

ARTICLE 20:64

OCCUPATIONAL THERAPISTS

Chapter

20:64:01	Definitions
20:64:02	Licensure requirements
20:64:03	Supervision
20:64:01	Continuing competency

CHAPTER 20:64:01

DEFINITIONS

Section

20:64:01:01 Definitions

20:64:0101 Definitions. Words defined in SDCL 36-31 have the same meaning when used in this article. In addition, terms used in this article mean:

“Applicant,” a person applying to the board for any purpose relating to that person’s licensure by the board;

“Direct supervision,” the physical presence of an occupational therapist or occupational therapy assistant in the immediate room when remediative tasks are being performed by an occupational therapy aide;

“Supervision,” the physical presence of an occupational therapist on the premises where a patient is being cared for by an occupational therapy assistant.

Source:

General Authority: SDCL 36-31-13

Law Implemented: SDCL 36-31-1, 36-31-4, 36-31-5, 36-31-6, 36-31-14

CHAPTER 20:64:02

LICENSURE REQUIREMENTS

Section

20:64:02:01	Examination
20:64:02:02	Application for licensure by reciprocity
20:64:02:03	Limited permit
20:64:02:04	Renewal of license
20:64:02:05	Fees

20:64:02:01 Examination. The examination approved by the board is the certification examination of the American Occupational Therapy Association.

Source:

General Authority: SDCL 36-31-13

Law Implemented: SDCL 36-31-6

20:64:02:02 Application for licensure by reciprocity. An applicant for licensure by reciprocity as provided in SDCL 36-31-/- must file an application with the board on forms provided by the board. The applicant must submit a certified copy of his current valid license from another state, the District of Columbia, or territory of the United States, together with a copy of his application for licensure in that state, district, or territory.

Source:

General Authority: SDCL 36-31-13

Law Implemented: SDCL 36-31-8

20:64:02:03 Limited permit. An applicant for a limited permit to practice occupational therapy must file an application with the board on forms provided by the board and must submit written evidence that the applicant has completed the education and experience requirements of SDCL 36-31 and is scheduled to write the next certification examination of the American Occupational Therapy Association. The fee for a limited permit prescribed by §20:64:02:05 must be filed with the application. If the holder of a limited permit is notified by the board that he has failed the examination, the permit is invalid on the date the notice is received by the holder, and the holder must immediately return the permit to the board. An application for a one-time renewal of the limited permit shall be submitted to the board on forms provided by the board together with the prescribed limited permit fee and evidence that the applicant is scheduled to write the next certification examination of the American Occupational Therapy Association. The holder of a limited permit shall maintain on file with the board a current statement providing the name and address of any person or institution that employs the holder during the period the permit remains in force.

Source:

General Authority: SDCL 36-31-13

Law Implemented: SDCL 36-31-5

20:64:02:04 Renewal of license. A notice for renewal of license shall be sent by the board to the last known address of each current licensee prior to the date of expiration of the license as provided by SDCL 36-31-11. Failure to receive the notice for renewal of license does not relieve the licensee of the responsibility for renewing the license and paying the renewal fee on time.

Source:

General Authority: SDCL 36-31-13

Law Implemented: SDCL 36-31-11

20:64:02:05 Fees. The following fees shall be charged:

An applicant applying for the initial issuance of a license shall pay a fee of \$50;

An applicant applying for annual renewal of license shall pay a fee of \$25;

An applicant applying for renewal of license after the license has lapsed shall pay an additional fee of \$25;

An applicant applying for a limited permit shall pay a fee of \$25.

Source:

General Authority: SDCL 36-31-12

Law Implemented: SDCL 36-31-11, 36-31-12

CHAPTER 20:64:03

SUPERVISION

Section

20:64:03:01 Direct supervision of occupational therapy aide

20:64:03:02 Supervision of occupational therapy assistant

20:64:03:03 Consultation

20:64:03:01 Direct supervision of occupational therapy aide. An occupational therapy aide may only perform selected routine tasks which are neither evaluative, assessive, nor recommendative and for which he has been suitably trained. An occupational therapy aide shall be under the direct supervision of an occupational therapist or occupational therapy assistant.

