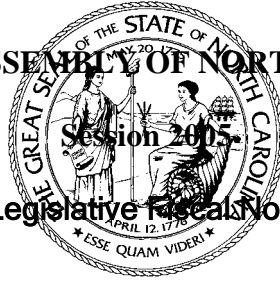


GENERAL ASSEMBLY OF NORTH CAROLINA



**BILL NUMBER:** Senate Bill 208 (Third Edition)

**SHORT TITLE:** Amend Occupational Therapy Laws/Fee.

**SPONSOR(S):** Senator Lucas

<b>FISCAL IMPACT</b>					
	Yes (X)	No ( )	No Estimate Available ( )		
	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>
<b>REVENUES:</b>					
<b>General Fund</b>	<b>No Impact – See Assumptions and Methodology</b>				
<b>NC Occupational Therapy</b>	1,125	1,125	1,125	1,125	1,125
<b>EXPENDITURES (General Fund):</b>					
<b>Judicial Branch</b>	<b>No estimate available</b>				
<b>Correction</b>	<b>No estimate available</b>				
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> North Carolina Board of Occupational Therapy; Department of Correction; Administrative Office of the Courts					
<b>EFFECTIVE DATE:</b> When law.					

**BILL SUMMARY:** Senate Bill 208 amends the North Carolina Occupational Therapy Practice Act by creating statutory revisions and modifications to the provisions regulating the practice of occupational therapy. It also amends the NC Board of Occupational Therapy’s fee schedule.

**ASSUMPTIONS AND METHODOLOGY:**

**North Carolina Board of Occupational Therapy**

The North Carolina Board of Occupational Therapy was created in 1985. Since its inception, the Board has licensed more than 6,000 occupational therapists to practice in North Carolina. There are currently about 2,200 occupational therapists working in North Carolina.

Currently a recent graduate can obtain a provisional license from the board. This provisional license applies after an applicant has completed the required course of study and necessary fieldwork, but before they take the examination. The provisional license can remain in effect for up to nine months. Sections 8 and 9 of the bill creates a new type of permit – a limited permit –

that allows an individual to practice as an occupational therapist assistant for up to 120 days or until notified of a failed examination. This replaces the provisional license.

University officials indicate that approximately 150 students each year graduate from the UNC system with a degree in occupational therapy. Some smaller portion of this amount, approximately 50-75 individuals, applies for a provisional license. The legislation sets a new fee of \$50, which will replace the old provisional license fee of \$35. Applying the \$15 increase to 75 graduates suggests potential increased revenue to the Board of \$1,125 annually.

**Judicial Branch, Department of Correction, & County Jails**

Practice of occupational therapy in North Carolina without a license, or in violation of Article 18D, Chapter 90 of the General Statutes, is a Class 1 misdemeanor. Because this bill changes the acts for which someone could be considered to be practicing without a license, it has the potential to increase Class 1 misdemeanor charges and convictions. However, we cannot determine whether any offenses would actually occur as a result of the changes. This bill:

- (1) Makes changes to the reasons for which a license can be revoked or refused, and
- (2) Expands the definition of practicing in North Carolina without a license to include, with certain exemptions, persons who reside in another state or foreign country and who, by use of electronic or other medium, perform any of the acts described as the practice of occupational therapy.

For any new charges and convictions under this bill, the courts, the Department of Correction (DOC), and county jails could incur additional costs. Each new Class 1 misdemeanor charge will cost the court system \$3,224 if settled by trial or \$284 if settled by plea. The majority of Class 1 misdemeanants (81 percent in FY 2003-04) receive non-active sentences; many of these offenders are supervised by the Division of Community Corrections (DCC) in the Department of Correction. On average, for each Class 1 conviction, DCC will incur annual costs of \$164. Offenders sentenced to less than 90 days of active time serve that time in county jails; DOC reimburses counties for offenders who serve 30 to 90 days at a rate of \$18 per day. (In 2003-04, 19 percent of Class 1 misdemeanants served active time, with an average sentence of 43 days.)

**SOURCES OF DATA:** North Carolina Board of Occupational Therapy, North Carolina Sentencing and Policy Advisory Commission, Administrative Office of the Courts

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION:** (919) 733-4910

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**APPROVED BY:** James D. Johnson, Director  
Fiscal Research Division



**DATE:** August 11, 2005

**Signed Copy Located in the NCGA Principal Clerk's Offices**