



Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

77 South High Street, 16th Floor
Columbus, Ohio 43215-6108

Governor
John R. Kasich
Executive Director
Jeffrey M. Rosa

Notice of Public Hearing

In accordance with section 119.07 of the Ohio Revised Code and rule 4755-1-01 of the Ohio Administrative Code, you are hereby notified that the Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board will conduct a public hearing on Thursday, May 14, 2015 at 10:15 A.M. in the Vern Riffe Center for Government and the Arts located at 77 S. High Street, Room 1918, Columbus, Ohio, 43215.

4755-3-10

Biennial Renewal of Licensure (Amend)

4755-7-01

Occupational Therapy Practice Defined (Amend)

4755-7-03

Delegation (Amend)

4755-7-04

Supervision (Amend)

4755-9-01

Continuing Education (Amend)

Persons intending to testify are encouraged to pre-register by sending an email to board@otptat.ohio.gov or writing to:

Jeffrey Rosa, Executive Director
Ohio OTPTAT Board
Occupational Therapy Section
77 S. High Street, 16th Floor
Columbus, OH 43215-6108

Testimony presented during the hearing or submitted to the Section will be considered by the Section at its May 14, 2015 meeting. A copy of the proposed rules referenced above may be obtained at the Board's website, <http://otptat.ohio.gov>, or by contacting the Board by email or telephone.

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4755-3-10 Biennial renewal of licensure.

- (A) Renewal of an occupational therapist or occupational therapy assistant license shall be in accordance with section 4755.10 of the Revised Code.
- (1) The entire licensure renewal application, including any required forms, compliance with the continuing education requirement specified in rule 4755-9-01 of the Administrative Code, and payment of the renewal fee prescribed by rule 4755-5-05 of the Administrative Code, shall be completed to satisfy the requirements of the renewal procedure.
 - (2) The licensure renewal notice shall be ~~mailed~~sent to the address on file with the board.
- (B) All individuals licensed as an occupational therapist shall renew their license by the thirtieth day of June in each odd-numbered year. When a license to practice as an occupational therapist is issued by the board on or after ~~April~~March first of an odd-numbered year, that license shall be valid through the thirtieth day of June of the next odd-numbered year.
- (C) All individuals licensed as an occupational therapy assistant shall renew their license by the thirtieth day of June in each even-numbered year. When a license to practice as an occupational therapy assistant is issued by the board on or after ~~April~~March first of an even-numbered year, that license shall be valid through the thirtieth day of June of the next even-numbered year.
- (D) Persons who fail to submit the renewal fee, completed application, any other required information, and/or comply with the continuing education requirement specified in rule 4755-9-01 of the Administrative Code by the thirtieth day of June of the appropriate year shall have their license automatically expire.
- (1) A license holder whose license expires for failure to renew must submit a reinstatement application in accordance with rule 4755-3-12 of the Administrative Code. The occupational therapy section shall approve the reinstatement application before the individual may legally practice as an occupational therapist or occupational therapy assistant in Ohio.
 - (2) A licensee who continues to practice occupational therapy with an expired license shall be subject to disciplinary action pursuant to section 4755.11 of the Revised Code.
 - (3) An additional processing fee may be assessed to persons who have not complied with the renewal requirements by the thirty-first day of May of the renewal year.
- (E) For the purposes of filing an electronic renewal application via the Ohio e-license system, the board shall supply the applicant with a "UserID" and password. The use of the "UserID" and password provided by the board is solely the responsibility of the licensee to whom it is issued and shall be limited to filing an electronic renewal application. The "UserID" and password shall constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

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4755-7-01 Occupational therapy practice defined.