Source:

General Authority: SDCL 36-31-13

Law Implemented: SDCL 36-31-1

20:64:03:02 Supervision of occupational therapy assistant. An occupational therapy assistant with less than one year of experience in his present area of practice must receive a minimum of 10 hours of supervision from an occupational therapist for each 40 work hours or 25 percent of the total scheduled work hours. An occupational therapy assistant with more than one year of experience in his present area of practice must receive a minimum of four hours of supervision from an occupational therapist for each 40 work hours or 10 percent of the total scheduled work hours. The supervising occupational therapist shall evaluate each patient with input from the occupational therapy assistant as appropriate, prepare a written treatment plan outlining the tasks and responsibilities that may be performed by the occupational therapy assistant, monitor patient progress and re-evaluate the treatment plan, and determine the termination of

treatment. The frequency and manner of supervision is determined by the supervising licensed occupational therapist based on the condition of the patient or client, the proficiencies of the occupational therapy assistant, and the complexity of the therapy method. If the supervision agreement is terminated, the occupational therapy assistant must notify the board in writing within 15 days of such termination. In addition, the supervising occupational therapist must also notify the board in writing within 15 days in the supervision agreement is terminated.

Source:

General Authority: SDCL 36-31-13

Law Implemented: SDCL 36-31-1

20:64:03:03 Consultation. Consultation, as used in SDCL 36-31-1(4), means periodic, on-site meetings to review cases and to provide recommendations or resource information, or both, regarding delivery of occupational therapy services to patients or clients.

Source:

General Authority: SDCL 36-31-13

Law Implemented: SDCL 36-31-1

CHAPTER 20:64:04

CONTINUING COMPETENCY

Section

- 20:64:04:01 Continuing competency requirements
- 20:64:04:02 Activities for continuing competency requirements
- 20:64:04:03 Reporting completion of continuing competency requirements
- 20:64:04:04 Waiver of continuing competency requirements

20:64:04:01 Continuing competency requirements. To qualify for renewal of a license upon its expiration as prescribed in SDCL 36-31-11, an applicant for renewal must complete 12 continuing competency points in a one-year period in professional education activities updating competency in occupational therapy and practice.

Source:

General Authority: SDCL 36-31-13

Law Implemented: SDCL 36-31-11

20:64:04:02 Activities for continuing competency requirements. The following activities qualify for credit toward completion of continuing competency points:

Attendance at workshops, seminars, conferences, or in-service education programs relating to the practice of occupational therapy. A certificate of completion is evidence of attendance. One point shall be credited for each hour of attendance;

Presentation to health or education professionals of a workshop, seminar, or in-service education program. The presentation must relate to the practice of occupational therapy and must be at least two hours in length. A program outline is evidence of participation. One point should be credited for each hour of presentation. A maximum of six points may be credited for this activity;

Publication in professional journals or other nationally recognized publications or books or chapters in books. The publisher's manuscript acknowledgment is evidence of publication. Six points shall be credited for each publication;

Completion of an undergraduate or graduate course at a college or university that is accredited by an accrediting agency recognized by the council on postsecondary education and the United States department of education in 50 Fed Register 40213 to 40217, inclusive (October 2, 1985), 50 Fed Register 41933 (October 16, 1985), and 51 Fed Register 44940 (December 15, 1986). The course must be related to the applicant's professional skills and knowledge of the practice of occupational therapy. A transcript from the college or university is evidence of completion of the course. Six points shall be credited for each course completed.

Source:

_____ General Authority: SDCL 36-31-13

_____ Law Implemented: SDCL 36-31-11

20:64:04:03 Reporting completion of continuing competency requirements. The evidence of completing continuing competency points must be submitted with a report form provided by the board within 30 days after completion of the activity. If the activity does not qualify for all or a portion of the points to be credited for the activity pursuant to §20:64:04:02, the board shall inform the applicant in writing within 30 days after receipt of the report.

Source:

_____ General Authority: SDCL 36-31-13

_____ Law Implemented: SDCL 36-31-11

20:64:04:04 Waiver of continuing competency requirements. The board may excuse an applicant from the annual continuing competency requirements if the applicant submits an affidavit to the board that he was prevented from completing the requirements because of illness or undue hardship.

Source:

_____ General Authority: SDCL 36-31-13

_____ Law Implemented: SDCL 36-31-11

CHAPTER 36-31

OCCUPATIONAL THERAPISTS

Section

Definition of terms.

Occupational therapy committee established – Meetings – Nominations by occupational therapy association – Terms – Qualifications – Vacancies.

Practice or representation as occupational therapist by unlicensed person as misdemeanor.

