MISSISSIPPI LEGISLATURE

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 1224

AN ACT TO AMEND SECTION 73-24-3, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN DEFINITIONS IN THE MISSISSIPPI OCCUPATIONAL THERAPY PRACTICE ACT; TO AMEND SECTION 73-24-7, MISSISSIPPI CODE OF 1972, TO CLARIFY PROFESSIONAL DESIGNATIONS OR TITLES PROTECTED BY THE LICENSURE ACT, TO CLARIFY THAT SERVICES REPRESENTED AS OCCUPATIONAL THERAPY SHALL BE PROVIDED BY A LICENSED PERSON, TO PRESCRIBE THE CRIMINAL PENALTY FOR EACH VIOLATION OF THE LICENSURE ACT AND TO PRESCRIBE A PENALTY FOR MAKING A MATERIAL FALSE STATEMENT UNDER THE ACT; TO AMEND SECTION 73-24-9, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE PERIOD OF TIME INDIVIDUALS NOT LICENSED IN MISSISSIPPI MAY PRACTICE UNDER THE SUPERVISION OF A LICENSEE; TO AMEND SECTION 73-24-11, MISSISSIPPI CODE OF 1972, TO CLARIFY APPOINTMENTS TO THE ADVISORY COUNCIL IN OCCUPATIONAL THERAPY AND PROVIDE FOR EXECUTIVE SESSIONS OF THE COUNCIL; TO AMEND SECTION 73-24-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THE STATE BOARD OF HEALTH WITH CERTAIN AUTHORITY IN THE INVESTIGATION OF COMPLAINTS UNDER THE PRACTICE ACT; TO AMEND SECTION 73-24-17, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE BOARD OF HEALTH TO PUBLISH NAMES OF PERSONS WHOSE LICENSES HAVE BEEN DISCIPLINED UNDER THE ACT; TO AMEND SECTION 73-24-19, MISSISSIPPI CODE OF 1972, TO CLARIFY EDUCATIONAL QUALIFICATIONS FOR LICENSURE UNDER THE ACT; TO AMEND SECTION 73-24-21, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN AUTHORITY OF THE STATE BOARD OF HEALTH TO WAIVE LICENSING REQUIREMENTS; TO AMEND SECTION 73-24-23, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 73-24-25, MISSISSIPPI CODE OF 1972, TO REVISE PROCEDURES FOR DISCIPLINARY HEARINGS OF LICENSEES BY THE STATE BOARD OF HEALTH, COMPLAINTS FOR VIOLATIONS, STIPULATIONS OF ORDERS, APPEALS AND JUDICIAL REVIEW OF ORDERS, AND TO AUTHORIZE THE BOARD TO IMPOSE DISCIPLINARY SANCTIONS INCLUDING FINES; TO CODIFY SECTION 73-24-24, MISSISSIPPI CODE OF 1972, TO PROVIDE GROUNDS FOR DISCIPLINARY ACTION AGAINST LICENSEES AND TO REQUIRE LICENSEES TO SUBMIT TO PHYSICAL OR MENTAL EXAMINATIONS UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-24-3, Mississippi Code of 1972, is amended as follows:

73-24-3. The following words and phrases shall have the following meanings, unless the context requires otherwise:
(a) "Association" shall mean the Mississippi Occupational Therapy Association.
(b) "Board" shall mean the Mississippi State Board of Health.
(c) "Occupational therapy" means the therapeutic use of purposeful and meaningful (goal-directed) activities and/or exercises to evaluate and treat an individual who has, or is at risk for, a disease or disorder, impairment, activity limitation or participation restriction which interferes with his ability to function independently in daily life roles and to promote health and wellness across his lifespan.
(d) "Occupational therapy intervention" includes:
   (i) Remediation or restoration of performance abilities that are limited due to impairment in biological, physiological, psychological or neurological processes;
   (ii) Adaptation of task, process or the environment, or the teaching of compensatory techniques in order to enhance functional performance;
   (iii) Disability prevention methods and techniques which facilitate the development or safe application of functional performance skills; or
   (iv) Health promotion strategies and practices which enhance functional performance abilities.
(e) "Occupational therapy service" includes, but is not limited to:
   (i) Evaluating, developing, improving, sustaining or restoring skill in activities of daily living (ADLS), work or productive activities, including instrumental activities of daily living (IADLS), play and leisure activities;
   (ii) Evaluating, developing, remediating or restoring physical, sensorimotor, cognitive or psychosocial components of performance;
(iii) Designing, fabricating, applying or training in the use of assistive technology or orthotic devices, and training in the use of prosthetic devices;

