

LLS NO. 20-0511_AMENDMENT # 1

HOUSE SUNSET COMMITTEE AMENDMENT

Committee on Public Health Care and Human Services.

LLS No. 20-0511 be amended as follows:

1 Amend LLS No. 20-0511, page 3, after line 7, insert:

2 "SECTION 3. In Colorado Revised Statutes, 12-270-102, add
3 (1)(b.3), (1)(b.5), and (1)(b.7) as follows:

4 **12-270-102. Legislative declaration.** (1) The general assembly
5 hereby finds, determines, and declares that:

6 (b.3) OCCUPATIONAL THERAPY PRACTICE CONSISTS OF CLIENT
7 MANAGEMENT, WHICH INCLUDES OCCUPATIONAL THERAPY DIAGNOSIS AND
8 PROGNOSIS TO OPTIMIZE OCCUPATIONAL PERFORMANCE;

9 (b.5) OCCUPATIONAL THERAPY INCLUDES CONTRIBUTIONS TO
10 PUBLIC HEALTH SERVICES THAT ARE INTENDED TO IMPROVE THE HEALTH
11 OF THE PUBLIC;

12 (b.7) THE PROFESSIONAL SCOPE OF OCCUPATIONAL THERAPY
13 PRACTICE EVOLVES IN RESPONSE TO INNOVATION, RESEARCH,
14 COLLABORATION, AND CHANGE IN SOCIETAL NEEDS; AND

15 **SECTION 4.** In Colorado Revised Statutes, 12-270-104, amend
16 (3), (4), and (6); and add (2.2), (2.4), (2.6), (4.8), (8.3), and (8.5) as
17 follows:

18 **12-270-104. Definitions.** As used in this article 270, unless the
19 context otherwise requires:

20 (2.2) "BEHAVIORAL HEALTH CARE SERVICES" MEANS SERVICES FOR
21 THE PREVENTION, DIAGNOSIS, AND TREATMENT OF, AND FOR THE
22 RECOVERY FROM, MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

23 (2.4) "CLIENT" MEANS AN INDIVIDUAL, GROUP, POPULATION,
24 COMMUNITY, OR ORGANIZATION THAT RECEIVES OCCUPATIONAL THERAPY
25 SERVICES.

26 (2.6) "FUNCTIONAL COGNITION" MEAN THE WAY IN WHICH AN
27 INDIVIDUAL UTILIZES AND INTEGRATES THE INDIVIDUAL'S THINKING AND
28 PROCESSING SKILLS TO ACCOMPLISH EVERYDAY ACTIVITIES IN CLINICAL
29 AND COMMUNITY LIVING ENVIRONMENTS.

30 (3) "Instrumental activities of daily living" means activities that
31 are oriented toward interacting with the environment and that may be
32 complex. ~~These activities are generally optional in nature and may be~~
33 ~~delegated to another person.~~ "Instrumental activities of daily living"
34 include care of others, care of pets, child-rearing, communication device
35 use, community mobility, financial management, health management and
36 maintenance, home establishment and management, meal preparation and
37 cleanup, safety procedures and emergency responses, and shopping.

38 (4) "Low vision rehabilitation services" means the evaluation,
39 diagnosis, management, and care of the low vision patient in visual
40 acuity, and visual field, AND OCULOMOTOR PERFORMANCE as it affects the
41 patient's occupational performance, including low vision rehabilitation
42 therapy, education, and interdisciplinary consultation.

1 (4.8) "OCCUPATION" MEANS AN EVERYDAY, PERSONALIZED
2 ACTIVITY IN WHICH PEOPLE PARTICIPATE AS INDIVIDUALS, FAMILIES, AND
3 COMMUNITIES TO OCCUPY TIME AND BRING MEANING AND PURPOSE TO
4 LIFE. "OCCUPATION" INCLUDES AN ACTIVITY THAT A PERSON NEEDS TO DO,
5 WANTS TO DO, OR IS EXPECTED TO DO.