Certain activities not proscribed or restricted.

Limited permit – Duration – Renewal.

Application for licensure – Requirements.

Waiver of education requirements.

Additional waiver provisions.

Requirements for foreign-trained occupational therapists or assistants.

Issuance of license upon payment of fee.

Expiration of license – Renewal – Fee – Restoration of forfeited license – Time limit – Continuing competency requirements.

Setting of fees

Promulgation of rules

Grounds for revocation, suspension or cancellation of license.

Initiation of license cancellation, revocation or suspension proceedings.

Majority of board members to be present at license cancellation, revocation, suspension or reissuance proceedings – When majority vote required.

Applicability of chapter 1-26.

Appeal from decision of board.

When license may be reissued or reinstated – Provision for automatic reinstatement.

Maintenance or record book – Admissibility of records and licenses in evidence – Copies of records to be furnished on request – Fee.

Additional duties of board – Criminal prosecutions – Civil Actions.

Investigation and report of violations.

Action for injunction – Injunction as alternative to criminal proceedings – Election.

Violation of chapter as misdemeanor.

Limit on board expenditures.

36-31-1 Definition of terms. Terms used in this chapter mean:

“Association,” the South Dakota occupational therapy association;

“Board of examiners,” the South Dakota state board of medical and osteopathic examiners;

“Occupational therapists,” any person licensed to practice occupational therapy as defined in this chapter and whose license is in good standing;

“Occupational therapy,” the evaluation, planning and implementation of a program of purposeful activities to develop or maintain adaptive skills necessary to achieve the maximal physical and mental functioning of the individual in his daily pursuits. The practice of “occupational therapy” includes, but is not limited to, consultation, evaluation and treatment of individuals whose abilities to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, learning disabilities, poverty and cultural differences, physical injury or disease, psychological and social disabilities

or anticipated dysfunction. Occupational therapy services include such treatment techniques as task-oriented activities to prevent or correct physical or emotional deficits or to minimize the disabling effect of these deficits in the life of the individual; such evaluation techniques as assessment of sensory integration and motor abilities, assessment of development of self-care and feeding, activities and capacity for independence, assessment of the physical capacity for prevocational and work tasks, assessment of play and leisure performance, and appraisal of living areas for the handicapped; and specific occupational therapy techniques such as activities of daily living skills, designing, fabricating or applying selected orthotic devices or selecting adaptive equipment, sensory integration and motor activities, the use of specifically designed manual and creative activities, specific exercises to enhance functional performance and treatment techniques for physical capabilities for work activities. Such techniques are applied in the treatment of individual patients or clients, in groups, or through social systems;

“Occupational therapy aide,” any person who assists in the practice of occupational therapy under the direct supervision of an occupational therapist or occupational therapy assistant;

“Occupational therapy assistant,” any person licenses to assist in the practice of occupational therapy, under the supervision of or with the consultation of a licenses occupational therapist and whose license is in good standing;

“Occupational therapy committee,” the committee provided for in this chapter.

Occupational therapy committee established – Meetings – Nominations

by occupational therapy association – Terms – Qualifications – Vacancies. There is hereby established an occupational therapy committee consisting of three registered occupational therapists or two registered occupational therapists and one certified occupational therapy assistant, who shall assist the board of examiners in approving qualifications of persons applying for a license to practice occupational therapy in South Dakota, or the promulgation of rules pertaining to occupational therapy, including guidelines for continuing competency.

Committee appointments shall be made within six months of July 1, 1986. The committee shall meet a minimum of two times per year. The South Dakota occupational therapy association may at a regular or special meeting held within six months prior to the existence of any vacancy on the committee, nominate two persons for each vacancy on the committee. All persons appointed to such board after the first members shall serve for a period of three years. The board of examiners may select from the list of nominees presented to it, as certified by the secretary of the association, persons to serve on such committee. Any person nominated to serve on such committee shall have the following qualifications:

They shall be residents of South Dakota;

They shall be licensed to practice occupational therapy in South Dakota;

They shall have practiced a minimum of three years.

If any vacancy arises on such committee by reason of death, retirement, removal from this state, or otherwise of any member serving on such committee, such vacancy shall be filled in the same manner as original appointments thereto are made and the term of the member chosen to fill a vacancy shall be for the remainder of the unexpired term of the committee member he is replacing.

