

an occupational therapy assistant who is licensed by the Board, the more narrow term "licensed occupational therapy assistant" is used. This revision is called to the attention of the General Assembly.

The supervision requirement for a licensed occupational therapy assistant now appears in § 9-310 of this title.

(H) PRACTICE LIMITED OCCUPATIONAL THERAPY.

"PRACTICE LIMITED OCCUPATIONAL THERAPY" MEANS TO CARRY OUT A TREATMENT PROGRAM THAT APPLIES THE PRINCIPLES AND PROCEDURES OF OCCUPATIONAL THERAPY.

REVISOR'S NOTE: This subsection is new language added to clarify what an occupational therapy assistant does in practice.

The definition is stated in the infinitive form to permit minor verb variations of the defined phrase, without taking these variations out of the scope of the definition.

The present law is ambiguous as to what occupational therapy assistants may practice. Present Art. 43, § 926, "Scope of license" indicates that occupational therapy assistants "assist in the practice of occupational therapy". Yet the definition section, present Art. 43, § 911(i), states that an occupational therapy assistant "provides occupational therapy treatment" (emphasis added) -- implying that providing occupational therapy treatment may differ from assisting in the practice of occupational therapy. In Ch. 909, Acts of 1978, the Maryland Occupational Therapy Practice Act, the more limiting language in present Art. 43, § 911(i) was substituted by amendment for language that was essentially identical to the broader language of present Art. 43, § 926. The more limiting language was the result of a compromise. It suggests that some limitation on the activities of an occupational therapy assistant is intended by the General Assembly, but the extent of that limitation is not clear. However, the Maryland Occupational Therapy Association and the Board believe that the intent of the General Assembly in passing Ch. 909, Acts of 1978 was merely to insure supervision of the occupational therapy assistant and not to limit the scope of activities permitted to the occupational therapy assistant.

Because this title contains criminal penalties for "practicing occupational therapy" unless