LAWS AND REGULATIONS RELATING TO

Licensure as an Occupational Therapist

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The statutes and regulations provided in this booklet are an ***unofficial*** version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

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Kentucky Revised Statutes

319A.010 Definitions for chapter.
As used in this chapter:

(1) "Board" means the Kentucky Board of Licensure for Occupational Therapy appointed by the Governor;

(2) "Practice of occupational therapy" means the therapeutic use of purposeful and meaningful occupations (goal-directed activities) to evaluate and treat individuals who have a disease or disorder, impairment, activity limitation, or participation restriction that interferes with their ability to function independently in daily life roles, and to promote health and wellness. Occupational therapy intervention may include:

(a) Remediation or restoration, through goal-directed activities, of those performance abilities that are limited due to impairment in biological, physiological, or neurological processes;

(b) Adaptation of task, process, or the environment or the teaching of compensatory techniques to enhance performance;

(c) Disability prevention methods and techniques that facilitate the development or safe application of performance skills; and

(d) Health promotion strategies and practices that enhance performance abilities;

(3) "Occupational therapist" means a person licensed to practice occupational therapy under this chapter;

(4) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under this chapter, who works under the supervision of an occupational therapist;

(5) "Aide" means a person who is not licensed by the board who provides supportive services to occupational therapists and occupational therapy assistants. An aide shall function under the guidance and responsibility of a licensed occupational therapist and is supervised by an occupational therapist or an occupational therapy assistant for specifically selected routine tasks for which the aide has been trained and has demonstrated competence. The aide shall comply with supervision requirements developed by the board that are consistent with prevailing professional standards;

(6) "Occupational therapy services" include, but are not limited to:

(a) Evaluating, developing, improving, sustaining, or restoring skills in basic and instrumental activities of daily living (BADLs and IADLs), work or productive activities, and play and leisure activities;

(b) Evaluating, developing, remediating, or restoring components of performance as they relate to sensorimotor, cognitive, or psychosocial aspects;

(c) Designing, fabricating, applying, and training in the use of assistive technology or orthotic devices and training in the use of prosthetic devices for functional mobility and activities of daily living;

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

(e) Applying superficial physical agent modalities as an adjunct to or in preparation for engagement in occupations;

(f) Applying deep physical agent modalities as an adjunct to or in preparation for engagement in occupations, in accordance with KRS 319A.080;

(g) Evaluating and providing intervention in collaboration with the client, family, caregiver, or others;

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

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

(7) "Person" means any individual, partnership, or unincorporated organization, or corporation;

(8) "Deep physical agent modalities" means any device that uses sound waves or agents which supply or induce an electric current through the body, which make the body a part of the circuit, including iontophoresis units with a physician's prescription, ultrasound, transcutaneous electrical nerve stimulation units and functional electrical stimulation, or microcurrent devices; and

(9) "Superficial physical agent modalities" means hot packs, cold packs, ice, fluidotherapy, paraffin, water, and other commercially available superficial heating and cooling devices.

319A.020 Board of Licensure for Occupational Therapy -- Appointment.

(1) There is hereby created the Kentucky Board of Licensure for Occupational Therapy which shall consist of seven (7) members to be appointed by the Governor. Four (4) members shall be licensed occupational therapists with at least five (5) years' experience; one (1) member shall be a licensed occupational therapy assistant with at least five (5) years' experience in the practice of occupational therapy; and two (2) members shall be members of the public with an interest in the rights of consumers of health services.

(2) Appointments for the occupational therapists and occupational therapy assistant positions may be made from recommendations submitted to the Governor by the Kentucky Occupational Therapy Association.

319A.030 Terms -- Vacancies -- Removal -- Reimbursement for expenses.

The terms of the members shall be for three (3) years and until their successors are appointed and qualified, except of those first appointed one (1) shall serve for one (1) year, two (2) shall serve for two (2) years and two (2) shall serve for three (3) years. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only. The Governor, after notice and opportunity for a hearing, may remove any member of the board for malfeasance, neglect of duty, incompetency, or revocation or suspension of a license. Members of the board shall receive no salary but shall be allowed usual mileage, subsistence and per diem as provided by law for members of state boards, commissions, and committees. No member shall serve more than two (2) consecutive terms.

319A.040 Meetings -- Quorum -- Officers.

The board shall meet at least annually and may meet at such other times as necessary to complete the business required. A majority of the members of the board shall constitute a quorum for the transaction of business. Annually the board shall elect from its membership a chairman, a vice chairman, and a secretary to serve for one (1) year terms.

319A.050 Executive secretary and assistants -- Expenditure of funds.

The board may employ an executive secretary and such clerical or other assistants as are necessary for the proper performance of its work and may make expenditures of its funds for any purpose which in the opinion of the board is necessary for proper performance of its duties, including compensation of the executive secretary and the premium on his bond.

319A.060 Duties of executive secretary -- Bond.

The executive secretary or any other person so designated by the board shall give bond to the state in such sum as determined by the board to be approved by the State Treasurer for the faithful performance of his duties. The secretary shall receive and account for all moneys derived

under the provisions of this chapter and shall pay such moneys to the State Treasurer who shall keep them in the manner provided for other such agencies and boards of the Commonwealth.

319A.070 Powers and duties of board.

(1) The board shall administer and enforce the provisions of this chapter and shall have the responsibility of evaluating the qualifications of applicants for licensure.

(2) The board may issue subpoenas, examine witnesses, administer oaths, and investigate allegations of practices violating the provisions of this chapter.

(3) The board may:

(a) Promulgate administrative regulations, pursuant to KRS Chapter 13A, relating to professional conduct to carry out the provisions of this chapter, including but not limited to administrative regulations relating to professional licensure and holding a license to practice occupational therapy or assist in the practice of occupational therapy in the Commonwealth;

(b) Conduct administrative hearings in accordance with KRS Chapter 13B;

(c) Evaluate the qualifications and authorize the issuance of licenses to qualified occupational therapists and occupational therapy assistants;

(d) Issue and renew licenses based on evidence of initial and continued competence of persons subject to this chapter;

(e) Suspend or revoke licenses;

(f) Require the continuing professional education of persons subject to this chapter;

(g) Keep a record of its proceedings and a register of all persons licensed as occupational therapists or occupational therapy assistants. The register shall show the name of every licensee, the licensee's last known place of business and last known place of residence, and the date and number of the license of each licensed occupational therapist or occupational therapy assistant. The board shall, during the month of January of every year, compile and make available a list of licensed occupational therapists and occupational therapy assistants authorized to practice in the Commonwealth. Any citizen of the Commonwealth may obtain a copy of the list upon application to the board and payment of an amount to be fixed by the board, which shall not exceed its cost;

(h) Make an annual report to the Governor and the General Assembly which shall contain an account of duties performed, actions taken, and appropriate recommendations;

(i) Institute and maintain actions to restrain or enjoin any violation of this chapter and administrative regulations notwithstanding the existence or pursuit of other civil or criminal penalties;

(j) Approve an examination for occupational therapists and occupational therapy assistants and establish standards for acceptable performance;

(k) Seek an injunction in Franklin Circuit Court against any individual who practices occupational therapy in the Commonwealth without a license; and

(l) Promulgate administrative regulations to define appropriate supervision of assistants, aides, and unlicensed personnel that are delivering occupational therapy services.

319A.080 License required for practice of occupational therapy or use of title "occupational therapist" -- Training requirements for use of deep physical agent modalities.

(1) It shall be unlawful for any person to practice occupational therapy, assist in the practice of occupational therapy, or render services designated as occupational therapy in the Commonwealth of Kentucky, unless licensed under the provisions of this chapter.

(2) The licensure of occupational therapists and occupational therapy assistants shall extend only to individuals. A license shall not be issued to a partnership, unincorporated association, corporation, or similar business organization.(3) It shall be unlawful for a person to act or represent himself or herself as an occupational therapist or occupational therapy assistant, use the title "occupational therapist" or "occupational therapy assistant," or use the letters OT or

OTA or any abbreviation or acronym that would imply licensing under this chapter, unless the person is licensed and is in good standing in accordance with the requirements of this chapter. A person, health care institution, health care service, health plan, or other entity holding itself out to the public as providing occupational therapy services shall not use the title unless the occupational therapy services are provided by a person licensed under this chapter.

4) (a) It shall be unlawful for a person licensed under this chapter to utilize occupational therapy interventions involving deep physical agent modalities, unless the following requirements are met:

1. The person is an occupational therapist licensed under this chapter who has successfully completed a minimum of thirty-six (36) hours of training or instruction that meets the requirements specified in administrative regulations promulgated by the board, as well as five (5) treatments under supervision;

2. The person is an occupational therapist licensed under this chapter who has successfully completed the certified hand therapist examination approved by the Hand Therapy Certification Commission, and who has successfully completed a minimum of twelve (12) hours of training or instruction that meets the requirements specified in administrative regulations promulgated by the board, as well as five (5) treatments under supervision; or

3. The person is an occupational therapy assistant licensed under this chapter who has successfully completed a minimum of seventy-two (72) hours of training or instruction that meets the requirements specified in administrative regulations promulgated by the board, as well as five (5) treatments under supervision.

(b) The board shall promulgate administrative regulations setting forth content guidelines for the training and instruction required in this subsection. Guidelines shall be based on policies and positions adopted by the American Occupational Therapy Association.

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.

319A.100 Temporary permit.