36-31-3. Practice or representation as occupational therapist by unlicensed person as misdemeanor. It is a Class 2 misdemeanor for any person to practice occupational therapy or represent himself as an occupational therapist or use in connection with his name the words or letters “OTR”; “OTR/L”; “Occupational Therapist, Registered”; “Occupational Therapist, Registered/Licensed”; “Certified Occupational Therapy Assistant”; “COTA”; “COTA/L”; “Certified Occupational Therapy Assistant/Licensed”; or any other letters, words or insignia indicating or implying that he is an occupational therapist or occupational therapy assistant, or as being able to practice occupational therapy, or to render occupational therapy services in this state unless he is licensed under the provisions of this chapter.

36-31-4. Certain activities not proscribed or restricted. Nothing in this chapter may be construed as preventing or restricting the practice, services or activities of:

Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed; or
Any person employed as a occupational therapist or occupational therapy assistant by the government of the United States or any agency of it, if such person provides occupational therapy solely under the direction or control of the organization by which he is employed; or
Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, if the person is designated by a title which clearly indicates his status as a student or trainee; or
Any person fulfilling the supervised fieldwork experience requirements of §36- 31-6(4), if the experience constitutes a part of the experience necessary to meet the requirement of that section; or
Any person employed as an occupational therapy aide; or
Any person performing occupational therapy services in the state if these services are performed for no more than ten days in a calendar year in association with an occupational therapist licensed under this chapter, if:
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
The person meets the requirements for certification as an occupational therapist, registered or a certified occupational therapy assistant, established by the American occupational therapy association; or
Any person when providing therapy as related services as defined in a student's individualized educational plan, the therapy shall not be an activity which supplants or duplicates the educational instruction program provided by the teaching profession.

Limited permit - - Duration - - Renewal. The board may grant a limited permit to any person who has completed the education and experience requirements of this chapter. This permit allows the person to practice occupational therapy under supervision of or in consultation with a licensed occupational therapist. This permit is valid until the person is issued a license under § 36-31-10, or until the results of the exam taken by the person are

available to the board. This limited permit may be renewed one time if the person has failed the examination.

36-31-6. Application for licensure – Requirements. Any applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application provided by the board, showing to the satisfaction of the board that he meets the following requirements.

Residence: Applicant need not be a resident of this state;

Character: Applicant shall be of good moral character;

Education: Applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the board.

The occupational therapy educational program shall be accredited by the committee on allied health education and accreditation/American Medical Association in collaboration with the American Occupational Therapy Association;

The occupational therapy assistant educational program shall be approved by the American Occupational Therapy Association.

Experience: Applicant shall submit to the board evidence of having successfully completed a period of supervised fieldwork experience arranged by the recognized educational institution where he met the academic requirements or by the nationally recognized professional association:

For an occupational therapist, a minimum of six months of supervised fieldwork experience is required;

For an occupational therapy assistant, a minimum of two months of supervised fieldwork experience is required.

Examination: An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall pass an examination approved by the board upon recommendation by the occupational therapy committee.

Waiver of education requirements. The education requirements of § 3631-6 (3) (a) are waived if the applicant:

Has practiced as an occupational therapy assistant for four years;

Has completed the requirements of § 36-31-6 (4) (a) before January 1, 1988; and

Has passed the examination for occupational therapists.

Additional waiver provisions. The board shall grant a license to any person certified prior to July 1, 1986, as an occupational therapist, registered or a certified occupational therapy assistant by the American occupational therapy association. The board may waive the examination, education or experience requirements and grant a license to any person certified by the American occupational therapy association after July 1, 1986 if the board determines the requirements for such certification are equivalent to the requirements for licensure in this chapter. 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.

Requirements for foreign-trained occupational therapists or assistants.

Any foreign-trained occupational therapist or occupational therapy assistant shall satisfy the examination requirements of § 36-31-6 (5). 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 § 36-31-6 before taking the examination.

