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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 and substance abuse disorders;

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

24 H. "person" means an individual, association,
25 partnership, unincorporated organization or corporate body;

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

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

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

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

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

14 "61-12A-4. OCCUPATIONAL THERAPY SERVICES.--The practice
15 of occupational therapy includes the following processes and
16 services:

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

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

1 related to movement;

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

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

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

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

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

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

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

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

24 (4) promotion of health and wellness,
25 including the use of self-management strategies to enable or

1 enhance performance in everyday life activities;

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

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

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

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

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

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

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

24 (f) care coordination, case management
25 and transition services;

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

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

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

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

14 (k) low vision rehabilitation;

15 (l) driver rehabilitation and community
16 mobility;

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

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

24 (o) facilitating the occupational
25 performance of groups, populations or organizations; and

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

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

- 6 (1) improved quality of life;
- 7 (2) the degree of participation;
- 8 (3) role competence;
- 9 (4) well-being;
- 10 (5) improved life function;
- 11 (6) enhanced performance; and
- 12 (7) prevention criteria."

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

15 "61-12A-5. SUPERVISION--REQUIRED--DEFINED.--
16 Occupational therapy shall not be performed by an
17 occupational therapy assistant or by any person practicing on
18 a provisional permit unless the occupational therapy is
19 supervised by an occupational therapist. The board shall
20 adopt rules defining supervision."

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

23 "APPLICABILITY TO OTHER HEALTH PROFESSIONS.--Nothing in
24 the Occupational Therapy Act shall be construed as limiting
25 the practice of other licensed and qualified health