A temporary permit to practice as an occupational therapist or occupational therapy assistant may be granted to a person who has completed the education and experience requirements of this chapter and has applied for licensure under the provisions of this chapter. The temporary permit shall allow the applicant for licensure to practice occupational therapy under the supervision of a licensed occupational therapist. The temporary permit shall be valid until the applicant for licensure is issued or denied a license under the provisions of this chapter, but in no instance shall the temporary permit extend for more than sixty (60) days following the second examination offered after the applicant has applied to take the examination required for licensure or certification. Not more than one (1) temporary permit shall be granted per applicant.

319A.110 Application for license.

(1) An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall file a written application on a form provided by the board, showing to the satisfaction of the board that the person:

(a) Is of good moral character; and

(b) Has successfully completed the academic requirements of an educational program in occupational therapy or for occupational therapy assistants accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education or its equivalent.

(2) An applicant shall submit to the board evidence of successful completion of a period of supervised fieldwork experience arranged by the recognized educational institution where the applicant met the academic requirements. To be considered for licensure, the following minimum amount of supervised fieldwork experience shall have been completed:

(a) The equivalent of twenty-four (24) weeks for an occupational therapist; and

(b) The equivalent of sixteen (16) weeks for an occupational therapy assistant.

(3) An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall pass an examination as provided for in KRS 319A.120.

319A.120 Written or computer-based examination.

Individuals applying for licensure shall be required to pass a written or computer-based examination approved by the board, which is designed to test the knowledge and experience necessary to the safe, effective, and professional practice of occupational therapy in Kentucky.
The examination shall test the applicant's knowledge of the basic and clinical sciences related to the occupational therapy theory, research, practice, ethics, and professional behavior, and such other subjects as the board may require to determine the applicant's fitness to practice.

319A.140 Issuance of license.

On the payment to the board of fees required by this chapter and on submission of a written application on forms provided by the board, the board shall issue a license to:

(1) A person who presents evidence satisfactory to the board of being a registered occupational therapist or a certified occupational therapy assistant through the National Board for Certification in Occupational Therapy or its equivalent, and who has met the academic and fieldwork requirements of KRS 319A.110 and the examination requirement of KRS 319A.120; or

(2) A person who presents evidence satisfactory to the board of being currently licensed, certified, or registered as an occupational therapist or occupational therapy assistant by another state, territory of the United States, or the District of Columbia, where the requirements for licensure, registration, or certification are equal to or greater than the requirements set forth in this chapter.

319A.150 License fee -- Use of title.

The board shall issue a license to an individual who has met the requirements of this chapter upon the payment of the applicable license fee. An individual who is issued a license as an occupational therapist under the provisions of this chapter may use the title "occupational therapist licensed," or use the letters "O.T.R./L." in connection with the title or place of business to denote his licensure. A person who is issued a license as an occupational therapy assistant may use the words "certified occupational therapy assistant licensed" or may use the letters "C.O.T.A./L." in connection with the person's name or place of business to denote licensure.

319A.160 License renewal, reinstatement, restoration, and reissuance -- Inactive license status -- Change of licensee's name, address, or employment.

(1) Licenses issued under this chapter shall be subject to annual renewal and shall expire unless renewed upon the payment of a renewal fee in the manner prescribed by the rules of the board.

(2) The board may set a required number of continuing education units for license renewal.

(3) At least thirty (30) days before the renewal date, the board shall mail an application for renewal to every person to whom a license was issued during the current licensure period.

(4) A sixty (60) day grace period shall be allowed during which time licenses may be renewed on payment of a late renewal fee as set forth in administrative regulations promulgated by the board.

(5) The board may provide for the late renewal of a license upon the payment of a late fee in accordance with its rules, but no such renewal of a license may be granted more than five

(5) years after its expiration.

(6) Licenses not renewed in a timely manner or by the end of the grace period shall be considered expired. Expired licenses may be restored in accordance with the requirements set forth by the board in administrative regulation. A person who fails to restore his license within five (5) years after its expiration may not restore it, and it shall not be restored, reissued, or reinstated thereafter. The person may apply for and obtain a new license if current requirements of this chapter are met.

(7) Any person practicing occupational therapy after the license has expired shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of the provisions of this chapter.

(8) A suspended license is subject to expiration and may be restored as provided in this section, but restoration shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order or judgment by which the license was suspended.

(9) A license revoked on disciplinary grounds is subject to expiration and may not be renewed. If the license is subsequently reinstated, the licensee, as a condition of reinstatement shall pay a reinstatement fee, the renewal fee, and any late fee that may be applicable.

(10) Upon petition to the board, licensees may be granted inactive license status for a period of time not to exceed three (3) years. Licensees shall not practice occupational therapy or assist in the practice of occupational therapy while under inactive status. Inactive licensees may apply for an active license after paying a fee provided for by administrative regulation of the board.

(11) Each occupational therapist and occupational therapy assistant licensed under this chapter shall notify the board in writing of any change in the person's name, home or office address, or employment within thirty (30) days after the change has taken place.

319A.170 Fees.

Fees shall be collected and determined by the board for the following:

(1) Initial license fee (nonrefundable):

(a) Registered occupational therapist, not to exceed fifty dollars ($50);

(b) Certified occupational therapy assistant, not to exceed thirty-five dollars ($35); and

(c) Certification for use of deep physical agent modalities, not to exceed twenty-five dollars ($25);

(2) Renewal of license fees, not to exceed fifty dollars ($50); and

(3) Late renewal fees, not to exceed seventy-five dollars ($75).

319A.180 Licensing of foreign-trained therapists.

Foreign-trained occupational therapists who apply to be licensed by the board shall furnish proof of good moral character and shall present proof indicating the completion of educational requirements equal to or greater than those contained in KRS 319A.110 and examination requirements of KRS 319A.120.

319A.190 Unprofessional conduct -- Denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license.

(1) The board may deny or refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions where the licensee or applicant for licensure has engaged in unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct shall include:

(a) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;

(b) Unprofessional conduct as defined by administrative regulations promulgated by the board, or violating the code of ethics promulgated by the board;

(c) Being convicted of a felony in any court if the act or acts for which he was convicted are found by the board to have a direct bearing on whether he should be entrusted to serve the public in the capacity of a licensed occupational therapist or licensed occupational therapy assistant;

(d) Violating any lawful order or administrative regulation rendered or promulgated by the board; or

(e) Violating any provision of this chapter.

(2) A denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the board in a decision made after an administrative hearing conducted in accordance with KRS Chapter 13B and administrative regulations promulgated by the board. The board shall have discretion to accept or reject an application for reinstatement following an administrative hearing conducted in accordance with KRS Chapter 13B.

(3) The surrender of a license shall not serve to deprive the board of jurisdiction to proceed with disciplinary actions under this chapter.

319A.200 Appeals from orders of the board.

Any person aggrieved by an order of the board denying, suspending or revoking his license may appeal to the Franklin Circuit Court within thirty (30) days after entry of said order, for appropriate relief. On such appeal the scope of review shall be limited to an examination of the record of the board's action for the purpose of determining whether the board abused its discretion. The appellant shall furnish the court with a properly certified transcript of any evidence heard by the board, and the court may refuse to review any findings of fact made by the board unless such a transcript is filed within sixty (60) days after the filing of the appeal.

319A.210 Short title.

KRS 319A.010 to 319A.200 may be cited as the "Kentucky Occupational Therapy Practice Act."

319A.300 Duty of treating occupational therapist utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations -- Definition of "telehealth".

(1) A treating occupational therapist who provides or facilitates the use of telehealth shall ensure:

(a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and

(b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.

(2) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:

(a) Prevent abuse and fraud through the use of telehealth services;

(b) Prevent fee-splitting through the use of telehealth services; and

(c) Utilize telehealth in the provision of occupational therapy services and in the provision of continuing education.

(3) For purposes of this section, "telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.

319A.990 Penalty.

Any person violating any provision of this chapter shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or imprisoned for not more than six (6) months, or both.

Kentucky Administrative Regulations

201 KAR 28:010. Definitions and abbreviations.

RELATES TO: KRS 319A.010 through 319A.210

STATUTORY AUTHORITY: KRS 319A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319A and pertinent parts of KRS 319A.070(3) require the Kentucky Board of Licensure for Occupational Therapy to promulgate administrative regulations pertaining to the practice and licensure of occupational therapists and occupational therapy assistants. This administrative regulation sets forth the definition of terms and phrases which will be used by the board in enforcing and interpreting the provisions of Chapter 319A and the administrative regulations.

Section 1. Definitions. (1) "Act" means the Kentucky Occupational Therapy Act as established in KRS 319A.010 to 319A.990.

(2) "AOTA" means the American Occupational Therapy Association.

(3) "ACOTE" means the Accreditation Council for Occupational Therapy Education.

(4) "Board" is defined by KRS 319A.010(1).

(5) "COTA" means a certified occupational therapy assistant.

(6) "COTA/L means a certified occupational therapy assistant/licensed.

(7) "OTA/L" means an occupational therapy assistant/licensed.

(8) "OT/L" means an occupational therapist/licensed.

(9) "OT" means occupational therapy.

(10) "OTR/L" means an occupational therapist registered/licensed.

(11) "OTR" means an occupational therapist registered.

201 KAR 28:020. General provisions.

RELATES TO: KRS 319A.080, 319A.110, 319A.120, 319A.130, 319A.140

STATUTORY AUTHORITY: KRS 319A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.070(3) authorizes the board to promulgate such administrative regulations as are needed to enforce the provisions of KRS Chapter 319A. This administrative regulation sets forth the minimum requirements of information to be provided in applying for a license.