CHAPTER 36-31

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36-31-1 Definition of terms. Terms used in this chapter mean:

“Association,” the South Dakota occupational therapy association;

“Board of examiners,” the South Dakota state board of medical and osteopathic examiners;

“Occupational therapists,” any person licensed to practice occupational therapy as defined in this chapter and whose license is in good standing;

“Occupational therapy,” the evaluation, planning and implementation of a program of purposeful activities to develop or maintain adaptive skills necessary to achieve the maximal physical and mental functioning of the individual in his daily pursuits. The practice of “occupational therapy” includes, but is not limited to, consultation, evaluation and treatment of individuals whose abilities to cope with the tasks of living are threatened or impaired by developmental deficits, the aging process, learning disabilities, poverty and cultural differences, physical injury or disease, psychological and social disabilities or anticipated dysfunction. Occupational therapy services include such treatment techniques as task-oriented activities to prevent or correct physical or emotional deficits or to minimize the disabling effect of these deficits in the life of the individual;

such evaluation techniques as assessment of sensory integration and motor abilities, assessment of development of self-care and feeding, activities and capacity for independence, assessment of the physical capacity for prevocational and work tasks, assessment of play and leisure performance, and appraisal of living areas for the handicapped; and specific occupational therapy techniques such as activities of daily living skills, designing, fabricating or applying selected orthotic devices or selecting adaptive equipment, sensory integration and motor activities, the use of specifically designed manual and creative activities, specific exercises to enhance functional performance and treatment techniques for physical capabilities for work activities. Such techniques are applied in the treatment of individual patients or clients, in groups, or through social systems;

“Occupational therapy aide,” any person who assists in the practice of occupational therapy under the direct supervision of an occupational therapist or occupational therapy assistant;

“Occupational therapy assistant,” any person licenses to assist in the practice of occupational therapy, under the supervision of or with the consultation of a licenses occupational therapist and whose license is in good standing;

“Occupational therapy committee,” the committee provided for in this chapter.

Occupational therapy committee established - Meetings - Nominations

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There is hereby established an

occupational therapy committee consisting of three registered occupational therapists or two registered occupational therapists and one certified occupational therapy assistant, who shall assist the board of examiners in approving qualifications of persons applying for a license to practice occupational therapy in South Dakota, or the promulgation of rules pertaining to occupational therapy, including guidelines for continuing competency. Committee appointments shall be made within six months of July 1, 1986. The committee shall meet a minimum of two times per year. The South Dakota occupational therapy association may at a regular or special meeting held within six months prior to the existence of any vacancy on the committee, nominate two persons for each vacancy on the committee. All persons appointed to such board after the first members shall serve for a period of three years. The board of examiners may select from the list of nominees presented to it, as certified by the secretary of the association, persons to serve on such committee. Any person nominated to serve on such committee shall have the following qualifications:

They shall be residents of South Dakota;

They shall be licensed to practice occupational therapy in South Dakota;

They shall have practiced a minimum of three years.

If any vacancy arises on such committee by reason of death, retirement, removal

from this state, or otherwise of any member serving on such committee, such vacancy shall be filled in the

same manner as original appointments thereto are made and the term of the member chosen to fill a vacancy

shall be for the remainder of the unexpired term of the committee member he is replacing.

36-31-3. Practice or representation as occupational therapist by unlicensed person as misdemeanor. It is a Class 2

misdemeanor for any person to practice occupational therapy or represent himself as an occupational therapist or use in connection with his name the words or letters "OTR"; "OTR/L"; "Occupational Therapist, Registered"; "Occupational Therapist, Registered/Licensed"; "Certified Occupational Therapy Assistant"; "COTA"; "COTA/L"; "Certified Occupational Therapy Assistant/Licensed"; or any other letters, words or insignia indicating or implying that he is an occupational therapist or occupational therapy assistant, or as being able to practice occupational therapy, or to render occupational therapy services in this state unless he is licensed under the provisions of this chapter.

Certain activities not proscribed or restricted. Nothing in this chapter may be construed as preventing or restricting

the practice, services or activities of:

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

Any person employed as a occupational therapist or occupational therapy assistant by the government of the United States or any agency of it, if such person provides occupational therapy solely under the direction or control of the organization by which he is employed; or

Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, if the person is designated by a title which clearly indicates his status as a student or trainee; or

Any person fulfilling the supervised fieldwork experience requirements of §36-31-6(4), if the experience constitutes a part of the experience necessary to meet the requirement of that section; or

Any person employed as an occupational therapy aide; or

Any person performing occupational therapy services in the state if these services are performed for no more than ten days in a calendar year in association with an occupational therapist licensed under this chapter, if:

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

The person meets the requirements for certification as an occupational therapist, registered or a certified occupational therapy assistant, established by the American occupational therapy association; or

Any person when providing therapy as related services as defined in a student's individualized educational plan, the therapy shall not be an activity which supplants or duplicates the educational instruction program provided by the teaching profession.