For the purpose of Chapters 4755-1 to 4755-9 of the Administrative Code, the following definitions shall apply:

- (A) "Occupational therapist" means a person who is licensed to practice occupational therapy and who offers such services to the public under any title incorporating the words "occupational therapy," "occupational therapist," or similar title or description of services.
- (B) "Occupational therapy assistant" means a person who holds a license to provide occupational therapy techniques under the general supervision of an occupational therapist.
- (C) "Student occupational therapist" means a student enrolled in an accredited or candidacy status entry-level occupational therapist education program ~~who is completing a "Level II" fieldwork or a doctoral level experiential component,~~ or a student enrolled in a "World Federation of Occupational Therapy" accredited entry-level occupational therapist education program ~~who is completing the fieldwork requirement equivalent to the "Level II" fieldwork or the doctoral level experiential component.~~
- (D) "Student occupational therapy assistant" means a student enrolled in an accredited or candidacy status entry-level occupational therapy assistant education program ~~who is completing a "Level II" fieldwork.~~
- (E) "Level I fieldwork" means the introductory fieldwork experiences that are a component of an educational program in occupational therapy in which students develop a basic understanding of the needs of clients through directed observation and supervised participation in the occupational therapy process.
- (F) "Level II fieldwork" means the in-depth fieldwork experiences that are a component of an educational program in occupational therapy that provide multiple occupational therapy services to a variety of clients in multiple settings.
- ~~(E)~~(G) "Unlicensed personnel" means any person who is on the job trained and supports the delivery of occupational therapy services by personally assisting the occupational therapist, occupational therapy assistant, student occupational therapist, and/or student occupational therapy assistant while the occupational therapist, occupational therapy assistant, student occupational therapist, and/or student occupational therapy assistant is concurrently providing services to the same client.
- ~~(F)~~(H) "Supervising occupational therapist" means the occupational therapist who is available to supervise the occupational therapy assistant, the student occupational therapist, student occupational therapy assistant, or unlicensed personnel. The supervising occupational therapist may be the occupational therapist who performed the initial evaluation or another occupational therapist with whom that occupational therapist has a documented agreement.
- ~~(G)~~(I) "Supervising occupational therapy assistant" means the occupational therapy assistant who is appropriately available to supervise the student occupational therapy assistant, the student occupational therapist who is completing the level I fieldwork experience, or unlicensed personnel.

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4755-7-03 Delegation.

(A) Occupational therapy assistant.

The occupational therapy assistant may implement the occupational therapy treatment/intervention plan established by the supervising occupational therapist. The supervising occupational therapist shall consider the following when delegating to the occupational therapy assistant:

- (1) The clinical complexity of the client;
- (2) The competency of the occupational therapy assistant;
- (3) The occupational therapy assistant's level of training in the treatment/intervention technique; and
- (4) Whether continual reassessment of the client's status is needed during treatment/intervention.
- (5) Notwithstanding paragraphs (A)(1) to (A)(4) of this rule, the ~~occupational~~ occupational therapy assistant may respond to acute changes in the client's condition that warrant immediate action.

(B) Student occupational therapist.

The student occupational therapist shall demonstrate appropriate skill and knowledge in duties being delegated. The supervising occupational therapist shall demonstrate knowledge and competency in any procedure or services delegated to a student occupational therapist.

(C) Student occupational therapy assistant.

The student occupational therapy assistant shall demonstrate appropriate skill and knowledge in duties being delegated. The supervising occupational therapist or supervising occupational therapy assistant shall demonstrate knowledge and competency in any procedure or services delegated to a student occupational therapy assistant.

(D) Unlicensed personnel.

- (1) Unlicensed personnel may only perform specific tasks which are neither evaluative, task selective, nor recommending in nature. The occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant may delegate such tasks only after ensuring that the unlicensed personnel has been appropriately trained for the performance of the tasks.
- (2) The occupational therapist, occupational therapy assistant, student occupational therapist, and student occupational therapy assistant shall not delegate the following to unlicensed personnel:

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- (a) Performance of occupational therapy evaluative services;
- (b) Initiation, planning, adjustment, modification, or performance of occupational therapy services;
- (c) Making occupational therapy entries directly in the client's official records; and
- (d) Acting on behalf of the occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant in any matter related to occupational therapy treatment that requires decision making.