Section 1. An applicant for licensure shall submit to the board the information requested, which at a minimum shall provide for:

(1) The name, business address, if any, permanent address, and telephone number of the applicant;

(2) A statement as to whether the applicant has been convicted of any felony offense in any state or has been convicted during the past five (5) years of a misdemeanor or civil violation involving an offense of moral turpitude in any state;

(3) A statement as to whether the applicant has been adjudged guilty in a civil suit in a court of competent jurisdiction in any state of malpractice or negligence in the practice of occupational therapy; and

(4) A statement as to whether the applicant has had a license, registration, or certification as an OT/L or OTA/L, as issued by another state, revoked, suspended or probated during the past five (5) years or if there are any complaints currently pending.

201 KAR 28:030. Short-term practice of occupational therapy for persons practicing under KRS 319A.090(1)(e).

RELATES TO: KRS 319A.090

STATUTORY AUTHORITY: KRS 319A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.090 provides that certain persons may be exempt from the licensure requirements of KRS Chapter 319A. This

administrative regulation sets forth the requirements for persons who are temporarily practicing in Kentucky and who seek to engage in the practice of occupational therapy for no more than sixty (60) days in a calendar year pursuant to KRS 319A.090(1)(e).

Section 1. (1) Any individual who intends to practice occupational therapy in the Commonwealth of Kentucky, in association with a Kentucky OT/L, under the provisions of KRS 319A.090(1)(e) shall submit to the board the following information:

(a) Name, permanent address, address in Kentucky, and telephone number or number where the individual can be reached;

(b) The name, business address, and phone number of the OT/L with whom the individual is associated;

(c) The dates on which the individual intends to practice in Kentucky; and

(d) A copy of the current license from the state in which the individual is licensed along with a statement from the licensing authority that the individual is in good standing; or

(e) A letter of verification issued by the NBCOT stating that the individual meets the current requirements for certification as an OTR or a COTA and is in good standing.

(2) The information as described in subsection (1) of this section shall be submitted to the board prior to the commencement of practice. (3) The applicant's request may be approved by the board chair upon receipt of all items listed in this administrative regulation.

201 KAR 28:060. Requirements for licensure.

RELATES TO: KRS 319A.100, 319A.110, 319A.130

STATUTORY AUTHORITY: KRS 319A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319A and pertinent parts of KRS 319A.070(3) require the board to establish a procedure for the licensure of persons who wish to practice in this state as an OT/L or an OTA/L. This administrative regulation sets forth the procedure by which those applicants shall apply for a license under the provisions of KAR Chapter 319A.

Section 1. Licensure of an OT/L. An applicant for licensure as an OT/L that has not previously been licensed, certified, or registered in any state shall meet the following requirements:

(1) Submit a completed "OT/L Application Form 6/2003";

(2) Submit a certified copy of the applicant's transcript indicating that the applicant for an OTR/L has a baccalaureate degree, postbaccalaureate certificate, master's degree, or doctorate degree from an occupational therapy program accredited by the ACOTE or its equivalent;

(3) Submit a current copy of the certificate issued by the NBCOT stating that the applicant meets the requirements of certification as an OTR/L; and

(4) Submit the appropriate fee for licensure as required by 201 KAR 28:110.

Section 2. Licensure of OTA/L. Applicants for licensure as an OTA/L that have not previously been licensed in any state shall meet the following requirements:

(1) Submit a completed "OT/L Application Form 6/2003";

(2) Submit a certified copy of the applicant's official academic transcript indicating that the applicant has graduated from an occupational therapy assistant educational program approved by the ACOTE or its equivalent;

(3) Submit a current copy of the certificate issued by the NBCOT stating that the applicant meets the requirements of certification as a COTA; and

(4) Submit the appropriate fee for licensure as required by 201 KAR 28:110.

Section 3. Licensure of Persons Licensed, Certified, or Registered in Other States. An applicant for licensure as an OT/L or OTA/L that is or has been licensed, certified, or registered in another state shall submit:

(1) A completed "OT/L Application Form 6/2003" or "OTA/L Application Form 6/2003";

(2) An official statement from every jurisdiction in which the applicant has held a license or credential that the individual is in good standing in that jurisdiction;

(3) A current copy of the certificate issued by the NBCOT stating that the individual met the initial requirements for certification as an OTR or a COTA; and

(4) The appropriate fee for licensure as required by 201 KAR 28:110.

Section 4. Foreign-trained Applicants. An applicant for licensure as an occupational therapist who was trained at an educational facility in a country or nation other than the United States shall submit:

(1) A completed "OT/L Application Form 6/2003";

(2) A current copy of the certificate issued by the NBCOT stating that the individual met the initial requirements for certification as an OTR;

(3) The appropriate fee for licensure as required by 201 KAR 28:110; and

(4) Evidence of legal permission, as furnished by the U.S. Department of Immigration and Naturalization, for employment in the United States as documented by:

(a) I-94 form;

(b) Alien registration card;

(c) Temporary resident card; or

(d) A stamp on their passport.

(5) A foreign-trained applicant who is or has been licensed, certified, or registered in another jurisdiction of the United States shall comply with the requirements of Section 3(3) of this administrative regulation.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "OT/L Application Form 6/2003"; and

(b) "OTA/L Application Form 6/2003".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure of Occupational Therapist, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 28:070. Examination.

RELATES TO: KRS 319A.120

STATUTORY AUTHORITY: KRS 319A.070(3), 319A.120(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319A requires the board to promulgate administrative regulations establishing the requirements for an examination to be taken by an applicant for licensure. This administrative regulation establishes those requirements.

Section 1. Examination Approved by the Board. (1) The examinations approved for licensure are:

(a) The NBCOT certification examination for occupational therapists; and

(b) The NBCOT certification examination for occupational therapy assistants.

Section 2. (1) An applicant for licensure shall take the appropriate examination as authorized by NBCOT and shall receive a passing score on the examination.

(2) It shall be the responsibility of the applicant to make arrangements to:

(a) Sit for the examination;

(b) Pay the requisite examination fee to NBCOT; and

(c) Ensure that the board receives evidence of successful completion of the examination.

201 KAR 28:090. Renewals.

RELATES TO: KRS 319A.160

STATUTORY AUTHORITY: KRS 319A.070(3), 319A.160(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319A provides that the board shall promulgate administrative regulations establishing procedures for annual renewal of licenses. This administrative regulation establishes those procedures.

Section 1. Persons licensed as an OTR/L or a COTA/L shall annually, before July 1, pay to the board a renewal fee as set forth in 201 KAR 28:110 for the renewal of the license. Licenses not renewed before July 1 of each year shall expire.

Section 2. A sixty (60) day grace period shall be allowed beginning July 1, during which time individuals may renew their licenses upon payment of the late renewal fee as set forth in 201 KAR 28:110. Licenses not renewed before August 30, shall terminate based on the failure of the individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice occupational therapy in the Commonwealth and shall be sent notice at the last known address available to the board of termination, and to cease and desist practice.

Section 3. After the sixty (60) day grace period, individuals with a terminated license may have their licenses reinstated upon:

(1) Payment of the late renewal fee plus a reinstatement fee as set forth by 201 KAR 28:110;

(2) Documentation of employment from the time of termination until the present;

(3) Documentation that licensure, certification, or registration in other states is in good standing; and

(4) Documentation of current certification by the AOTCB.

201 KAR 28:110. Fees.

RELATES TO: KRS 319A.170

STATUTORY AUTHORITY: KRS 319A.070(3), 319A.170

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319A provides for the assessment of fees for the application and licensure of occupational therapists registered and certified occupational therapy assistants, and other fees deemed appropriate by the board. This administrative regulation establishes those fees.

Section 1. Original License Fees. The following fees shall be paid in connection with all types of occupational therapy licenses:

(1) The fee for initial licensure as an OTR/L shall be fifty (50) dollars; and

(2) The fee for initial licensure as a COTA/L shall be thirty-five (35) dollars.

Section 2. Renewal Fees and Penalties. The following fees shall be paid in connection with licensure renewals and late renewal penalties:

(1) The renewal fee for licensure as an OTR/L shall be fifty (50) dollars;

(2) The renewal fee for licensure as a COTA/L shall be thirty-five (35) dollars;

(3) The late renewal fee, including penalty, for late renewal during the grace period extending from July 1 to August 29 shall be seventy-five (75) dollars; and

(4) The reinstatement fee shall be seventy-five (75) dollars.

Section 3. Duplicate License Fee. The fee for a duplicate license shall be ten (10) dollars.

201 KAR 28:130. Supervision of occupational therapy assistants, occupational therapy aides, occupational therapy students, and temporary permit holders.

RELATES TO: KRS 319A.010(4), (5), 319A.100

STATUTORY AUTHORITY: KRS 319A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.070(3)(l) authorizes the board to promulgate administrative regulations to define appropriate supervision for persons who are delivering occupational therapy services. This administrative regulation establishes the requirements of that supervision and defines terms necessary to clarify the statutory definition of occupational therapy services.

Section 1. Definitions. (1) "Adjunct" means methods, strategies or interventions that support and advance a client's occupational therapy performance used as a precursor to enable purposeful activities or occupations.

(2) "Assistive technology" means any item, piece of equipment, or product system, whether commercially available, modified or custom designed, that is used to increase, maintain or enhance the occupational performance of an individual.