6 (6) "Occupational therapy" means the therapeutic use of
7 OCCUPATIONS, INCLUDING everyday life activities with individuals, ~~or~~
8 ~~groups, for the purpose of~~ POPULATIONS, OR ORGANIZATIONS, TO SUPPORT
9 participation, PERFORMANCE, AND FUNCTION in roles and situations in
10 home, school, workplace, community, and other settings. OCCUPATIONAL
11 THERAPY IS PROVIDED FOR HABILITATION, REHABILITATION, AND THE
12 PROMOTION OF HEALTH AND WELLNESS TO PERSONS WHO HAVE, OR ARE AT
13 RISK FOR DEVELOPING, AN ILLNESS, INJURY, DISEASE, DISORDER,
14 CONDITION, IMPAIRMENT, DISABILITY, ACTIVITY LIMITATION, OR
15 PARTICIPATION RESTRICTION. OCCUPATIONAL THERAPY USES EVERYDAY
16 LIFE ACTIVITIES TO PROMOTE MENTAL HEALTH AND SUPPORT FUNCTIONING
17 IN PEOPLE WHO HAVE, OR WHO ARE AT RISK OF EXPERIENCING, A RANGE OF
18 MENTAL HEALTH DISORDERS, INCLUDING PSYCHIATRIC, BEHAVIORAL,
19 EMOTIONAL, AND SUBSTANCE USE DISORDERS. OCCUPATIONAL THERAPY
20 ADDRESSES THE PHYSICAL, COGNITIVE, PSYCHOSOCIAL,
21 SENSORY-PERCEPTUAL, AND OTHER ASPECTS OF PERFORMANCE IN A
22 VARIETY OF CONTEXTS AND ENVIRONMENTS TO SUPPORT ENGAGEMENT IN
23 OCCUPATIONS THAT AFFECT PHYSICAL HEALTH, MENTAL HEALTH,
24 WELL-BEING, AND QUALITY OF LIFE. The practice of occupational therapy
25 includes:

26 ~~(a) Methods or strategies selected to direct the process of~~
27 ~~interventions such as:~~ EVALUATION OF FACTORS AFFECTING ACTIVITIES OF
28 DAILY LIVING, INSTRUMENTAL ACTIVITIES OF DAILY LIVING, REST AND
29 SLEEP, EDUCATION, WORK, PLAY, LEISURE, SOCIAL PARTICIPATION, AND
30 HEALTH MANAGEMENT, INCLUDING:

31 ~~(I) Establishment, remediation, or restoration of a skill or ability~~
32 ~~that has not yet developed or is impaired;~~ CLIENT FACTORS, INCLUDING
33 BODY FUNCTIONS SUCH AS NEUROMUSCULOSKELETAL, SENSORY, VISUAL,
34 PERCEPTUAL, MENTAL, COGNITIVE, AND PAIN FACTORS AND BODY
35 STRUCTURES SUCH AS CARDIOVASCULAR, DIGESTIVE, NERVOUS,
36 INTEGUMENTARY, AND GENITOURINARY SYSTEMS AND STRUCTURES
37 RELATED TO MOVEMENT, VALUES, BELIEFS, AND SPIRITUALITY;

38 ~~(II) Compensation, modification, or adaptation of an activity or~~
39 ~~environment to enhance performance;~~ HABITS, ROUTINES, ROLES,
40 RITUALS, AND BEHAVIOR PATTERNS;

41 ~~(III) Maintenance and enhancement of capabilities without which~~
42 ~~performance of everyday life activities would decline;~~ PHYSICAL AND
43 SOCIAL ENVIRONMENTS; CULTURAL, PERSONAL, TEMPORAL, AND VIRTUAL

1 CONTEXTS; AND ACTIVITY DEMANDS THAT AFFECT PERFORMANCE; AND
2 (IV) ~~Promotion of health and wellness to enable or enhance~~
3 ~~performance in everyday life activities;~~ and PERFORMANCE SKILLS,
4 INCLUDING MOTOR, PRAXIS, PROCESS, SENSORY, PERCEPTUAL, EMOTION,
5 COMMUNICATION; SOCIAL INTERACTION SKILLS; AND FUNCTIONAL
6 COGNITION.

7 (V) ~~Prevention of barriers to performance, including disability~~
8 ~~prevention;~~

9 (b) ~~Evaluation of factors affecting activities of daily living,~~
10 ~~instrumental activities of daily living, education, work, play, leisure, and~~
11 ~~social participation, including:~~ METHODS OR APPROACHES SELECTED TO
12 DIRECT THE PROCESS OF INTERVENTIONS SUCH AS:

13 (I) ~~Client factors, including body functions such as~~
14 ~~neuromuscular, sensory, visual, perceptual, and cognitive functions, and~~
15 ~~body structures such as cardiovascular, digestive, integumentary, and~~
16 ~~genitourinary systems;~~ ESTABLISHMENT, REMEDIATION, OR RESTORATION
17 OF A SKILL OR ABILITY THAT HAS NOT YET DEVELOPED, IS IMPAIRED, OR IS
18 IN DECLINE;