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4755-7-04 Supervision.

(A) Supervision must ensure consumer protection. The supervising occupational therapist is ultimately responsible for all clients and is accountable and responsible at all times for the actions of persons supervised, including the:

- (1) Occupational therapy assistant;
- (2) Student occupational therapist;
- (3) Student occupational therapy assistant; and
- (4) Unlicensed personnel.

(B) The following factors should be considered when determining the appropriate frequency, methods, and content of supervision:

- (1) Complexity of the client needs;
- (2) Number and diversity of clients;
- (3) Skills of the occupational therapist and occupational therapy assistant;
- (4) Type of practice setting;
- (5) Requirements of the practice setting; and
- (6) Any other regulatory requirements.

~~(B) The following occupational therapist/occupational therapy assistant supervisory ratios shall apply:~~

- ~~(1) When performing client evaluations, direct client treatment, and supervision of occupational therapy personnel, a 1.0 full-time equivalent (FTE) occupational therapist shall supervise no more than four FTE occupational therapy assistants.~~
- ~~(2) When performing client evaluations and supervision of occupational therapy personnel only, with no direct client treatment responsibilities, a 1.0 FTE occupational therapist shall supervise no more than six FTE occupational therapy assistants.~~
- ~~(3) A supervising occupational therapist with the status of less than 1.0 FTE shall supervise a proportionate number of occupational therapy assistants.~~

(C) Occupational therapy assistant.

Supervision of the occupational therapy assistant, as defined in division (C) of section 4755.04 of the Revised Code, requires initial direction and periodic inspection of the service delivery and relevant in-service training. The supervising occupational therapist need not be on-site, but must be available for consultation with the occupational therapy assistant at all times.

- (1) The supervising occupational therapist must provide supervision at least one time per week for all occupational therapy assistants who are in their first year of practice.
- (2) The supervising occupational therapist must provide supervision at least one time per month

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for all occupational therapy assistants beyond their first year of practice.

- (3) Supervision requires an interactive process between the supervising occupational therapist and the occupational therapy assistant. The interactive process must include, but is not limited to, review of the following:
 - (a) Client assessment;
 - (b) Client reassessment;
 - (c) Treatment/intervention plan;
 - (d) Intervention; and
 - (e) Discontinuation of treatment/intervention plan.
- (4) Co-signing client documentation alone does not meet the minimum level of supervision.
- (5) It is the responsibility of the occupational therapist and occupational therapy assistant to establish evidence that the supervision occurred in accordance with the requirements of this rule. This evidence may include documentation in the client record, or it may exist as a separate document, such as a collaboration log.
- (6) The supervising occupational therapy assistant is accountable and responsible at all times for the actions of all student occupational therapy assistants and unlicensed personnel supervised by the supervising occupational therapy assistant.

(D) Student occupational therapist.

- (1) A student occupational therapist shall be supervised by an occupational therapist who has completed at least one year of clinical practice as a fully licensed occupational therapist.
- (2) The student occupational therapist, who is being supervised in accordance with the laws and rules governing the practice of occupational therapy, may supervise unlicensed personnel.

(E) Student occupational therapy assistant.

- (1) A student occupational therapy assistant shall be supervised by an occupational therapist or occupational therapy assistant who has completed at least one year of clinical practice as a fully licensed occupational therapist or occupational therapy assistant.
- (2) The student occupational therapy assistant, who is being supervised in accordance with the laws and rules governing the practice of occupational therapy, may supervise unlicensed personnel.

(F) Supervising occupational therapists shall confirm that all occupational therapy assistants they supervise hold current, valid licenses to practice occupational therapy in this state prior to allowing the occupational therapy assistant to engage in the practice of occupational therapy.

(G) Occupational therapy assistants shall confirm that all occupational therapists by whom they are supervised hold current, valid licenses to practice occupational therapy in this state prior to engaging in the practice of occupational therapy.

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(H) Any documentation written by an occupational therapy assistant, student occupational therapist, or student occupational therapy assistant for inclusion in the client's official record shall be co-signed by the supervising occupational therapist.