(3) "Basic activities of daily living" means tasks or activities that are oriented toward taking care of one's own body; those tasks that are performed daily by an individual that pertain to and support one's self-care, mobility, and communication and includes the following activities:

(a) Bathing and showering;

(b) Bowel and bladder management;

(c) Dressing;

(d) Eating and feeding;

(e) Functional mobility;

(f) Personal device care;

(g) Personal hygiene and grooming;

(h) Sexual activity;

(i) Sleep and rest; and

(j) Toilet hygiene.

(4) "Certified hand therapist" (CHT) means a person who is certified by the Hand Therapy Certification Commission.

(5) "Cognitive components" means the skill and performance of the mental processes necessary to know or comprehend by understanding with such skills including: orientation, conceptualization, and comprehension, including concentration, attention span, memory, and cognitive integration including generalization, and problem-solving.

(6) "Components of performance" means the demands of an activity which include human, object and contextual factors such as objects, space, social demands, sequencing or timing, required actions for performance and required underlying body functions and structures needed to carry out activities.

(7) "Countersign" means the OT/L signs the client's documentation after actively reviewing the history of the intervention provided to the client and confirming that, in light of the entire intervention plan, the OTA/L's entry is proper.

(8) "Ergonomic principles" means:

(a) The study of:

1. Relationships between components of performance;

2. People as it relates to their occupations, the equipment they use and their environment; and

3. The application of that knowledge and skill as it focuses upon maximizing efficiency in the areas of production, quality and safety; and

(b) Principles that are utilized by occupational therapists to optimize an individual's occupational performance in the areas of self-care, productivity, work and leisure and may include job analysis, consultation, and educational activities.

(9) "Face-to-face supervision" means being physically present in the room and being able to directly communicate with an individual while observing and guiding the activities of that individual, including:

(a) A review of the occupational therapy services being provided to a client that might affect the therapeutic outcomes and the revision of the plan of care for each client; and

(b) An interactive process between the supervisor and the individual under supervision involving direct observation, cotreatment, dialogue, teaching, and instruction in a face-to-face setting.

(10) "Functional mobility" means moving from one (1) position or place to another, such as in-bed mobility, wheelchair mobility, transportation of objects through space, and functional ambulating and transfers.

(11) "Gait training" means the instruction of proper walking patterns.

(12) "General supervision" means a interactive process for collaboration on the practice of occupational therapy which includes the review and oversight of all aspects of the services being provided by the individual under supervision.

(13) "Instrumental activities of daily living" means complex tasks or activities that are oriented toward interacting with the environment and are essential to self-maintenance matters which extend beyond personal care, including:

(a) Care of others;

(b) Care of pets;

(c) Child rearing;

(d) Communication device use;

(e) Financial management;

(f) Health management and maintenance;

(g) Home establishment, management, and maintenance;

(h) Meal preparation and cleanup;

(i) Safety procedures and emergency responses;

(j) Shopping; and

(k) Selection and supervision of caregivers.

(14) "Occupations" means activities, tasks or roles that individuals engage in which provide intrinsic value and meaning for the individual, society, and culture.

(15) "Performance abilities" means the utilization of performance skills in the participation of active daily life.

(16) "Performance skills" means the observable actions of a person that have implicit functional purposes, including motor skills, processing skills, interaction skills, and communication skills.

(17) "Prevention" means the skill and the performance of the person to minimize debilitation with the treatment focusing on energy conservation, including activity restriction, work simplification, and time management, joint protection and body mechanics, including proper posture, body mechanics, and avoidance of excessive weight bearing, positioning and coordination of daily living activities.

(18) "Psychosocial component" means the skill and performance in self-management and interaction skills with such skills including: self-expression, self-control, interaction with another person, and interaction with groups of three (3) or more people.

(19) "Remediation" means an intervention approach designed to change client variables to establish a performance skill or ability that has not yet developed.

(20) "Restoration" means to restore a performance skill or ability that has been impaired.

(21) "Sensorimotor components" means the skill and performance of patterns of sensory and motor behavior of a person undergoing treatment with such skills, including neuromuscular activity, including reflex integration, range of motion, gross and fine motor coordination, strength and endurance, and sensory integration, including sensory awareness, visual-spatial awareness, and body integration.

(22) "Supervisor" means the OT/L who is providing supervision.

Section 2. General Policy Statement for Supervision. (1) The OT/L shall have the ultimate responsibility for occupational therapy outcomes. Supervision shall be a shared responsibility.

(2) The supervising OT/L shall have a legal and ethical responsibility to provide supervision and the supervisee shall have a legal and ethical responsibility to obtain supervision.

(3) Supervision by the OT/L of the supervisee's provision of occupational therapy services shall always be required, even when the supervisee is experienced and skilled in a particular practice area.

Section 3. Supervision of Licensed Occupational Therapy Assistants. (1) An OTA/L shall assist in the practice of occupational therapy only under the supervision of an OT/L.

(2) The supervisor shall provide no less than four (4) hours per month of general supervision for each occupational therapy assistant which shall include no less then two (2) hours per month of face-to-face supervision.

(3) The amount of supervision time shall be prorated for a part-time OTA/L.

(4) The supervisor or the OTA/L may institute additional supervision based on the competence and experience of the OTA/L.

(5) The supervisor shall assign and the OTA/L shall accept only those duties and responsibilities for which the OTA/L has been specifically trained and which the OTA/L is qualified to perform.

(6) Specific responsibilities for supervising OT/Ls and OTA/Ls.

(a) Assessment and reassessment.

1. Client evaluation is the responsibility of the OT/L.

2. The OTA/L may contribute to the evaluation process by gathering data, administering structured tests, and reporting observations.

3. The OTA/L may not evaluate independently or initiate therapy prior to the OT/L's evaluation.

(b) Intervention planning.

1. The OT/L shall take primary responsibility for the intervention planning.

2. The OTA/L may contribute to the intervention planning as directed by the OT/L.

(c) Intervention.

1. The OT/L shall be responsible for the outcome and delivery of the occupational therapy intervention.

2. The OT/L shall be responsible for assigning appropriate therapeutic interventions to the OTA/L.

(d) Discontinuation of intervention.

1. The OT/L shall be responsible for the discontinuation of occupational therapy services.

2. The OTA/L may contribute to the discontinuation of intervention as directed by the OT/L.

(7) Documentation requirements.

(a) The supervisor shall countersign those aspects of the initial evaluation, the plan of care, and the discharge summary recorded by the OTA/L within fourteen (14) calendar days of the notation, which documentation shall be included in the client's permanent record.

(b) The supervising OT/L and individuals under supervision shall maintain a supervising OT/L's log which shall document:

1. The frequency and type of the supervision provided; and

2. The process of supervision utilized, such as observation, dialogue and discussion, and instructional techniques employed.

(8) A supervising OT/L shall not have more than the equivalent of three (3) full time OTA/Ls under supervision at any one (1) time.

(9)(a) In extenuating circumstances, when the OTA/L is without supervision, the OTA/L may continue carrying out established programs for up to thirty (30) calendar days under agency supervision while appropriate occupational therapy supervision is sought.

(b) It shall be the responsibility of the OTA/L to notify the board of these circumstances and to submit, in writing, a plan for resolution of the situation.

(10) A supervisor shall be responsible for ensuring the safe and effective delivery of OT services and for fostering the professional competence and development of the OTA/Ls under his or her supervision.

Section 4. Supervision of Occupational Therapy Aides. (1) An occupational therapy aide shall provide supportive services only with face-to-face supervision from an OT/L or OTA/L.

(2) The supervising OT/L or OTA/L shall be in direct verbal and visual contact with the occupational therapy aide, at all times, for all therapy-related activities.

Section 5. Occupational Therapy Students. (1) A person practicing occupational therapy and performing occupational therapy services under KRS 319A.090(1)(c) shall be enrolled in an ACOTE accredited occupational therapy or occupational therapy assistant educational program or its equivalent.

(2) When an occupational therapy student is participating in supervised fieldwork education experiences, the student may, at the discretion of the supervising OT/L or OTA/L, be assigned duties or functions commensurate with his or her education and training.

(3) A supervisor shall be responsible for ensuring the safe and effective delivery of OT services and for fostering the professional competence and development of the students under his or her supervision.

Section 6. Temporary Permits. (1) A temporary permit holder shall be:

(a) Supervised by an OT/L; and

(b) The OT/L shall be responsible for all occupational therapy outcomes.

(2) The supervising OT/L shall be available at all times to provide supervision.

(3) Face-to-face supervision shall be provided for at least thirty (30) minutes daily.

(4) The temporary permit holder who is applying for a license as an OT/L may perform all of the functions of the OT/L, with the exception of supervision.

(5) A temporary permit holder who is applying for a license as a OTA/L may perform all of the functions of a OTA/L, with the exception of supervision.

201 KAR 28:140. Unprofessional conduct and code of ethics.

RELATES TO: KRS 319A.160, 319A.190

STATUTORY AUTHORITY: KRS 319A.070(3), 319A.190

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319A provides for the denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license for various violations of the Act and violation of the administrative regulations promulgated pursuant thereto. This administrative regulation sets forth a description of unprofessional conduct and also a code of ethics.

Section 1. Failure to comply with any of the provisions in this section shall constitute unprofessional conduct in the practice of occupational therapy.