(iv) Adaptation of environments and processes, including the application of ergonomic principles, to enhance functional performance and safety in daily life roles;

(v) Application of physical agent modalities as an adjunct to or in preparation for engagement in an occupation or functional activity;

(vi) Evaluating and providing intervention in collaboration with the client, family, caregiver or other person responsible for the client;

(vii) Educating the client, family, caregiver or others in carrying out appropriate nonskilled interventions;

(viii) Consulting with groups, programs, organizations or communities to provide population-based services;

or

(ix) Participation in administration, education and research, including both clinical and academic environments.

(f) "Occupational therapist" means a person licensed to practice occupational therapy as defined in this chapter, and whose license is in good standing.

(g) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision of or with the consultation of the licensed occupational therapist, and whose license is in good standing.

(h) "Occupational therapy aide" means a person not licensed in the field of occupational therapy who assists occupational therapists and occupational therapy assistants in the practice of occupational therapy, is under the direct supervision of the licensed occupational therapist or licensed occupational therapy assistant, and whose activities require an understanding of occupational therapy * * *.
(i) "Person" means any individual, partnership, unincorporated organization or corporate body, except that only an individual may be licensed under this chapter.

(j) "Council" means the Mississippi Advisory Council in Occupational Therapy.

SECTION 2. Section 73-24-7, Mississippi Code of 1972, is amended as follows:

73-24-7. (1) It is unlawful for any person who is not licensed under this chapter as an occupational therapist or as an occupational therapy assistant, or whose license has been suspended or revoked, to:

(a) In any manner represent himself as someone who provides occupational therapy services, or use in connection with his name or place of business the words "occupational therapist," "licensed occupational therapy assistant" or any other words, letters, abbreviations or insignia indicating or implying that he is an occupational therapist or an occupational therapy assistant or that he provides occupational therapy services; or

(b) To show in any way, orally, in writing, in print or by sign, directly or by implication, or to represent himself as an occupational therapist or an occupational therapy assistant or someone who provides occupational therapy services.

(2) Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor and shall be fined not more than One Thousand Dollars ($1,000.00) for each violation.

(3) Any person who knowingly shall make a material false statement in his application for license under this chapter or in response to any inquiry by the department or the board shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) or imprisoned for not less than ten
(10) days nor more than sixty (60) days, or both such fine and
imprisonment.

SECTION 3. Section 73-24-9, Mississippi Code of 1972, is
amended as follows:

73-24-9. Nothing in this chapter shall be construed as
preventing or restricting the practice, services or activities of:

(a) Any person, licensed in this state by any other
law, from engaging in the profession or occupation for which he or
she is licensed;

(b) Any person who is employed as an occupational
therapist or occupational therapy assistant by the United States
Armed Services, the United States Public Health Service, the
Veteran's Administration or other federal agencies, if such person
provides occupational therapy solely under the direction or
control of the organization by which he is employed;

(c) Any person pursuing a course of study leading to a
degree or certificate in occupational therapy in an accredited,
recognized or approved educational program, or advanced training
in a specialty area, if such activities and services constitute a
part of the supervised course of study, and if such person is
designated by a title which clearly indicates his status as a
trainee or student;

(d) Any person fulfilling the supervised fieldwork
experience requirements of Section 73-24-19, if such activities
and services constitute a part of the experience necessary to meet
the requirements of that section;

(e) Any person employed as an occupational therapy aide
or who works under the supervision of a licensed occupational
therapist; or