Limited permit - - Duration - - Renewal. The board may grant a limited permit to any person who has completed the education and experience requirements of this chapter. This permit allows the person to practice occupational therapy under supervision of or in consultation with a licensed occupational therapist. This permit is valid until the person is issued a license under § 36-31-10, or until the results of the exam taken by the person are available to the board. This limited permit may be renewed one time if the person has failed the examination.

36-31-6. Application for licensure - Requirements. Any applicant applying for a license as an occupational therapist

or as an occupational therapy assistant shall file a written application provided by the board, showing to the

satisfaction of the board that he meets the following requirements.

Residence: Applicant need not be a resident of this state;

Character: Applicant shall be of good moral character;

Education: Applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy recognized by the board.

The occupational therapy educational program shall be accredited by the committee on allied health education and accreditation/American Medical Association in collaboration with the American Occupational Therapy Association;

The occupational therapy assistant educational program shall be approved by the American Occupational Therapy Association.

Experience: Applicant shall submit to the board evidence of having successfully completed a period of supervised fieldwork experience arranged by the recognized educational institution where he met the academic requirements or by the nationally recognized professional association:

For an occupational therapist, a minimum of six months of supervised fieldwork experience is required;

For an occupational therapy assistant, a minimum of two months of supervised fieldwork experience is required.

Examination: An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall pass an examination approved by the board upon recommendation by the occupational therapy committee.

Waiver of education requirements. The education requirements of § 3631-6 (3) (a) are waived if the

applicant:

Has practiced as an occupational therapy assistant for four years;

Has completed the requirements of § 36-31-6 (4) (a) before January 1, 1988; and

Has passed the examination for occupational therapists.

Additional waiver provisions. The board shall grant a license to any person certified prior to July 1, 1986, as an occupational therapist, registered or a certified occupational therapy assistant by the American occupational therapy association. The board may waive the examination, education or experience requirements and grant a license to any person certified by the American occupational therapy association after July 1, 1986 if the board determines the requirements for such certification are equivalent to the requirements for licensure in this chapter. 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.

Requirements for foreign-trained occupational therapists or assistants. Any foreign-trained occupational therapist or occupational therapy assistant shall satisfy the examination requirements of § 36-31-6 (5). 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 § 36-31-6 before taking the examination.

36-31-10. Issuance of license upon payment of fee. The board shall issue a license to any person who meets the requirements of this chapter upon payment of the prescribed license fee.

Expiration of license -- Renewal -- Fee -- Restoration of forfeited license -- Time limit -- Continuing competency requirements. Any license issued by the board, pursuant to the provisions of this chapter, shall expire on the first day of January of the year next succeeding the issuance thereof. A license may be renewed upon the payment of a fee to be fixed annually by the board. Failure of a licensee to renew his license on or before the first day of March of each year, constitutes a forfeiture of such license. However, any person who has forfeited his license under this chapter may have it restored to him by making written application thereof and by payment of the annual renewal fee for the current year and late renewal fee. Late renewal of a license may not be granted more than five years after its expiration. The board may establish, pursuant to chapter 1-26, additional requirements for license renewal which provide evidence of continuing competency.

36-31-12. Setting of fees. The board shall prescribe and publish fees for the following pursuant to chapter 1-26:

- (1) Initial license fee;
- (2) Renewal of license fee;
- (3) Late renewal fee; and
- (4) Limited permit fee.

These fees shall be sufficient to cover the activities and responsibilities of the board but shall not exceed the sum of fifty dollars.

36-31-13. Promulgation of rules. The board may promulgate rules pertaining to licensure, fees, discipline, supervision, and continuing competency for licensed occupational therapists and licensed occupational therapy assistants. All rules made by the board pursuant to this chapter shall be adopted and amended in accordance with the provisions of chapter 1-26.

