

1 HB46  
2 128655-3  
3 By Representative Sanderford  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 01-MAR-11  
6 PFD: 02/25/2011

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ENROLLED, An Act,

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Occupational Therapy with certain modifications; to amend Sections 34-39-6 and 34-39-8, Code of Alabama 1975, so as to require that board members be citizens of this state and to require that applicants for licensure be United States citizens or legally present in the United States.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama State Board of Occupational Therapy, with the additional recommendations for statutory change as set out in Section 3.

Section 2. The existence and functioning of the Alabama State Board of Occupational Therapy, created and functioning pursuant to Sections 34-39-1 to 34-39-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-39-6 and 34-39-8 of the Code of Alabama 1975, are amended to read as follows:

"§34-39-6.

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

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

1 removal, the Governor shall appoint a successor to the  
2 unexpired term from a list of two or three names submitted by  
3 the association.

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

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

18 "(b) There is established a separate special revenue  
19 fund in the State Treasury known as the Alabama State Board of  
20 Occupational Therapy Fund. All receipts collected by the board  
21 pursuant to this chapter shall be deposited in this fund and  
22 used only to carry out the provisions of this chapter.  
23 Receipts shall be disbursed only by warrant of the state  
24 Comptroller upon the State Treasurer, upon itemized vouchers  
25 approved by the chairperson. No funds shall be withdrawn or

1 expended except as budgeted and allotted according to the  
2 provisions of Sections 41-4-80 to 41-4-96, inclusive, and  
3 Sections 41-19-1 to 41-19-12, inclusive, and only in amounts  
4 as stipulated in the general appropriations bill or other  
5 appropriation bills.

6 "§34-39-8.

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

15 "(1) Applicant shall present evidence satisfactory  
16 to the board of having successfully completed the academic  
17 requirements of an educational program in occupational therapy  
18 recognized by the board.

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

1            "b. For an occupational therapy assistant, the  
2 program shall be accredited by the American Occupational  
3 Therapy Association, Inc.

4            "(2) Applicant shall submit to the board evidence of  
5 having successfully completed a period of supervised fieldwork  
6 experience at a recognized educational institution or a  
7 training program approved by the educational institution where  
8 he or she met the academic requirements.

9            "a. For an occupational therapist, a minimum of 24  
10 weeks supervised fieldwork experience is required.

11           "b. For an occupational therapy assistant, a minimum  
12 of eight weeks supervised fieldwork experience is required.

13           "(3) Applicant shall pass an examination as provided  
14 for in Section 34-39-9."

15           Section 4. The Legislature concurs in the  
16 recommendations of the Sunset Committee as provided in  
17 Sections 1, 2, and 3.

18           Section 5. This act shall become effective  
19 immediately upon its passage and approval by the Governor, or  
20 its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 29-MAR-11.

Greg Pappas  
Clerk

Senate	14-APR-11	Amended and Passed
House	21-APR-11	Concurred in Senate Amendment