(f) Any person performing occupational therapy services
in the state, if these services are performed for no more than
thirty (30) days in a calendar year under the supervision of an
occupational therapist licensed under this chapter, if:
(i) 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
(ii) The person is certified as an Occupational Therapist Registered (OTR) or a Certified Occupational Therapy Assistant (COTA), established by the National Board for Certification in Occupational Therapy, Inc. (NBCOT), or its successor organization;

(g) Any person certified by the American Board of Certification in Orthotics and Prosthetics as a Certified Orthotist, C.O., Certified Prosthetist, C.P., Certified Prosthetist/Orthotist, C.P.O., or anyone working under their direct supervision.

SECTION 4. Section 73-24-11, Mississippi Code of 1972, is amended as follows:

73-24-11. (1) There is hereby established the Mississippi Advisory Council in Occupational Therapy under the jurisdiction of the State Board of Health.

(2) The council shall consist of five (5) members appointed by the board, four (4) of whom shall be appointed from a list of names submitted by the Mississippi Occupational Therapy Association, all of whom shall be residents of this state * * *

The persons appointed from the list submitted by the association shall have been engaged in rendering occupational therapy services to the public, teaching or research in occupational therapy at least four (4) years immediately preceding their appointment. At least three (3) members shall be occupational therapists and one (1) member shall be either an occupational therapist or an occupational therapy assistant. These members shall at all times be holders of valid licenses for the practice of occupational therapy in this state, except for the members of the first council, who shall fulfill licensure requirements of this chapter.

The remaining member shall be a member of another health
profession or member of the public with an interest in the rights
of the consumers of health services.

(3) * * * Appointments made thereafter shall be for terms of
three (3) years, with no person being eligible to serve more than
two (2) full consecutive terms. Terms shall begin on the first
day of the calendar year and end on the last day of the calendar
year or until successors are appointed, except for the first
appointed members, who shall serve through the last calendar day
of the year in which they are appointed before commencing the term
prescribed by this section.

(4) * * * In the event of a vacancy in one (1) of the
positions the association may recommend, as soon as practical, at
least two (2) and not more than three (3) persons to fill that
vacancy. The board shall appoint, as soon as practical, one (1)
of these persons who shall fill the unexpired term. If the
association does not provide a recommendation, the board shall
appoint a person to the unexpired term.

(5) The council shall meet during the first month of each
calendar year to select a chairperson and for other appropriate
reasons. Further meetings may be convened at the call of the
chairperson, or the written request of any two (2) members of the
council. Three (3) members of the council shall constitute a
quorum for all purposes. All meetings of the council shall be
open to the public, except that the council may hold executive
sessions under the Mississippi Open Meetings Law, Section 25-41-1
et seq., Mississippi Code of 1972 * * *.

SECTION 5. Section 73-24-13, Mississippi Code of 1972, is
amended as follows:

73-24-13. (1) The board shall administer, coordinate and
enforce the provisions of this chapter, evaluate the
qualifications, and approve the examinations for licensure under
this chapter, and may issue subpoenas, examine witnesses and
administer oaths * * *.

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(2) The board shall adopt such rules and regulations, not inconsistent with the laws of this state, as may be necessary to effectuate the provisions of this chapter, the practice of occupational therapy in this state, and may amend or repeal the same as may be necessary for such purposes, with the advice of the council. Such rules and regulations shall be adopted in accordance with the provisions of Section 25-43-1 et seq., Mississippi Code of 1972.

(3) The board shall conduct hearings and keep such records and minutes as are necessary to carry out its functions. It shall provide reasonable public notice to the appropriate persons as to the time and place of all hearings authorized under this chapter in such a manner and at such times as it may determine by the board’s rules and regulations.

(4) The board shall investigate alleged or suspected violations of the provisions of this chapter or other laws of this state pertaining to occupational therapy and any rules and regulations adopted by the board; for this purpose, any authorized agents of the department shall have the power and right to enter and make reasonable inspections of any place where occupational therapy is practiced, and may inspect and/or copy any records pertaining to clients or the practice of occupational therapy under this chapter.