(1) An OT/L or an OTA/L shall not delegate to an unlicensed employee or person a service which requires the skill, knowledge or judgment of an OT/L or an OTA/L;

(2) An OT/L or an OTA/L shall address goals identified in the evaluation and intervention plan;

(3) An OT/L or an OTA/L shall inform the referring source when any requested occupational therapy service is contraindicated, in the professional judgment of the licensee, and may refuse to carry out that request;

(4) An OT/L or an OTA/L shall not continue occupational therapy services beyond the point of possible benefit to the client or provide therapy to the client more frequently than necessary to obtain the maximum therapeutic effect;

(5) An OT/L or an OTA/L shall not directly or indirectly request, receive or participate in the dividing, transferring, assigning, rebating or refunding of an unearned fee or profit by means of a credit or other valuable consideration as an unearned commission, discount or gratuity in connection with the furnishing of occupational therapy services;

(6) An OT/L or an OTA/L shall not permit another person to use his or her license for any purpose;

(7) An OT/L or an OTA/L shall not abuse alcohol or any controlled substance which affects the licensee's ability to engage in the practice of occupational therapy in a safe and competent manner;

(8) An OT/L or an OTA/L shall not verbally or physically abuse a client;

(9) An OT/L or an OTA/L shall not engage in false or misleading advertising, betrayal of a professional confidence, or falsification of a client's records;

(10) An OT/L or an OTA/L shall report a change of name or address to the board within thirty (30) days after a change of name or address occurs;

(11) An OT/L or an OTA/L shall notify the board within thirty (30) days after being adjudged guilty of malpractice by a court of competent jurisdiction;

(12) An OT/L or an OTA/L shall comply with any subpoena issued by the board; and

(13) An OT/L or an OTA/L shall report to the board any violation of the Act or these administrative regulations.

(14)(a) An OT/L or an OTA/L shall not provide occupational therapy services in an incompetent manner.

(b) Incompetent practice includes:

1. A lack of the knowledge, judgment, or skill necessary to perform those modalities, methods, and techniques that come within the practice of occupational therapy;

2. A deviation below the standard of practice ordinarily possessed and applied by other OT/Ls and OTA/Ls in the Commonwealth of Kentucky acting in the same or similar circumstances; or

3. A willful or repeated departure from or the failure to conform to the minimal standard of acceptable and prevailing practice of occupational therapy in the Commonwealth of Kentucky.

(15) An OT/L shall competently provide the following minimum services:

(a) Proper interpretation of all referrals;

(b) Proper client evaluations;

(c) The identification and documentation of the client's problems and goals;

(d) The identification and documentation of an intervention plan;

(e) The appropriate OT services called for by the plan of care;

(f) A determination of the appropriate portions of the therapy program to be delegated to assistive personnel;

(g) A determination of the assistive personnel's qualifications by training, experience, license, or certification to perform tasks before delegating those tasks;

(h) The appropriate supervision of individuals as required by 201 KAR 28:130;

(i) Timely client reevaluations; and

(j) Maintain timely and adequate client records of all occupational therapy activity and client response.

(16) An OTA/L shall competently provide the following minimum services as appropriate:

(a) The appropriate therapy called for by the intervention plan;

(b) A determination of the appropriate portions of the therapy program to be delegated to assistive personnel;

(c) A determination of the assistive personnel's qualifications by training, experience, license, or certification to perform tasks before delegating those tasks;

(d) The appropriate supervision of individuals as required by 201 KAR 28:130; and

(e) Maintain timely and adequate client records of all occupational therapy activity and client response.

(17)(a) An OT/L or an OTA/L shall not engage in acts of sexual misconduct with recipients of their services or in their presence.

(b) Sexual misconduct includes:

1. Engaging in or soliciting a sexual relationship, whether consensual or nonconsensual.

2. Making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact or acts of a sexual nature.

(18)(a) An OT/L or an OTA/L shall not seek to obtain payment of a professional fee or compensation of any form through fraudulent means.

(b) Seeking payment or compensation through fraudulent means includes:

1. Reporting incorrect service dates for the purpose of obtaining payment;

2. Reporting charges for services not actually rendered other than unkept appointments;

3. Incorrectly reporting services rendered for the purpose of obtaining payment which is greater than that to which the licensee or the licensee's employer is entitled;

4. Aiding a recipient of services in fraudulently obtaining payment from a third party; or

5. Otherwise falsifying a record for the purpose of obtaining a payment.

Section 2. The following code of ethics consists of general guidelines for occupational therapy practice. The code of ethics shall be as follows:

(1) An OT/L or an OTA/L shall be responsible for providing services without regard to race, creed, national origin, sex, age, handicap, disease entity, social status, financial status or religious affiliation;

(2) An OT/L or an OTA/L shall inform those people served of the nature and potential outcomes of therapy and shall respect the right of potential recipients of service to refuse therapy;

(3) An OT/L or an OTA/L shall inform subjects involved in education or research activities of the potential outcome of those activities;

(4) An OT/L or an OTA/L shall include those people served in the intervention planning process;

(5) An OT/L or an OTA/L shall maintain goal-directed and objective relationships with all people served;

(6) An OT/L or an OTA/L shall protect the confidential nature of information gained from educational, practice, and investigational activities unless sharing the information is necessary to protect the well-being of a third party;

(7) An OT/L or an OTA/L shall take all reasonable precautions to avoid harm to the recipient of services or detriment to the recipient's property;

(8) An OT/L or an OTA/L shall establish fees, based on cost analysis, that are commensurate with services rendered;

(9) An OT/L or an OTA/L shall hold the appropriate credentials for providing service;

(10) An OT/L or an OTA/L shall function within the parameters of his competence and the standards of the profession;

(11) An OT/L or an OTA/L shall actively maintain high standards of professional competence;

(12) An OT/L or an OTA/L shall refer clients to other service providers or consult with other service providers when additional knowledge and expertise is required;

(13) An OT/L or an OTA/L shall be acquainted with applicable local, state, federal, and institutional rules and shall function accordingly;

(14) An OT/L or an OTA/L shall be responsible for informing employers, employees and colleagues about those laws and policies that apply to the profession of occupational therapy;

(15) An OT/L or an OTA/L shall require those whom they supervise to adhere to ethical standards of conduct;

(16) An OT/L or an OTA/L shall accurately record and report client information;

(17) An OT/L or an OTA/L shall accurately represent his or her competence and training to the public;

(18) An OT/L or an OTA/L shall not use or participate in the use of any form of communication that contains a false, fraudulent, deceptive, or unfair statement or claim;

(19) An OT/L or an OTA/L shall report any illegal, incompetent or unethical practice to the appropriate authority;

(20) An OT/L or an OTA/L shall not disclose privileged information when participating in reviews of peers, programs, or systems;

(21) An OT/L or an OTA/L who employs or supervises colleagues shall provide appropriate supervision; and

(22) An OT/L or an OTA/L shall recognize the contributions of colleagues when disseminating professional information.

201 KAR 28:150. Disciplinary proceedings.

RELATES TO: KRS 319A.190

STATUTORY AUTHORITY: KRS 319A.070(3), 319A.190

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319A authorizes the board to promulgate administrative regulations establishing a procedure by which the board will institute actions against an OTR/L or a COTA/L for violation of the Act, and the administrative regulations promulgated thereto or for professional misconduct. This administrative regulation sets forth the procedure and process by which such complaints shall be instituted.

Section 1. Definitions. The following definitions, in conjunction with the provisions of 201 KAR 28:010, shall apply to this administrative regulation as well as 201 KAR 28:160:

(1) "Chairman" means the chairman of the board.

(2) "Investigative assistant" means an appropriately licensed individual designated by the board to assist the board's attorney in the investigation of a complaint or an investigator employed by the Attorney General.

(3) "Complaint" means any written allegation alleging misconduct which might constitute a violation of KRS Chapter 319A or the administrative regulations promulgated thereunder by a licensed individual or other person.

(4) "Charge" means a specific allegation contained in a formal complaint issued by the board alleging a violation of a specified provision of KRS Chapter 319A or the administrative regulations promulgated thereunder.

(5) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding.

(6) "Hearing officer" means the person designated and given authority by the board to preside over all proceedings pursuant to the issuance of any formal complaint.

(7) "Informal proceedings" means proceedings instituted at any stage of the disciplinary process with the intent of reaching an informal dispensation of any matter without further recourse to formal disciplinary procedures.

Section 2. Reception of Complaints. (1) Complaints may be submitted by an individual, organization or entity. Complaints shall be in writing and shall be signed by the person offering the complaint. The board may also file a complaint based on information in its possession.

(2) Upon receipt of a complaint, a copy of the complaint shall be sent to the board's attorney for an initial review and preliminary recommendation of subsequent action to the board. A copy of the complaint shall also be sent to the individual named in the complaint along with a request for that individual's response to the complaint. The response of the individual shall be required for the next regularly scheduled meeting of the board except that the individual shall be allowed a period of twenty (20) days from the date of receipt to make a response.

Section 3. Preliminary Recommendations and Initial Board Review. (1) After the receipt of a complaint and the period for the individual's response has concluded, the board shall consider the preliminary recommendation of the board's attorney, the individual's response, and any other relevant material available to the board in the initial review of the complaint. The determination that the board makes at this point is whether or not there is enough evidence to warrant a formal investigation.

(2) When in the opinion of the board a complaint does not warrant the formal investigation of a complaint against an individual, the board shall notify both the complaining party and the individual of the outcome of the complaint.

(3) When in the opinion of the board a complaint warrants the formal investigation of a complaint against either a licensed individual or a person who is practicing occupational therapy without a license, the board shall authorize its attorney and a designated investigative assistant to investigate the matter and report their findings and recommendations to the board at their earliest opportunity.

