, the professional standards issued by the American occupational therapy association or any other recognized trade association may be adopted by the board. The board shall not promulgate rules under this section that diminish competition or exceed the minimum level of regulation necessary to protect the public.

History: Add. 1988, Act 473, Imd. Eff. Dec. 28, 1988 ;-- Am. 2008, Act 523, Imd. Eff. Jan. 13, 2009

Popular Name: Act 368

333.18311 Assistance.

Sec. 18311.

Pursuant to section 16143, the department may contract with other state agencies, private agencies, organizations, and consultants to assist the board in carrying out its functions.

History: Add. 1988, Act 473, Imd. Eff. Dec. 28, 1988

Popular Name: Act 368

333.18313 Continuing education or competence requirements; rules.

Sec. 18313.

(1) Beginning the license renewal cycle after the effective date of the rules promulgated under this part, an individual licensed under this article shall meet the continuing education or competence requirements of this section when renewing his or her license.

(2) In addition to the requirements of part 161, the board, in consultation with the department, may promulgate rules to require a licensee seeking renewal to furnish evidence that, during the licensing period immediately preceding the application for renewal, the licensee completed an appropriate number of hours of continuing education courses or continuing competence activities related to the practice of occupational therapy and designed

to further educate and maintain competence.

History: Add. 2008, Act 523, Imd. Eff. Jan. 13, 2009

Popular Name: Act 368

333.18315 Third party reimbursement or mandated worker's compensation benefits not required.

Sec. 18315.

This part does not require new or additional third party reimbursement or mandated worker's compensation benefits for services rendered by an individual licensed as an occupational therapist or an occupational therapist assistant under this article.

History: Add. 2008, Act 523, Imd. Eff. Jan. 13, 2009

Popular Name: Act 368