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AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING SECTIONS OF THE  
OCCUPATIONAL THERAPY ACT TO MAKE SCOPE OF PRACTICE CHANGES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-12A-3 NMSA 1978 (being Laws 1996,  
Chapter 55, Section 3, as amended) is amended to read:

"61-12A-3. DEFINITIONS.--As used in the Occupational  
Therapy Act:

A. "board" means the board of examiners for  
occupational therapy;

B. "censure" means a formal expression of  
disapproval that is publicly announced;

C. "denial of license" means that a person is  
barred from becoming licensed to practice in accordance with  
the provisions of the Occupational Therapy Act either  
indefinitely or for a certain period;

D. "licensee" means an occupational therapist or  
occupational therapy assistant, as appropriate;

E. "occupational therapist" means a person who  
holds an active license to practice occupational therapy in  
New Mexico in accordance with board rules;

F. "occupational therapy" means the therapeutic  
use of occupations, including everyday life activities with  
persons across the life span, including groups, populations

1 or organizations, to enhance or enable participation,  
2 performance or function in roles, habits and routines in  
3 home, school, workplace, community and other settings.  
4 Occupational therapy services are provided for habilitation,  
5 rehabilitation and the promotion of health and wellness to  
6 those clients who have or are at risk for developing an  
7 illness, injury, disease, disorder, condition, impairment,  
8 disability, activity limitation or participation restriction.  
9 "Occupational therapy" includes addressing the physical,  
10 cognitive, psychosocial, sensory-perceptual and other aspects  
11 of performance in a variety of contexts and environments to  
12 support engagement in occupations that affect physical and  
13 mental health, well-being and quality of life. Occupational  
14 therapy uses everyday life activities to promote mental  
15 health and support functioning in people with or at risk of  
16 experiencing a range of mental health disorders, including  
17 psychiatric, behavioral, emotional and substance abuse  
18 disorders;

19 G. "occupational therapy assistant" means a person  
20 having no less than an associate degree in occupational  
21 therapy and holding an active license to practice  
22 occupational therapy in New Mexico who assists in the  
23 practice of occupational therapy under the supervision of the  
24 occupational therapist in accordance with board rules;

25 H. "person" means an individual, association,

1 partnership, unincorporated organization or corporate body;

2 I. "probation" means that continued licensure is  
3 subject to fulfillment of specified conditions such as  
4 monitoring, education, supervision or counseling;

5 J. "reprimand" means a formal expression of  
6 disapproval that is retained in the licensee's file but not  
7 publicly announced;

8 K. "revocation" means permanent loss of licensure;  
9 and

10 L. "suspension" means the loss of licensure for a  
11 certain period, after which the person may be required to  
12 apply for reinstatement."

13 SECTION 2. Section 61-12A-4 NMSA 1978 (being Laws 1996,  
14 Chapter 55, Section 4, as amended) is amended to read:

15 "61-12A-4. OCCUPATIONAL THERAPY SERVICES.--The practice  
16 of occupational therapy includes the following processes and  
17 services:

18 A. evaluation of factors affecting all areas of  
19 occupation, including activities of daily living,  
20 instrumental activities of daily living, rest and sleep,  
21 education, work, productivity, play, leisure and social  
22 participation; including:

23 (1) client factors, including neuromuscular,  
24 sensory, visual, mental, cognitive and pain factors and body  
25 structures, including cardiovascular, digestive,

1 integumentary and genitourinary systems and structures  
2 related to movement;

3 (2) habits, routines, roles and behavior  
4 patterns;

5 (3) cultural, physical, environmental,  
6 social and spiritual contexts and activity demands that  
7 affect performance; and

8 (4) performance skills, including motor  
9 process and communication and interaction skills;

10 B. activity analysis to determine activity demands  
11 of occupations performed;

12 C. design, implementation and modification of  
13 therapeutic interventions, including the following activities  
14 related to selection of intervention strategies to direct the  
15 process of interventions:

16 (1) establishment, remediation or  
17 restoration of a skill or ability that has not yet developed,  
18 is impaired or is in decline;

19 (2) compensation, modification or adaptation  
20 of activity or environment to enhance performance or to  
21 prevent injuries, disorders or other conditions;

22 (3) retention, maintenance and enhancement  
23 of skills and capabilities without which performance in  
24 everyday life activities would decline;

25 (4) promotion of health and wellness,

1 including the use of self-management strategies to enable or  
2 enhance performance in everyday life activities;

3 (5) prevention of barriers to performance,  
4 including injury and disability prevention; and

5 (6) interventions and procedures to promote  
6 or enhance safety and performance in areas of occupation,  
7 including:

8 (a) therapeutic use of occupations,  
9 exercises and activities;

10 (b) training in self-care, self-  
11 management, health management and maintenance, home  
12 management, community-work reintegration, school activities  
13 and work performance;

14 (c) development, remediation or  
15 compensation of neuromusculoskeletal, sensory-perceptual,  
16 sensory-integrative and modulation, visual, mental and  
17 cognitive functions, pain tolerance and management,  
18 developmental skills and behavioral skills;

19 (d) therapeutic use of self, including  
20 one's personality, insights, perceptions and judgments, as  
21 part of the therapeutic process;

22 (e) education and training of persons,  
23 including family members, caregivers, groups, populations and  
24 others;

25 (f) care coordination, case management

1 and transition services;

2 (g) consultative services to groups,  
3 programs, organizations or communities;

4 (h) modification of home, work, school  
5 and community environments and adaptation of processes,  
6 including the application of ergonomic principles;

7 (i) assessment, design, fabrication,  
8 application, fitting and training in seating and positioning,  
9 assistive technology, adaptive devices and orthotic devices  
10 and training in the use of prosthetic devices;

11 (j) assessment, recommendation and  
12 training in techniques to enhance functional mobility,  
13 including management of wheelchairs and other mobility  
14 devices;

15 (k) low-vision rehabilitation;

16 (l) driver rehabilitation and community  
17 mobility;

18 (m) management of feeding, eating and  
19 swallowing;

20 (n) application of physical agent  
21 modalities and use of a range of specific therapeutic  
22 procedures such as wound care management; techniques to  
23 enhance sensory, perceptual and cognitive processing; and  
24 manual therapy techniques to enhance performance skills;

25 (o) facilitating the occupational

1 performance of groups, populations or organizations; and

2 (p) management of a client's mental  
3 health, functioning and performance; and

4 D. use of means to measure the outcomes and  
5 effects of interventions to reflect the attainment of  
6 treatment goals, including:

7 (1) improved quality of life;

8 (2) the degree of participation;

9 (3) role competence;

10 (4) well-being;

11 (5) improved life function;

12 (6) enhanced performance; and

13 (7) prevention criteria."

14 SECTION 3. Section 61-12A-5 NMSA 1978 (being Laws 1996,  
15 Chapter 55, Section 5, as amended) is amended to read:

16 "61-12A-5. SUPERVISION--REQUIRED--DEFINED.--

17 Occupational therapy shall not be performed by an  
18 occupational therapy assistant or by any person practicing on  
19 a provisional permit unless the occupational therapy is  
20 supervised by an occupational therapist. The board shall  
21 adopt rules defining supervision."

22 SECTION 4. A new section of the Occupational Therapy  
23 Act is enacted to read:

24 "APPLICABILITY TO OTHER HEALTH PROFESSIONS.--Nothing in  
25 the Occupational Therapy Act shall be construed as limiting

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the practice of other licensed and qualified health

professionals in their specific disciplines."=====