Section 4. Results of Formal Investigation; Board Decision on Hearing. (1) Upon completion of the formal investigation, the board's attorney or the investigative assistant shall report to the board their findings and recommendations as to the proper disposition of the complaint. The determination that the board makes at this point is whether or not there is enough evidence to believe that a violation of the law or administrative regulations may have occurred and that a hearing should be held.

(2) When in the opinion of the board a complaint does not warrant the issuance of a formal complaint and the holding of a hearing, the complaint shall be dismissed or other appropriate action taken. The board shall notify both the complaining party and the individual of the outcome of the complaint.

(3) When in the opinion of the board a complaint warrants the issuance of a formal complaint, the board shall cause a complaint to be prepared stating clearly the charge or charges to be considered at the hearing. The formal complaint shall be signed by the chairman and served upon the individual as required by Section 6 of this administrative regulation.

(4) When in the opinion of the board a complaint warrants the issuance of a formal complaint against a person who is practicing occupational therapy without a license, the board shall cause a complaint to be prepared and signed by the chairman of the board, stating the board's belief the charges are based upon reliable information. The complaint shall be forwarded to the appropriate county attorney with a request that appropriate action be taken under KRS 319A.990. The board may also initiate action in Franklin Circuit Court for injunctive relief to stop the unauthorized practice of occupational therapy.

Section 5. Settlement by Informal Proceedings; Letter of Admonishment. (1) The board, through counsel may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter. Any agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman of the board.

(2) The board may, at any time during this process, issue a letter of admonishment to the individual who is named in the complaint as a means of resolving the complaint. The action may be taken if it is determined by the board that this is an appropriate method of dispensing with the complaint. Such letter of admonishment shall be sent to the individual with a copy placed in the individual's permanent file. Within thirty (30) days of the date of the letter, the individual shall have the right to file a written response to the letter and have it attached to the letter of admonishment and placed in the permanent file. The individual shall also, within thirty (30) days of the date of the letter, have the right to appeal the letter of admonishment and be granted a full hearing on the complaint. If this appeal is requested, the board shall immediately file a formal complaint in regard to the matter and set a date for a hearing.

Section 6. Notice and Service of Process. (1) Any notice required by the Act or this administrative regulation shall be in writing, dated and signed by the chairman of the board.

(2) Service of notice and other process shall be made by hand-delivery or delivery by certified mail, return receipt requested, to the individual's last known address of which the board has record or, if known, by such service on the named individual's attorney of record, if appropriate. Refusal of service if by certified mail; or avoidance of service if hand-delivered shall not prevent the board from pursuing proceedings as may be appropriate.

(3) When notice of the initial date for the administrative hearing is given by either the board or the hearing officer, the notice shall be sent to the appropriate person at least twenty (20) days prior to the date of the hearing.

201 KAR 28:160. Administrative hearings.

RELATES TO: KRS 319A.190, 319A.200

STATUTORY AUTHORITY: KRS 319A.070(3), 319A.190

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter 319A and KRS 319A.190 provide for promulgation of administrative regulations governing the conduct of administrative hearings authorized by the Act. This administrative regulation sets forth the procedure by which such hearings are to be conducted.

Section 1. Composition of the Board for Purposes of a Hearing. (1) Disciplinary actions may be heard by a quorum of the board members eligible to hear that particular case, the board's designated hearing officer, or both.

(2) The board may appoint a licensed attorney as a hearing officer to preside over the hearing, conduct all prehearing activities, prepare findings of fact and conclusions of law at the direction of the board, and provide legal advice to the board.

(3) A board member who has participated in the investigation of a disciplinary action or who has personal knowledge of the facts giving rise to a disciplinary action shall not sit as a member of the board hearing that particular action and shall not be considered an eligible member for purposes of determining a quorum.

(4) Staff members of the board, legal counsel for the board and a court stenographer may also be present for the hearing.

Section 2. Rights of the Licensee or Applicant. The licensee or applicant shall have the right to be present and to be heard at the hearing, to be represented by legal counsel, to present evidence, to cross-examine witnesses presented by the board, and to make both opening and closing statements. The licensee or applicant shall also have the right to have subpoenas issued in accordance with KRS 319A.070(2).

Section 3. Prehearing Disclosure of Evidence. (1) By the board. The names, addresses, and phone numbers of witnesses expected to be called by the board shall be made available upon request of the licensee or applicant. Copies of documentary evidence may be obtained upon the payment of a reasonable charge therefor, except documents protected from disclosure by state or federal law. Nothing in this section shall be construed as giving the licensee or applicant the right to examine or copy the personal notes, observations, or conclusions of the board's investigators nor shall it be construed as allowing access to the work product of legal counsel for the board. The licensee or applicant shall also be permitted to examine any items of tangible evidence in the possession of the board.

(2) By the licensee or applicant. At least ten (10) days prior to the scheduled hearing date the licensee or applicant shall furnish to the investigator or legal counsel for the board copies of any documents which the licensee or applicant intends to introduce at the hearing, and a list of the names, addresses, and home and work telephone numbers of any witnesses to be presented to the board by the licensee or applicant. The licensee or applicant shall also produce for inspection any items of tangible evidence within his possession or control which he intends to introduce at the hearing.

(3) Written response. At least ten (10) days prior to the scheduled hearing date, the licensee or applicant shall also file with the board a sworn (under oath) written response to the specific allegations contained in the notice of charges. Allegations not answered shall be deemed admitted. The board may for good cause permit the late filing of a response.

(4) Sanctions for failure to comply with prehearing disclosure. Should a party fail to comply with this section the board hearing the disciplinary action may refuse to allow into evidence such items or testimony as have not been disclosed, may continue the action to allow the opposing party a fair opportunity to meet the new evidence, or may make other orders as it deems appropriate.

(5) Continuing duty to disclose. After disclosure has been completed, each party shall remain under an obligation to disclose any new or additional items of evidence which the party intends to introduce or witnesses the party intends to have testify. Additional disclosure shall

take place as soon as practicable. Failure to disclose may result in the exclusion of the new evidence or testimony from the hearing.

Section 4. Order of Proceeding. (1) The hearing officer or presiding officer shall call the hearing to order and shall identify the parties to the action and the persons present and shall read the letter of notice and charges. The hearing officer shall then ask the parties to state any objections or motions. The hearing officer shall rule upon any objections or motions, subject to being overridden by a majority vote of the members of the board. Opening statements shall then be made, with the attorney for the board proceeding first. Either side may waive opening statement.

(2) The taking of proof shall commence with the calling of witnesses on behalf of the board. Such witnesses shall be examined first by the attorney for the board, then by the licensee or applicant or that person's attorney, and finally by members of the board. Rebuttal examination of witnesses shall proceed in the same order. Documents or other items may be introduced into evidence as appropriate.

(3) Upon conclusion of the case for the board, the licensee or applicant shall call its witnesses. The witnesses shall be examined first by the licensee or applicant or that person's attorney, then by the attorney for the board, and finally by the members of the board. Rebuttal examination of those witnesses shall proceed in the same order. Again, documents or other evidence may be introduced as appropriate.

(4) At the conclusion of the proof, the parties shall be afforded the opportunity to make a closing statement, with the attorney for the board always proceeding last. The hearing officer may impose reasonable limitations upon the time allowed for opening and closing statements.

(5) The hearing officer shall also be responsible for enforcing the general rules of conduct and decorum and expediting the hearing by keeping the testimony and exhibits relevant to the case.

Section 5. Rules of Evidence. (1) The board shall not be bound by the technical rules of evidence. The board may receive any evidence which it considers to be reliable, including testimony which would be hearsay if presented in a court of law. Documentary evidence may be admitted in the form of copies or excerpts, and need be authenticated only to the extent that the board is satisfied of its genuineness and accuracy. Tangible items may be received into evidence without the necessity of establishing a technical legal chain of custody so long as the board is satisfied that the item is what it is represented to be and that it is in substantially the same condition as it was at the time of the events under consideration.

(2) The board retains the discretion to exclude any evidence which it considers to be unreliable, incompetent, irrelevant, immaterial or unduly repetitious. Rulings on objections to evidence shall be made by the hearing officer but may be overridden by a majority vote of the eligible members of the board.

Section 6. Decisions by the Board. (1) Upon the conclusion of the hearing, the board shall retire into closed session for the purpose of deliberations.

(2) At the conclusion of the board's deliberations it shall propose an order based upon the evidence presented. The hearing officer shall draft a proposed order including findings of fact and conclusions of law consistent with the board's deliberations as well as a recommended order to be submitted to the full board.

Section 7. Final Approval by the Board. The board, at its next meeting, or as soon thereafter as may be arranged, shall review the proposed order and consider it for final approval.

Section 8. Continuances; Proceedings in Absentia. It is the policy of the board not to postpone cases which have been scheduled for hearing absent good cause. A request by a licensee or applicant for a continuance may be considered if communicated to the staff reasonably in advance of the scheduled hearing date and based upon good cause. The decision whether to grant a continuance shall be made by the hearing officer or chairman of the board. However, the burden is upon the licensee or applicant to be present at a scheduled hearing. Failure to appear at

a scheduled hearing for which a continuance has not been granted in advance shall be deemed a waiver of the right to appear and the hearing shall be held as scheduled.