(5) The conferral or enumeration of specific powers elsewhere in this chapter shall be construed as a limitation of the general functions by this section.

SECTION 6. Section 73-24-17, Mississippi Code of 1972, is amended as follows:

73-24-17. (1) The board shall issue licenses and notices of renewal, revocation, suspension or reinstatement, and shall publish annually the names of persons licensed under this chapter and the names of the persons whose licenses have been subjected to disciplinary action under this chapter.
(2) The board shall publish and disseminate to all licensees, in an appropriate manner, the license standards prescribed by this chapter, any amendments thereto, and such rules and regulations as the board may adopt under the authority of Section 73-24-13 within sixty (60) days of their adoption.

SECTION 7. Section 73-24-19, Mississippi Code of 1972, is amended as follows:

73-24-19. (1) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board that he meets the following requirements:

(a) Is of good moral character;

(b) Has been awarded a degree from an education program in occupational therapy recognized by the board, with a concentration of instruction in basic human sciences, the human development process, occupational tasks and activities, the health-illness-health continuum, and occupational therapy theory and practice:

(i) For an occupational therapist, such program shall be accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association or the board-recognized accrediting body;

(ii) For an occupational therapy assistant, such a program shall be accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association or the board-recognized accrediting body;

(c) Has successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where he or she met the academic requirements:
(i) For an occupational therapist, the required supervised fieldwork experience shall meet current national standards that are published annually by the board;

(ii) For an occupational therapy assistant, the required supervised fieldwork experience shall meet national standards that are published annually by the board.

(2) The board shall approve an examination for occupational therapists and an examination for occupational therapy assistants that will be used as the examination for licensure.

(3) Any person applying for licensure shall, in addition to demonstrating his eligibility in accordance with the requirements of this section, make application to the board for review of proof of his eligibility for certification by the National Board for Certification in Occupational Therapy, Inc. (NBCOT), or its successor organization, on a form and in such a manner as the board shall prescribe. The application shall be accompanied by the fee fixed in accordance with the provisions of Section 73-24-29. The board shall establish standards for acceptable performance on the examination. A person who fails an examination may apply for reexamination upon payment of the prescribed fee.

(4) Applicants for licensure shall be examined at a time and place and under such supervision as the board may require. The board shall give reasonable public notice of these examinations in accordance with its rules and regulations.

(5) An applicant may be licensed as an occupational therapist if he or she: (a) has practiced as an occupational therapy assistant for four (4) years, (b) has completed the requirements of a period of six (6) months of supervised fieldwork experience at a recognized educational institution or a training program approved by a recognized accredited educational institution before January 1, 1988, and (c) has passed the examination for occupational therapists.
(6) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 8. Section 73-24-21, Mississippi Code of 1972, is amended as follows:

73-24-21. (1) The board shall grant a license to any person certified prior to the effective date of this chapter as an Occupational Therapist Registered (OTR) or a Certified Occupational Therapy Assistant (COTA) by the American Occupational Therapy Association (AOTA). The board may waive the examination, education or experience requirements and grant a license to any person certified by AOTA after the effective date of this chapter if the board determines the requirements for such certification are equivalent to the requirements for licensure in this chapter.

(2) The board may waive the examination, education or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this chapter.

(3) Foreign trained occupational therapists and occupational therapy assistants shall satisfy the examination requirements of Section 73-24-19. The board shall require foreign trained applicants to furnish proof of good moral character and completion of educational and supervised fieldwork requirements substantially equal to those contained in Section 73-24-19 before taking the examination.

* * *

SECTION 9. Section 73-24-23, Mississippi Code of 1972, is amended as follows:
73-24-23. (1) The board shall issue a license to any person who meets the requirements of this chapter and upon payment of the license fee.

(2) The board shall issue a limited permit to persons who have completed the education and experience requirements of this chapter upon payment of the limited permit fee. This permit shall allow the person to practice occupational therapy or assist in the practice of occupational therapy, as the case may be, under the supervision of an occupational therapist who holds a current license in this state and shall be valid until the date on which the results of the next qualifying examination have been made public. The limited permit can be renewed one (1) time if the applicant has failed the examination.