19 (II) ~~Habits, routines, roles, and behavior patterns;~~ COMPENSATION,
20 MODIFICATION, OR ADAPTATION OF AN ACTIVITY OR ENVIRONMENT TO
21 ENHANCE PERFORMANCE OR TO PREVENT INJURIES, DISORDERS, OR OTHER
22 CONDITIONS;

23 (III) ~~Cultural, physical, environmental, social, and spiritual~~
24 ~~contexts and activity demands that affect performance;~~ and
25 MAINTENANCE AND ENHANCEMENT OF CAPABILITIES WITHOUT WHICH
26 PERFORMANCE IN EVERYDAY LIFE ACTIVITIES WOULD DECLINE;

27 (IV) ~~Performance skills, including motor, process, and~~
28 ~~communication and interaction skills;~~ PROMOTION OF HEALTH AND
29 WELLNESS, INCLUDING THE USE OF SELF-MANAGEMENT STRATEGIES, TO
30 ENABLE OR ENHANCE PERFORMANCE IN EVERYDAY LIFE ACTIVITIES; AND

31 (V) PREVENTION OF BARRIERS TO PERFORMANCE AND
32 PARTICIPATION, INCLUDING INJURY AND DISABILITY PREVENTION;

33 (c) Interventions and procedures to promote or enhance safety and
34 performance in activities of daily living, instrumental activities of daily
35 living, REST AND SLEEP, education, work, play, leisure, and social
36 participation, AND HEALTH MANAGEMENT, including:

37 (I) Therapeutic use of occupations, exercises, and activities;

38 (II) Training in self-care; self-management; SELF-REGULATION;
39 HEALTH MANAGEMENT AND MAINTENANCE; home management; and
40 community, VOLUNTEER, and work INTEGRATION AND reintegration; AND
41 SCHOOL ACTIVITIES AND WORK PERFORMANCE;

42 (III) Identification, development, remediation, or compensation
43 of physical, cognitive, ~~neuromuscular~~ NEUROMUSCULOSKELETAL, sensory,

1 VISUAL, PERCEPTUAL, AND MENTAL functions; sensory processing;
2 FUNCTIONAL COGNITION; PAIN TOLERANCE AND MANAGEMENT;
3 DEVELOPMENTAL SKILLS; and behavioral skills;
4 (IV) Therapeutic use of self, including a person's personality,
5 insights, perceptions, and judgments, as part of the therapeutic process;
6 (V) Education and training of individuals, including family
7 members, caregivers, GROUPS, POPULATIONS, and others;
8 (VI) Care coordination, case management, and transition services;
9 DIRECT, INDIRECT, AND CONSULTATIVE CARE; ADVOCACY AND
10 SELF-ADVOCACY; AND OTHER SERVICE DELIVERY METHODS;
11 (VII) Consultative services to INDIVIDUALS, groups, programs,
12 organizations, or communities;
13 (VIII) Modification of environments such as home, work, school,
14 or community and adaptation of processes, including the application of
15 ergonomic principles;
16 (IX) Assessment, design, fabrication, application, fitting, and
17 training in assistive technology and adaptive and orthotic devices and
18 training in SEATING AND POSITIONING AND IN the use of prosthetic
19 devices, excluding glasses, contact lenses, or other prescriptive devices
20 to correct vision unless prescribed by an optometrist;
21 (X) Assessment, recommendation, and training in techniques to
22 enhance functional mobility, including ~~wheelchair management~~ COMPLEX
23 SEATING AND MANAGEMENT OF WHEELCHAIRS AND OTHER MOBILITY
24 DEVICES;
25 (XI) Driver rehabilitation and community mobility;
26 (XII) Management of feeding, eating, and swallowing to enable
27 SUPPORT eating and feeding performance NECESSARY FOR NUTRITION,
28 SOCIAL PARTICIPATION, OR OTHER HEALTH OR WELLNESS
29 CONSIDERATIONS;
30 (XIII) Application of physical agent modalities and therapeutic
31 procedures such as wound management; techniques to enhance,
32 MAINTAIN, OR PREVENT THE DECLINE OF sensory, perceptual, and
33 PSYCHOSOCIAL, OR cognitive processing; MANAGEMENT OF PAIN; and
34 manual techniques to enhance performance skills; and
35 (XIV) The use of telehealth, TELEREHABILITATION, AND
36 TELETHERAPY pursuant to rules as may be adopted by the director;
37 (XV) LOW VISION REHABILITATION SERVICES AND VISION THERAPY
38 SERVICES;
39 (XVI) FACILITATION OF THE OCCUPATIONAL PERFORMANCE OF
40 GROUPS, POPULATIONS, OR ORGANIZATIONS THROUGH THE MODIFICATION
41 OF ENVIRONMENTS AND THE ADAPTATION OF PROCESSES;
42 (XVII) SENSORY-BASED INTERVENTIONS INCLUDING EQUIPMENT,
43 ENVIRONMENT, AND ROUTINE ADAPTATIONS THAT SUPPORT OPTIMAL