201 KAR 28:170. Deep physical agent modalities.

RELATES TO: KRS 319A.010(8), 319A.080(4), 319A.170(1)(c)

STATUTORY AUTHORITY: KRS 319A.070(3), 319A.080(4)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.080(4) allows the board to set forth guidelines for the training and instruction necessary for the use of deep physical agent modalities. KRS 319A.070 states that the board shall issue a certification to a person who qualifies under this administrative regulation. This administrative regulation sets forth the requirements for obtaining certification in deep physical agent modalities.

Section 1. Definition. "DPAM Specialty Certification" means the certification issued to a Kentucky-licensed occupational therapist or licensed occupational therapist assistant who meets the standards set forth in KRS 319A.180 and this administrative regulation and who has been certified by the board.

Section 2. Application. A licensee, before utilizing deep physical agent modalities, shall submit an application to the board for a DPAM Specialty Certification.

(1) The application shall be accompanied by:

(a) Payment of the fee required by KRS 319A.170(1)(c).

(b) Proper documentation that the applicant has met all educational and clinical requirements for certification which include:

1. Successful completion of the requisite hours of training and instruction required by KRS 319A.080(4) for the level of licensure held by the applicant; and

2. Successful completion of the five (5) treatment sessions that meet the requirements specified in Section 4 of this administrative regulation.

(2) The documentation shall include:

(a) The names and addresses of the person or organization presenting the courses or training attended by the applicant;

(b) A copy of the course syllabus or a description of the workshop or seminar which includes a summary of the learning objectives and teaching methods employed in the workshop or seminar and the qualifications of the instructors;

(c) The name and address of the person who supervised the treatment sessions;

(d) A statement signed by the supervisor confirming that the applicant has completed five (5) supervised treatment sessions and that the criteria set forth in Section 4 of this administrative regulation have been met; and

(e) A statement signed by the designed program official confirming successful completion of the training or course of instruction.

(3) A DPAM Specialty Certification shall be issued by the board before the individual can begin using deep physical agent modalities except when a qualified licensee is performing those modalities as part of a supervised program to complete the supervised treatment sessions required for a DPAM Specialty Certification under this administrative regulation.

(4) The board shall maintain a roster of persons who have been issued DPAM Specialty Certification for the use of deep physical agent modalities.

(5) An OT/L or OTA/L who is also licensed by the Kentucky Board of Physical Therapy as a physical therapist or physical therapist assistant and who seeks a DPAM certification shall be certified by the board upon application.

Section 3. Training and Instruction. (1) The training and instruction shall be earned by direct personal participation in courses, workshops, or seminars.

(2) The content of the courses, workshops, or seminars shall include training and instruction in the following subject areas:

(a) Principles of physics related to specific properties of light, water, temperature, sound, and electricity;

(b) Physiological, neurophysiological, and electrophysiological changes which occur as a result of the application of each of the agents identified in KRS 319A.010(8);

(c) Theory and principles of the utilization of deep physical agents which includes guidelines for treatment or administration of agents within the philosophical framework of occupational therapy;

(d) The rational and application of the use of deep physical agents;

(e) The physical concepts of ion movement;

(f) Critical thinking and decision making regarding the indications and contraindications in the use of deep physical agents;

(g) Types selection and placement of various agents utilized;

(h) Methods of documenting the effectiveness of immediate and long-term effects of interventions;

(i) Characteristics of equipment including safe operation, adjustment, and care of the equipment; and

(j) Application and storage of specific pharmacological agents.

(3) The programs shall be approved or recognized either by the American Occupational Therapy Association or the American Society of Hand Therapists or be approved by the board.

(4) A person who is seeking board approval for training and instruction courses, workshops, or seminars which are intended to meet the requirements of KRS 319A.080(4) shall submit a "DPAM Course, Workshop or Seminar Provider Approval Application Form" to the board.

Section 4. Supervised Treatment Sessions. (1) The supervised treatment sessions required for certification shall be sufficiently detailed to allow the DPAM Specialty Certification supervisor to determine that the supervisee has demonstrated the following skills:

(a) The ability to evaluate or contribute to the evaluation of the client, depending upon the applicant's licensure status as an OT/L or an OTA/L and make an appropriate selection of the deep physical agent to be utilized;

(b) A thorough knowledge of the effects of the deep physical agent which is to be utilized;

(c) The ability to explain the precaution, contraindication, and rationale of the specific deep physical agent utilized;

(d) The ability to formulate and justify the occupational therapy intervention plan specifically delineating the adjunctive strategy associated with the use of each deep physical agent;

(e) The capability to safely and appropriately administer the deep physical agent;

(f) The ability to properly document the parameters of intervention which include the client’s response to treatment and the recommendations for the progression of the intervention process; and

(g) The skills identified in paragraphs (d) and (f) of this subsection are not applicable to an OTA/L’s practice and an OTA/L is not required to demonstrate the skill in a supervised treatment session.

(2) The supervised treatment sessions shall include one (1) session for each of the following areas:

(a) Iontophoresis;

(b) Ultrasound; and

(c) Electrical stimulation.

(3) The remaining two (2) sessions may cover any deep physical agent identified in KRS 319A.010(8).

(4) Supervised treatment sessions may be completed in a laboratory portion of an instructional course, provided that the instructor meets the board’s requirements for a DPAM specialty certification supervisor and that all of the requirements of this administrative regulation have been met.

5. Treatment sessions shall be completed under the direct supervision of a person who meets the requirements of subsection (5) of this section and is approved by the board.

6. Before an individual may be a supervisor for the treatment sessions specified in this administrative regulation, he or she shall:

(a) Be licensed or certified by a state agency that has the authority to permit the use of deep physical agent modalities;

(b) Be licensed at a level which permits the individual to fully and independently evaluate the client;

(c) Be in good standing with that agency; and

(d) Have one (1) year of clinical experience in the use of deep physical agent modalities.

(7) The issuance of the DPAM specialty certification by the board only shows that the applicant has met the minimum requirements of KRS 319A.080(4)(a). It shall be the duty of the individual licensee to determine his or her competency to provide a specific DPAM for a client.

Section 5. An OTA/L certified to use DPAMs under this administrative regulation may only use DPAMs when supervised by an OT/L certified to use DPAMs under this administrative regulation.

Section 6. Incorporation by Reference. (1) "DPAM Course, Workshop or Seminar Provider Approval Application Form", is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensure for Occupational Therapy, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 28:180. Temporary permits.

RELATES TO: KRS 319A.100

STATUTORY AUTHORITY: KRS 319A.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.100 authorizes the board to issue a temporary permit to certain applicants for licensure. This administrative regulation sets forth the requirements for obtaining and practicing under a temporary permit.

Section 1. The applicant for a temporary permit shall submit the following items to the board for temporary permit consideration:

(1) A completed application form for licensure as an occupational therapist as defined in 201 KAR 28:060 or submit a completed application form for licensure as an occupational therapy assistant as required by 201 KAR 28:060;

(2) An official verification of the completion of educational requirements and fieldwork requirements from an educational program accredited by ACOTE or its equivalent;

(3) A completed Supervision Temporary Permit Form from a licensed occupational therapist who is currently in good standing with the board, indicating that the licensed occupational therapist shall assume responsibility for the supervision of the temporary permit applicant in accordance with the requirements of 201 KAR 28:130, Section 2;

(4) An official NBCOT Authorization to Test Form or its equivalent; and

(5) The appropriate fee for licensure as required by 201 KAR 28:110.

Section 2. A temporary permit holder who is working towards becoming licensed as an occupational therapist or occupational therapy assistant who has been unsuccessful in passing the NBCOT or equivalent certification examination shall notify the board in writing within ten (10) calendar days from receiving notification from NBCOT the he/she has failed to pass the examination on the second attempt.

Section 3. If the examination is available on an ongoing, on-demand basis, a temporary permit shall be valid for up to 180 days from issuance by the board.

Section 4. Upon successful completion of the certification examination, a temporary permit holder shall immediately submit a copy of the NBCOT certification or its equivalent to obtain licensure.

Section 5. Incorporation by Reference. (1) "Supervision Temporary Permit Form" is incorporated by reference.

(2) It may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Licensure for Occupational Therapy, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

201 KAR 28:200. Continuing competence.

RELATES TO: KRS 319A.070(3)(d), 319A.160

STATUTORY AUTHORITY: KRS 319A.070(3)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.070(3) allows the board to set forth the requirements for continuing competence. This administrative regulation sets forth the requirements for licensees to demonstrate continuing competence.

Section 1. Definitions. (1) "Continuing competence" means a dynamic, multidimensional process to develop and maintain the knowledge, skills, interpersonal abilities and critical and ethical reasoning necessary to perform occupational therapy professional responsibilities.

(2) "Continuing competence unit" means an assigned unit of measure for each continuing competence activity for which the values are given in Section (5) of this administrative regulation.

(3) "Contact hour" means sixty (60) minutes engaged in a learning activity, excluding meals, breaks, and registration.

(4) "CCU" means continuing competence unit.

Section 2. Continuing Competence Requirements. (1) A licensee applying for license renewal shall complete a minimum of twelve (12) CCUs of qualified activities for maintaining continuing competence during the preceding annual renewal period.

(2) A licensee who is issued a license for a period less than twelve (12) months shall prorate the number of CCUs to one (1) CCU for each month licensed.

(3) An applicant for reinstatement or licensure who was previously licensed by the board and whose license has been put on inactive status, revoked, or expired for three (3) years or less from the time the application is filed shall obtain twelve (12) CCUs of qualified activities for maintaining continuing competence for each year in which the license has been in the status prior to receiving the license.

(4) An applicant for licensure who was previously licensed by the board and whose license has lapsed for more than three (3) years shall obtain thirty-six (36) CCUs of qualified activities for maintaining continuing competence.