(3) Any person who is issued a license as an occupational therapist under this chapter may use the words "licensed occupational therapist," "occupational therapist licensed," "occupational therapist * * *," or he may use the letters * * *
"L.O.T.,” "O.T.L." or "O.T." in connection with his or her name or place of business to denote licensure under this chapter.

(4) Any person who is issued a license as an occupational therapy assistant under this chapter may use the words "occupational therapy assistant," "licensed occupational therapy assistant" or "occupational therapy assistant licensed," or may use the letters "O.T.A.,” "L.O.T.A." or "O.T.A.L.,” in connection with his name or place of business to denote licensure under this chapter.

SECTION 10. The following shall be codified as Section 73-24-24, Mississippi Code of 1972:

73-24-24. (1) Licensees subject to this chapter shall conduct their activities, services and practice in accordance with this chapter and any rules promulgated pursuant hereto. Licenses may be subject to the exercise of the disciplinary sanction

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enumerated in Section 73-24-25 if the board finds that a licensee is guilty of any of the following:

(a) Negligence in the practice or performance of professional services or activities;

(b) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in the course of professional services or activities;

(c) Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same;

(d) Being convicted of any crime which has a substantial relationship to the licensee's activities and services or an essential element of which is misstatement, fraud or dishonesty;

(e) Being convicted of any crime which is a felony under the laws of this state or the United States;

(f) Engaging in or permitting the performance of unacceptable services personally or by others working under the licensee's supervision due to the licensee's deliberate or negligent act or acts or failure to act, regardless of whether actual damage or damages to the public is established;

(g) Continued practice although the licensee has become unfit to practice as an occupational therapist or occupational therapist assistant due to: (i) failure to keep abreast of current professional theory or practice; or (ii) physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or (iii) addition or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice;
(h) Having disciplinary action taken against the licensee's license in another state;

(i) Making differential, detrimental treatment against any person because of race, color, creed, sex, religion or national origin;

(j) Engaging in lewd conduct in connection with professional services or activities;

(k) Engaging in false or misleading advertising;

(l) Contracting, assisting or permitting unlicensed persons to perform services for which a license is required under this chapter;

(m) Violation of any probation requirements placed on a license by the board;

(n) Revealing confidential information except as may be required by law;

(o) Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee;

(p) Charging excessive or unreasonable fees or engaging in unreasonable collection practices;

(q) For treating or attempting to treat ailments or other health conditions of human beings other than by occupational therapy as authorized by this chapter;

(r) For practice or activities considered to be unprofessional conduct as defined by the rules and regulations;

(s) Violations of the current codes of conduct for occupational therapists and occupational therapy assistants adopted by the American Occupational Therapy Association;

(t) Violations of any rules or regulations promulgated pursuant to this chapter.

(2) The board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or
mental capacity to practice safely is at issue in a disciplinary proceeding.

(3) Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Section 73-24-25.

SECTION 11. Section 73-24-25, Mississippi Code of 1972, is amended as follows:

73-24-25. (1) Any person whose application for a license is denied shall be entitled to a hearing before the board if he submits a written request to the board. Such hearing shall be conducted at the earliest possible date. A subcommittee of the council shall attend and may offer relevant evidence at any such hearing. The board shall fix a time and place for the hearing and shall cause a written copy of the reason for denial of the license, together with a notice of the time and place fixed for the hearing, to be served on the applicant requesting the hearing and shall serve notice of such hearing on the council. Service of and notice of the hearing may be given by United States certified mail, return receipt requested, to the last known address of the licensee or applicant. For purposes of the hearing, the board, acting by and through the Executive Director of the State Board of Health, shall have the power to subpoena persons and compel the production of records, papers and other documents.

(2) (a) All complaints concerning a licensee's business or professional practice shall be received by the board. Each complaint received shall be registered, recording at a minimum the following information: (i) licensee's name; (ii) name of the complaining party, if known; (iii) date of complaint; (iv) brief statement of complaint; and (v) disposition.