1 SENSORY INTEGRATION AND PROCESSING; AND
2 (XVIII) BEHAVIORAL HEALTH CARE SERVICES TO ENHANCE,
3 MAINTAIN, OR PREVENT THE DECLINE OF OCCUPATIONAL PERFORMANCE.
4 (8.3) "TELEHEALTH" MEANS THE USE OF ELECTRONIC
5 INFORMATION AND TELECOMMUNICATIONS TECHNOLOGY TO SUPPORT AND
6 PROMOTE ACCESS TO CLINICAL HEALTH CARE, PATIENT AND PROFESSIONAL
7 HEALTH-RELATED EDUCATION, PUBLIC HEALTH, AND HEALTH
8 ADMINISTRATION.
9 (8.5) "TELEREHABILITATION" OR "TELE THERAPY" MEANS THE
10 DELIVERY OF REHABILITATION AND HABILITATION SERVICES VIA
11 INFORMATION AND COMMUNICATION TECHNOLOGIES, COMMONLY
12 REFERRED TO AS "TELEHEALTH" TECHNOLOGIES."

13 Renumber succeeding sections accordingly.

14 Page 3, line 16, strike "or" and substitute "or".

15 Page 3, strike lines 17 and 18 and substitute "'doctor of occupational
16 therapy", OR "OCCUPATIONAL THERAPY CONSULTANT"; or use the
17 abbreviation "O.T.", "M.O.T.", "O.T.D.", "O.T.R.", "O.T./L.",
18 "O.T.D./L.", "M.O.T./L.", or "O.T.R./L."; or USE any".

19 Page 3, line 25, after "'O.T.A./L.," insert "'C.O.T.A.",

20 Page 3, after line 27, insert:

21 **"SECTION 6.** In Colorado Revised Statutes, 12-270-106, **amend**
22 (1)(a) and (2) as follows:

23 **12-270-106. License required - occupational therapists -**
24 **occupational therapy assistants.** (1) (a) On and after June 1, 2014,
25 except as otherwise provided in this article 270, a person shall not
26 practice occupational therapy or represent himself or herself as being able
27 to THAT THE PERSON MAY practice occupational therapy in this state
28 without possessing a valid license issued by the director in accordance
29 with this article 270 and rules adopted pursuant to this article 270.

30 (2) On and after June 1, 2014, except as otherwise provided in this
31 article 270, a person shall not practice as an occupational therapy assistant
32 or represent himself or herself as being able to THAT THE PERSON MAY
33 practice as an occupational therapy assistant in this state without
34 possessing a valid license issued by the director in accordance with this
35 article 270 and any rules adopted under this article 270."

36 Renumber succeeding sections accordingly.

1 Page 4, strike line 2 and substitute "(2), (3), and (5)(c) as follows:".

2 Page 4, after line 22, insert:

3 "(5) **Licensure by endorsement.** (c) Upon receipt of all
4 documents required by subsections (5)(a) and (5)(b) of this section, the
5 director shall review the application and make a determination of the
6 applicant's ~~qualification~~ QUALIFICATIONS to be licensed by endorsement."

7 Page 4, strike line 24 and substitute "(2), (3), and (5)(c) as follows:".

8 Page 5, after line 15, insert:

9 "(5) **Licensure by endorsement.** (c) Upon receipt of all
10 documents required by subsections (5)(a) and (5)(b) of this section, the
11 director shall review the application and make a determination of the
12 applicant's ~~qualification~~ QUALIFICATIONS to be licensed by endorsement
13 as an occupational therapy assistant.

