

### **319A.090 Construction of chapter.**

- (1) The provisions of this chapter shall not be construed as preventing or restricting the practices, services, or activities of:
  - (a) A person licensed in accordance with the provisions of another law of the Commonwealth from engaging in the profession or occupation for which licensed;
  - (b) A person employed as an occupational therapist or an occupational therapy assistant by the United States government, provided that person provides occupational therapy solely under the direction or control of the organization by which the person is employed;
  - (c) A person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, provided the activities and services are part of a supervised course of study and the person is designated by a title which clearly indicates the status of student or trainee and not licensed occupational therapist or occupational therapy assistant;
  - (d) A person fulfilling the supervised fieldwork experience requirements of this chapter, provided such activities and services constitute a part of the experience necessary to meet the requirements of that program;
  - (e) Any person performing occupational therapy services in the Commonwealth, if these services are performed for no more than sixty (60) days in a calendar year in association with an occupational therapist licensed under this chapter, provided that:
    1. The person is licensed under the law of another state which has licensure requirements at least as stringent as the requirements of this chapter; or
    2. The person meets the requirements for current certification as an occupational therapist or an occupational therapy assistant, as established by the National Board for Certification in Occupational Therapy or its equivalent; or
  - (f) Any person employed as an occupational therapy aide.
- (2) Occupational therapy services shall not include gait training, spinal or pelvic adjustment or manipulation, and the use of deep physical agent modalities, except as provided in KRS 319A.080.
- (3) Occupational therapy services shall also not include independent diagnostic evaluation for the determination of visually related rehabilitative treatment plans or the testing and prescription of optical, electronic, or assistive technology low-vision devices. Occupational therapists may only provide low-vision or visual therapy services, as defined in administrative regulation, under the direct supervision of an optometrist, ophthalmologist, or physician, or by written prescription from an optometrist, ophthalmologist, or physician. These services shall be provided in accordance with a written evaluation and clinical treatment plan from an optometrist, ophthalmologist, or physician. The board shall promulgate administrative regulations pursuant to this subsection in collaboration with the

Kentucky Board of Optometric Examiners.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 14, sec. 6, effective July 15, 2002. -- Created 1986 Ky. Acts ch. 78, sec. 9, effective July 15, 1986.