

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

930L0641

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **SB 179** - 02/18/2005

Introduced by: Senators Hansen (Tom), Duniphan, Greenfield, Olson (Ed), and Two Bulls
and Representatives McCoy, Frost, Hackl, Halverson, and Jensen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the practice of
2 occupational therapy.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-31-1 be amended to read as follows:

5 36-31-1. Terms used in this chapter mean:

6 (1) "Association," the South Dakota Occupational Therapy Association;

7 (2) "Board of examiners," the South Dakota State Board of Medical and Osteopathic
8 Examiners;

9 (3) "Occupational therapists," any person licensed to practice occupational therapy as
10 defined in this chapter and whose license is in good standing;

11 (4) "Occupational therapy," the evaluation, planning and implementation of a program
12 of purposeful activities to develop or maintain adaptive skills necessary to achieve
13 the maximal physical and mental functioning of the individual in his or her daily
14 pursuits. The practice of "occupational therapy" includes, ~~but is not limited to,~~
15 consultation, evaluation, and treatment of individuals whose abilities to cope with the



1 tasks of living are threatened or impaired by developmental deficits, the aging
2 process, learning disabilities, poverty and cultural differences, physical injury or
3 disease, psychological and social disabilities, or anticipated dysfunction.
4 Occupational therapy services include such treatment techniques as task-oriented
5 activities to prevent or correct physical or emotional deficits or to minimize the
6 disabling effect of these deficits in the life of the individual; such evaluation
7 techniques as assessment of sensory integration and motor abilities, assessment of
8 development of self-care and feeding, activities and capacity for independence,
9 assessment of the physical capacity for prevocational and work tasks, assessment of
10 play and leisure performance, and appraisal of living areas for the handicapped;
11 physical agent modalities limited to the upper extremities to enhance physical
12 functional performance, if certified in accordance with § 36-31-6; and specific
13 occupational therapy techniques such as activities of daily living skills, designing,
14 fabricating, or applying selected orthotic devices or selecting adaptive equipment,
15 sensory integration and motor activities, the use of specifically designed manual and
16 creative activities, specific exercises to enhance functional performance, and
17 treatment techniques for physical capabilities for work activities. Such techniques are
18 applied in the treatment of individual patients or clients, in groups, or through social
19 systems;

20 (5) "Occupational therapy aide," any person who assists in the practice of occupational
21 therapy under the direct supervision of an occupational therapist or occupational
22 therapy assistant;

23 (6) "Occupational therapy assistant," any person licensed to assist in the practice of
24 occupational therapy, under the supervision of or with the consultation of a licensed

1 occupational therapist and whose license is in good standing;

2 (7) "Occupational therapy committee," the committee provided for in this chapter;

3 (8) "Physical agent modalities," modalities that produce a biophysiological response
4 through the use of light, water, temperature, sound, or electricity, or mechanical
5 devices. Physical agent modalities include:

6 (a) Superficial thermal agents such as hydrotherapy/whirlpool, cryotherapy (cold
7 packs/ice), fluidotherapy, hot packs, paraffin, water, infrared, and other
8 commercially available superficial heating and cooling technologies;

9 (b) Deep thermal agents such as therapeutic ultrasound, phonophoresis, and other
10 commercially available technologies;

11 (c) Electrotherapeutic agents such as biofeedback, neuromuscular electrical
12 stimulation, functional electrical stimulation, transcutaneous electrical nerve
13 stimulation, electrical stimulation for tissue repair, high-voltage galvanic
14 stimulation, and iontophoresis and other commercially available technologies;

15 (d) Mechanical devices such as vasopneumatic devices and CPM (continuous
16 passive motion).

17 Section 2. That § 36-31-6 be amended to read as follows:

18 36-31-6. Any applicant applying for a license as an occupational therapist or as an
19 occupational therapy assistant shall file a written application provided by the board, showing
20 to the satisfaction of the board that he meets the following requirements:

21 (1) Residence: Applicant need not be a resident of this state;

22 (2) Character: Applicant shall be of good moral character;

23 (3) Education: Applicant shall present evidence satisfactory to the board of having
24 successfully completed the academic requirements of an educational program in

1 occupational therapy recognized by the board:

2 (a) The occupational therapy educational program shall be accredited by the
3 committee on allied health education and accreditation/American Medical
4 Association in collaboration with the American Occupational Therapy
5 Association;

6 (b) The occupational therapy assistant educational program shall be approved by
7 the American Occupational Therapy Association.

8 (4) Experience: Applicant shall submit to the board evidence of having successfully
9 completed a period of supervised fieldwork experience arranged by the recognized
10 educational institution where he met the academic requirements or by the nationally
11 recognized professional association:

12 (a) For an occupational therapist, a minimum of six months of supervised
13 fieldwork experience is required;

14 (b) For an occupational therapy assistant, a minimum of two months of supervised
15 fieldwork experience is required.

16 (5) Examination: An applicant for licensure as an occupational therapist or as an
17 occupational therapy assistant shall pass an examination approved by the board upon
18 recommendation by the occupational therapy committee;

19 (6) Certification: In order to apply physical agent modalities as defined in § 36-3-1, an
20 occupational therapist or occupational therapist assistant shall be qualified pursuant
21 to this subdivision, as follows:

22 (a) Has successfully completed twenty-five hours of American Occupational
23 Therapy Association or American Physical Therapy Association approved
24 education covering physical agent modalities and completed a supervised

1 mentorship to include five case studies on each class of modality to be
2 incorporated into patient care;

3 (b) Is certified as a hand therapist by the Hand Therapy Certification commission
4 or other equivalent entity recognized by the board; or

5 (c) Has completed education during a basic occupational therapy educational
6 program that included demonstration of competencies on each class of the
7 physical agent modalities.

8 A supervising therapist or mentor may be a physical therapist, a certified hand
9 therapist, or an occupational therapist who has completed a supervised mentorship
10 and has five years of clinical experience utilizing each class of physical agent
11 modalities; or an occupational therapist who has graduated from an occupational
12 therapy program whose curriculum includes physical agent modality education.