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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



ENROLLED

HOUSE BILL No. 4388

(By Delegates S. Cook and Brown)



Passed March 7 1992

In Effect From Passage

ENROLLED
H. B. 4388

(By DELEGATES S. COOK AND BROWN)

[Passed March 7, 1992; in effect from passage.]

AN ACT to amend and reenact section seven, article twenty-eight, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the period of time a nonlicensed occupational therapist may practice in the state of West Virginia.

Be it enacted by the Legislature of West Virginia:

That section seven, article twenty-eight, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§30-28-7. License required; persons and practices not affected.

1 (a) No person may hold himself out as an occupational
2 therapist or an occupational therapy assistant in this
3 state unless he is licensed in accordance with the
4 provisions of this article.

5 (b) Nothing in this article shall be construed as
6 preventing or restricting the practice, services or
7 activities of:

8 (1) Any person licensed under any other law of this
9 state, including physicians, nurses, clinical psycholo-
10 gists, speech pathologists and audiologists, dentists and
11 physical therapists, from engaging in the profession or
12 occupation for which he is licensed;

13 (2) Any person employed as an occupational therapist
14 or an occupational therapy assistant by the government

15 of the United States, if such a person provides occupa-
16 tional therapy solely under the direction or control of the
17 organization by which he is employed;

18 (3) Any person pursuing a course of study leading to
19 a degree or certificate in occupational therapy in an
20 educational program which is accredited by the Amer-
21 ican occupational therapy association in collaboration
22 with the American medical association, or in an
23 educational program approved by the American occu-
24 pational therapy association, and if such person is
25 designated by a title which clearly indicates his status
26 as a student or trainee;

27 (4) Any person fulfilling the supervised field work
28 experience, if such activities and services constitute a
29 part of the experience necessary to meet the require-
30 ments of section eight of this article;

31 (5) Any person performing occupational therapy
32 services in this state not licensed under this article, if
33 such services are performed for no more than ninety
34 consecutive days a calendar year in association with an
35 occupational therapist licensed under this article, if such
36 person meets the qualification for license under this
37 article, except for the qualifying examination; or

38 (6) Any person performing occupational therapy
39 services in this state not licensed under this article, if
40 such services are performed for no more than ninety
41 consecutive calendar days in a calendar year and if:

42 (A) Such a person is licensed under the law of another
43 state which has licensure requirements equivalent to the
44 requirements of this article; or

45 (B) Such a person meets the requirements for certi-
46 fication as an occupational therapist registered (OTR) or
47 a certified occupational therapy assistant (COTA)
48 established by the American occupational therapy
49 association.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Somer Deck

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect from passage.

Parrell Edinger

Clerk of the Senate

Donald L. Kopp

Clerk of the House of Delegates

Kent Brudette

President of the Senate

[Signature]

Speaker of the House of Delegates

The (within *is approved*) this the *30th*
day of *March* 1992.

Yaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date: 3/25/92

Time 11:40 am