(b) Following the investigative process, the board may file formal charges against the licensee. Such formal complaint, at a minimum, shall inform the licensee of the facts which are the
basis of the charge and which are specific enough to enable the
licensee to defend against the charges.

(c) Each licensee whose conduct is the subject of a
formal charge which seeks to impose disciplinary action against
the licensee shall be served notice of the formal charge at least
thirty (30) days before the date of the hearing, which hearing
shall be presided over by the board or the board's designee.

Service shall be considered to have been given if the notice was
personally received by the licensee or if the notice was sent by
United States certified mail, return receipt requested, to the
licensee at the licensee's last known address as listed with the
state agency.

(d) The notice of the formal charge shall consist, at a
minimum, of the following information:

(i) The time, place and date of the hearing;

(ii) Notification that the licensee shall appear
personally at the hearing and may be represented by counsel;

(iii) Notification that the licensee shall have
the right to produce witnesses and evidence in his behalf and
shall have the right to cross-examine adverse witnesses and
evidence;

(iv) Notification that the hearing could result in
disciplinary action being taken against the licensee;

(v) Notification that rules for the conduct of the
hearing exist, and it may be in the licensee's best interest to
obtain a copy;

(vi) Notification that the board or its designee
shall preside at the hearing, and following the conclusion of the
hearing, shall make findings of facts, conclusions of law and
recommendations, separately stated, to the board as to what
disciplinary action, if any, should be imposed on the licensee;

(vii) The board or its designee shall hear
evidence produced in support of the formal charges and contrary
evidence produced by the licensee. At the conclusion of the hearing, the board shall issue an order; and

(viii) All proceedings under this section are matters of public record and shall be preserved in accordance with state law.

(3) In addition to other remedies provided by law or in equity, any applicant or licensee aggrieved by any action of the board may appeal the action of the board to the chancery court of the county of his residence if he be a resident of this state, or to the Chancery Court of the First Judicial District of Hinds County, Mississippi, if he be a nonresident of this state. An appeal shall be filed within thirty (30) days immediately following the mailing or delivery to the applicant or licensee of a copy of the order of judgment of the board, unless the court, for good cause shown, extends the time. The court after a hearing may modify, affirm or reverse the judgment of the board or may remand the case to the board for further proceedings. An appeal from the chancery court may be had to the Supreme Court of the State of Mississippi as provided by law for any final judgment of the chancery court. If the board appeals a judgment of the chancery court, no bond shall be required of it in order to perfect its appeal.

(4) The board may impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any such offense:

(a) Revoke the license;

(b) Suspend the license, for any period of time;

(c) Censure the licensee;

(d) Impose a monetary penalty of not more than Two Hundred Dollars ($200.00);

(e) Place a licensee on probationary status and requiring the licensee to submit to any of the following: (i)
are the basis of probation; (ii) continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or (iii) such other reasonable requirement or restrictions as the board deems proper;

(f) Refuse to renew a license; or

(g) Revoke probation which has been granted and impose any other disciplinary action under this subsection when the requirements of probation have not been fulfilled or have been violated.

(5) The board summarily may suspend a license under this chapter without the filing of a formal complaint, notice or a hearing, if the board finds that the continued practice in the profession by the licensee would constitute an immediate danger to the public. If the board summarily suspends a license under the provisions of this subsection a hearing must be held within twenty (20) days after suspension begins, unless the hearing date is continued at the request of the licensee.

(6) Disposition of any formal complaint may be made by consent order or stipulation between the board and the licensee.

(7) The board may reinstate any licensee to good standing under this chapter if, after hearing, the board is satisfied that the applicant's renewed practice is in the public interest.

(8) The board may seek the counsel of the Occupational Therapy Advisory Council regarding disciplinary actions.

(9) The board shall seek to achieve consistency in the application of the foregoing sanctions, and significant departure from prior decisions involving similar conduct shall be explained by the board.

(10) In addition, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an
order for support, and the procedure for reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 12. This act shall take effect and be in force from and after July 1, 2001.