Section 3. Qualified Activities for Maintaining Continuing Competence. The following activities qualify for the continuing competence requirements of this administrative regulation:

(1) Continuing education courses.

(a) A licensee may earn one (1) CCU for each contact hour in continuing education courses including workshops, seminars, conferences, electronic courses, or self-study courses.

(b) Documentation for this activity shall include a certificate of completion or similar documentation including:

1. Name of course, date, and the author or instructor;

2. Name of sponsoring organization and the location of the course; and

3. The number of contact hours attended.

(2) Employer provided in-service training.

(a) A licensee may earn one (1) CCU for each contact hour of in-service training provided to the licensee by the licensee's employer.

(b) No more than six (6) CCUs of employer-provided training may be counted towards the total number of required CCUs.

(c) Training that deals with issues completely unrelated to the practice of occupational therapy shall not be counted toward the continuing competence requirements.

(d) Documentation for this activity shall include a certificate of completion or similar documentation including:

1. Name of course, date, and the instructor;

2. Name of providing organization and the location of the course; and

3. The number of contact hours attended.

(e) In-service training is structured training that is offered to an employee and that is intended to maintain or enhance the employee's job performance or to meet requirements that are imposed on the employer by a credentialing body.

(3) Academic coursework.

(a) Participation in on-site or distance learning academic courses from a university, college, or vocational technical adult education course related to the practice of occupational therapy shall be counted towards the requirements of this administrative regulation.

(b) A licensee may earn six (6) CCUs per credit hour.

(c) Documentation for this activity shall include:

1. An official transcript indicating successful completion of the course and the date on which the course was taken; and

2. A description of the course from the school catalogue or course syllabus.

(4) Independent study.

(a) Independent study may includes reading books, journal articles, reviewing videos, and activities of a similar nature.

(b) A licensee may earn one (1) CCU for one (1) contact hour spent in an independent study activity.

(c) Documentation for this activity shall include:

1. Title, author, and publisher of the material;

2. The time spent on the material;

3. The date of completion; and

4. A statement that describes how the activity relates to a licensee's current or anticipated roles and responsibilities.

(d) No more than six (6) CCUs from this category shall be counted toward the total.

(5) Mentorship.

(a) Credit may be earned by each participant in a formalized mentorship agreement defined by a signed contract between the mentor and mentee that outlines specific goals and objectives and designates the plan of activities for the participants.

(b) A licensee may earn one (1) CCU for five (5) contact hours spent in activities directly related to achievement of goals and objectives under a mentorship agreement.

(c) Documentation for this activity shall include:

1. The name of mentor and mentee;

2. A copy of a signed agreement;

3. The dates, hours spent and focus of mentorship activities; and

4. A statement outlining the outcomes of mentorship agreement.

(6) Fieldwork supervision.

(a) Credit may be earned by participation as the primary clinical fieldwork educator for an OT or OTA fieldwork student.

(b) A licensee may earn one (1) CCU per forty (40) hours of supervision for each fieldwork student supervised.

(c) Documentation shall include:

1. A written verification from the school to the fieldwork educator with the name of student, school, and dates of fieldwork or the signature page of the completed student evaluation form.

2. Evaluation scores and comments should be deleted or blocked out.

(7) Professional writing.

(a) Credit may be earned by the publication of a book, chapter, or article.

(b) A licensee may earn:

1. Twelve (12) CCUs as an author of a book;

2. Six (6) CCUs as an editor of a book;

3. Six (6) CCUs as author of a chapter;

4. Four (4) CCUs as author of a peer reviewed article;

5. Two (2) CCUs as author of a nonpeer reviewed article;

(c) Documentation for this activity shall consist of full reference for publication including, title, author, editor, and date of publication; or copy of acceptance letter if not yet published.

(8) Professional presentations and instruction.

(a) Credit may be earned by the presentation of academic guest lectures, state or national workshops or conferences, and employer-provider in-service training for OT/Ls or OTA/Ls.

(b) A licensee may earn two (2) CCUs for each hour of credit that is awarded for an activity.

(c) Documentation for this activity shall include a copy of official program, schedule, or syllabus including presentation title, date, hours of presentation, and type of audience or verification of that signed by the sponsor.

(9) Research.

(a) Credit may be earned for the development of or participation in extensive scholarly research activities or extensive outcome studies.

(b) A licensee may earn one (1) CCU for one contact hour spent working on a research project.

(c) Documentation for this activity shall include verification from the primary investigator indicating the name of research project, dates of participation, major hypotheses or objectives of the project, and licensee's role in the project.

(10) Grants.

(a) Credit may be earned for the development of a grant proposal.

(b) A licensee may earn one (1) CCU for one contact hour spent working on a grant proposal.

(c) Documentation for this activity shall include name of grant proposal, name of grant source, purpose and objectives of the project, and verification from the grant author regarding licensee's role in the development of the grant if not the author.

(11) Professional meetings and activities.

(a) Participation in board or committee work with agencies or organizations in professionally related areas to promote and enhance the practice of occupational therapy may be counted toward the requirements of this administrative regulation.

(b) A licensee may earn one (1) CCU for five (5) contact hours on a committee or board.

(c) Documentation for this activity shall include:

1. The name of the committee or board, name of the agency or organization, purpose of service, and description of licensee's role; and

2. The participation shall be validated by an officer or representative of the organization or committee.

(d) No more than six (6) CCUs from this category shall be counted toward the total.

(12) Specialty certifications.

(a) The board shall recognize completion of activities that result in an advanced competence credential or specialty certification earned or recertified during the current renewal period.

(b) A licensee may earn up to twelve (12) CCUs for each advanced competence recognition or specialty certification credential earned or recertified during a renewal period.

(c) Documentation for this activity shall include a certificate of completion that identifies satisfactory completion of requirements for obtaining advanced competence recognition or specialty certification.

(13) Continuing competence plan.

(a) A licensee may earn two (2) CCUs for completion of activities related to the development and implementation of a continuing competence plan for professional development.

(b) Documentation for this activity shall include a signed document by the licensee attesting to the fact that he or she has used a formal assessment process which included the establishment of professional development goals and objectives and a portfolio approach to organize and document continuing competence activities related to the licensee's plan.

(14) Volunteer services.

(a) Credit may be earned by participation in volunteer services performed for organizations, populations, or individuals if the services maintain or enhance the licensee's competence in professional skills in the practice of occupational therapy.

(b) A licensee may earn one (1) CCU for each five (5) contact hours.

(c) Documentation for this activity shall include verification letter from organizations and report of outcomes of services provided.

(d) No more than six (6) CCUs from this category shall be counted toward the total.

Section 4. Approval of Courses for Continuing Education Credit under Section 3(1) of this administrative regulation.

(1) A continuing education course shall be current in subject matter and relevant to the practice of occupational therapy.

(2) A continuing education course under Section 3(1) of this administrative regulation shall qualify for credit under this administrative regulation if it is approved by one of the following methods:

(a) The board shall approve a course or provider of a course that is administered or approved by:

1. A recognized national, state, or local occupational therapy association;
2. An accredited health care organization or facility; or
3. An accredited college or university.

(b) A continuing education course provider who does not come within the provisions of paragraph (a) of this subsection shall submit the following information to the board at least ninety (90) days prior to the presentation of the course:

1. A thorough course description;
2. A statement of the projected learning outcomes;
3. A statement of the target audience;
4. The content focus of the course;
5. A detailed agenda for the activity;
6. A statement of the number of contact hours requested;
7. A listing of the presenters and their qualifications; and
8. A sample of the certificate of completion awarded to successful attendees.

(c) A licensee who does not come within the provisions of paragraph (a) or (b) of this subsection shall submit to the following information to the board:

1. A thorough course description;
2. A statement of the achieved learning outcomes;
3. The content focus of the course;
4. A detailed agenda for the activity;
5. A statement of the number of contact hours requested;
6. A listing of the presenters and their qualifications; and
7. A sample of the certificate of completion awarded to successful attendees.

Section 5. Waiver of Requirements. (1) Under extenuating circumstances, the board may waive all or part of the continuing competence activity requirements of this administrative regulations if an occupational therapist or occupational therapy assistant submits written request for a waiver and provides evidence to the satisfaction of the board of an illness, injury, family

hardship, active military service, or other similar extenuating circumstance which precluded the individual's completion of the requirements on a case-by-case basis.

Section 6. Documentation and Reporting Procedures. (1) A licensee shall maintain the required proof of completion for each continuing competence activity as specified in these administrative regulations.

(2) The required documentation shall be retained by the licensee for a minimum of one (1) year following the last day of the license renewal period for which the continuing competence activities were earned.

(3) A licensee shall not send his or her continuing competence activity documentation to the board unless audited under Section 7 of this administrative regulation or otherwise requested by the board.

Section 7. Audit of Continuing Competence Activities. (1) The board shall perform a random audit of up to ten (10) percent of all licensees who shall be required by the board to furnish documentation of the completion of the appropriate number of continuing education hours for the current renewal period.

(2) A licensee who is audited shall respond to the audit within sixty (60) days of the date of the request.

(3) A licensee who fails to comply with the continuing competence activity requirements of this administrative regulation may be subject to disciplinary action that may include suspension or revocation of license.

Section 8. Other Provisions. (1) A licensee may not carry over continuing competence activity CCUs from one (1) licensure period to the next.

(2) A licensee may not receive credit for completing the same continuing competence activity more than once.