14 **SECTION 9.** In Colorado Revised Statutes, 12-270-110, **amend**
15 (1)(a), (1)(b), and (1)(c); and **add** (1)(c.5) as follows:

16 **12-270-110. Scope of article - exclusions.** (1) This article 270
17 does not prevent or restrict the practice, services, or activities of:

18 (a) A person licensed or otherwise regulated in this state by any
19 other law from engaging in ~~his or her~~ THE PERSON'S profession or
20 occupation as defined in the part or article under which ~~he or she~~ THE
21 PERSON is licensed;

22 (b) A person pursuing a course of study leading to a degree in
23 occupational therapy at an educational institution with an accredited
24 occupational therapy program if that person is designated by a title that
25 clearly indicates ~~his or her~~ THE PERSON'S status as a student and if ~~he or~~
26 ~~she~~ THE PERSON acts under appropriate instruction and supervision;

27 (c) A person fulfilling the supervised fieldwork experience
28 requirements of section 12-270-107 (1) if the experience constitutes a part
29 of the experience necessary to meet the requirement of section
30 12-270-107 (1) and the person acts under appropriate supervision; or

31 (c.5) A PERSON FULFILLING AN OCCUPATIONAL THERAPY
32 DOCTORAL CAPSTONE EXPERIENCE THAT INVOLVES CLINICAL PRACTICE OR
33 A CLINICAL PROJECT IF THE PERSON ACTS UNDER APPROPRIATE
34 SUPERVISION; OR

35 **SECTION 10.** In Colorado Revised Statutes, **amend** 12-270-111
36 as follows:

37 **12-270-111. Limitations on authority.** (1) Nothing in this article
38 270 shall be construed to authorize an occupational therapist to engage in

1 the practice of medicine, as defined in section 12-240-107; physical
2 therapy, as defined in article 285 of this title 12; vision therapy services
3 or low vision rehabilitation services, except under the referral,
4 prescription, supervision, or comanagement of an ophthalmologist or
5 optometrist; or any other form of healing except as authorized by this
6 article 270.

7 (2) NOTHING IN THIS SECTION PREVENTS AN OCCUPATIONAL
8 THERAPIST FROM MAKING AN OCCUPATIONAL THERAPY DIAGNOSIS WITHIN
9 THE OCCUPATIONAL THERAPIST'S SCOPE OF PRACTICE."

10 Renumber succeeding bill sections accordingly.

11 Page 5, line 17, strike "(2)(1)" and substitute "(1), (2)(c), (2)(d)(II),
12 (2)(1),".

13 Page 5, strike line 19 and substitute:

14 "**definitions - judicial review.** (1) The director may take disciplinary
15 action against a licensee if the director finds that the licensee has
16 represented ~~himself or herself as~~ THAT THE LICENSEE IS a licensed
17 occupational therapist or occupational therapy assistant after the
18 expiration, suspension, or revocation of ~~his or her~~ THE LICENSEE'S license.

19 (2) The director may take disciplinary or".

20 Page 5, after line 23, insert:

21 "(c) Is an excessive or habitual user or abuser of alcohol or
22 habit-forming drugs or is a habitual user of a controlled substance, as
23 defined in section 18-18-102 (5), or other drugs having similar effects;
24 except that the director has the discretion not to discipline the licensee if
25 ~~he or she~~ THE LICENSEE is participating in good faith in a program to end
26 the use or abuse that the director has approved;

27 (d) (II) Has failed to act within the limitations created by a
28 physical illness, physical condition, or behavioral, mental health, or
29 substance use disorder that renders the person unable to practice
30 occupational therapy with reasonable skill and safety or that may
31 endanger the health or safety of persons under ~~his or her~~ THE LICENSEE'S
32 care; or".

33 Page 7, after line 21, insert:

34 "**SECTION 12.** In Colorado Revised Statutes, 12-270-117,
35 **amend** (1) as follows:

1 **12-270-117. Mental and physical examination of licensees.**
2 (1) If the director has reasonable cause to believe that a licensee is unable
3 to practice with reasonable skill and safety, the director may order the
4 licensee to take a mental or physical examination administered by a
5 physician or other licensed health care professional designated by the
6 director. Except where due to circumstances beyond the licensee's control,
7 if the licensee fails or refuses to undergo a mental or physical
8 examination, the director may suspend the licensee's license until the
9 director has made a determination of the licensee's fitness to practice. The
10 director shall proceed with an order for examination and shall make his
11 or her A determination in a timely manner."

12 Renumber succeeding bill sections accordingly.

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