36-31-14. Grounds for revocation, suspension, or cancellation of license. The license of an occupational therapist or occupational therapy assistant may be revoked, suspended, or canceled upon any one of these grounds:

(1) The licensee is guilty of fraud in the practice of occupational therapy or fraud or deceit in his admission to the practice of occupational therapy; or

The licensee has been convicted of a felony during the past five years. The conviction of a felony is the conviction of any offense, which if committed within the State of South Dakota would constitute a felony under its laws; or

The licensee is engaged in the practice of occupational therapy under a false or assumed name and has not registered that name pursuant to chapter 37-11, or is impersonating another practitioner of a like or different name; or

The licensee is determined by a medical examiner to be addicted to the habitual use of intoxicating liquors, narcotics, or stimulants to the extent that it incapacitates him from the performance of his professional duties; or

The physical or mental condition of the licensee is determined by a medical examiner to be such as to jeopardize or endanger those who seek treatment from the licensee. A majority of the board may demand an examination of the licensee by a competent medical examiner selected by the board at the board's expense. If the licensee fails to submit to the examination, this constitutes immediate grounds for suspension of the licensee's license; or

Obtaining or attempting to obtain a license, certificate, or renewal thereof by bribery or fraudulent representation; or

Being guilty of unprofessional conduct as defined by the rules established by the board, or violating the code of ethics adopted and published by the board; or

(8) Making a false statement in connection with any application under this chapter; or

Making a false statement on any form promulgated by the board in accordance with this chapter or the rules adopted by the board; or

(10) The licensee has violated any provisions of this chapter or the rules promulgated hereunder.

Initiation of license cancellation, revocation, or suspension proceedings. A proceeding for

cancellation, revocation, or suspension of a license may be initiated if the board has written information that any person may have been guilty of any misconduct pursuant to § 36-31-14, or is guilty of gross incompetence or unprofessional or dishonorable conduct.

36-31-16. Majority of board members to be present at license cancellation, revocation, suspension, or reissuance proceedings -- When majority vote required. Any proceeding relative to the cancellation, revocation, or

suspension of a license, or relative to reissuing a license which has been canceled, revoked, or suspended shall only be held when a majority of the members of the board are present at the hearings. The decision of the board to suspend, revoke, or cancel a license requires a majority vote of all the board members.

36-31-17. Applicability of chapter 1-26. Any proceeding relative to the cancellation, revocation, or suspension of a license shall conform to the procedure set forth in chapter 1-26.

Appeal from decision of board. Any party feeling aggrieved by any acts, rulings or decisions of the board relating to refusal to grant or to cancellation, revocation, or suspension of a license may appeal pursuant to chapter 1-26.

36-31-19. When license may be reissued or reinstated -- Provision for automatic reinstatement. Upon written

application establishing compliance with existing licensing requirements and for reasons the board deems sufficient, the board, for good cause shown, by majority vote, may, under the conditions it may impose, reinstate or reissue a license to any person whose license has been cancelled, suspended, or revoked. Upon suspension of a license, the board may provide for automatic reinstatement thereof after a specified fixed period of time.

36-31-20. Maintenance of record book -- Admissibility of records and licenses in evidence -- Copies of records to be furnished on request -- Fee.

The secretary of the board shall keep a record book in which are entered the names of all persons to whom licenses have been granted under this chapter, the license number of each, and the date of granting

the license and its renewal and other matters of record. This book is a book of records, and a transcript of any record therein or a license that is not entered therein, the name and license number of the date of granting the license to a person charged with a violation of any of the provisions of this chapter, certified under the hand of the secretary, and the seal of the board, shall be admitted as evidence in any of the courts of this state. The original books, records, and papers of the board shall be kept at the office of the secretary of the board. The secretary shall furnish any person making an application a copy of any requested record, certified by him as secretary, upon payment of a fee of twenty-five cents per page.

Additional duties of board -- Criminal prosecutions -- Civil actions. In addition to the duties set forth elsewhere in this chapter, the board shall:

(1) Recommend prosecutions for violations of this chapter to the appropriate state's attorneys; and

Recommend to the attorney general the bringing of civil actions to seek injunctions and other relief for violations of this chapter.

Investigation and report of violations. The board shall investigate every supposed violation of this chapter and report the same to the proper law enforcement officials wherein the violation is committed.

36-31-23. Action for injunction -- Injunction as alternative to criminal proceedings -- Election. Any person violating the provisions of this chapter may be enjoined from further violations by a suit brought by the state's attorney of the county wherein the violations occurred or suit may be brought by any citizen of this state. An action for injunction is an alternate to criminal proceedings, and the commencement of one proceeding by the board constitutes an election.

36-31-24. Violation of chapter as misdemeanor. Any person who violates any provision of this chapter is, upon conviction, guilty of a Class 2 misdemeanor.

Limit on board expenditures. The total expense incurred by the Board of Medical and Osteopathic

Examiners may not exceed the total money collected by the board under the provisions of this chapter.