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4755-9-01 Continuing education.

- (A) Pursuant to division (C) of section 4755.06 of the Revised Code, no person shall qualify for licensure renewal as an occupational therapist or occupational therapy assistant unless the licensee has shown to the satisfaction of the occupational therapy section that the licensee has completed twenty contact hours of continuing education activities within the two year renewal cycle.
- (1) If the license was valid for a period of twelve months or less, the licensee shall complete ten contact hours of continuing education within the renewal cycle, including one contact hour of ethics, [jurisprudence, or cultural competence](#) pursuant to paragraph (A)(5) of this rule. The category limits contained in paragraph (B) of this rule do not apply if the license was valid for twelve months or less.
 - (2) ~~Any person who obtains an initial license by examination in Ohio pursuant to paragraph (C) of rule 4755-3-01 of the Administrative Code within twelve months of graduation from an entry level occupational therapy/occupational therapy assistant program is~~ [Licensees are](#) not required to obtain any continuing education units for the first renewal.
 - (3) A "contact hour" is one hour spent in a continuing education activity meeting the requirements of this rule. Contact hours exclude refreshment breaks, receptions, social gatherings, and meals that do not include an acceptable activity.
 - (4) All continuing education activities must be earned in the two year period immediately preceding the thirtieth day of June of the year in which licensure renewal is required. Contact hours may not be carried over from one renewal period to the next.
 - (5) Licensees shall complete at least one contact hour of ethics, jurisprudence, or cultural competence education per renewal cycle. The one hour ethics, jurisprudence, or cultural competence requirement may be fulfilled by completing an acceptable activity outlined in paragraph (B) of this rule that contains at least one hour addressing professional ethics, jurisprudence, or cultural competence. In addition, any presentation by the occupational therapy section meets the ethics, jurisprudence, or cultural competence requirement.
- (B) Acceptable continuing education activities may include:
- (1) Attending professional workshops, seminars, and/or conferences. There is no limit of contact hours in this category.
 - (a) Credit is obtained by attending presentations that have either been sponsored or approved by the occupational therapy section, the American occupational therapy association (AOTA), the Ohio occupational therapy association, offered by an AOTA approved provider, or which meets the following criteria:
 - (i) It contributes directly to professional competency;
 - (ii) It relates directly to the clinical practice, management, or education of occupational therapy practitioners; and
 - (iii) It is conducted by individuals who have demonstrated expertise in the subject matter

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of the program.

- (b) Prior approval from the section is not required if paragraphs (B)(1)(a)(i) to (B)(1)(a)(iii) of this rule have been met.
 - (c) Proof of content shall be demonstrated by the original workshop or conference brochure, agenda, notes, or materials given to participants during the presentations.
 - (d) Copies of continuing education unit certificates or other original documents indicating credits awarded may also be used as verification of participation. If no other form of verification is available, licensees may obtain from the board verification of participation forms, which are to be signed by each presenter at the conclusion of each presentation. If a presentation is made by a panel of individuals, only one signature is required.
- (2) Presentations of occupational therapy programs, workshops, or seminars. The presentation must be to health or education professionals and/or students, be at least one contact hour in length and relate to the clinical practice, management, or education of occupational therapy practitioners. Two contact hours will be awarded for each hour of presentation. A maximum of eight contact hours may be earned in this category. Proof of presentation is the workshop, conference, or seminar contract, or the brochure, agenda, or other printed materials describing content and audience. Continuing education credit will not be awarded for subsequent presentations of the same material.
- (3) Preparation to teach a clinical course in occupational therapy. The course must be taught in an occupational therapy program accredited by the accreditation council for occupational therapy education (ACOTE). Credit will only be awarded for preparation for a new course or substantive changes to an existing course. One contact hour will be awarded for each hour of preparation. A maximum of eight contact hours may be earned in this category. Proof of presentation is the course syllabus or other printed materials describing the content and goals of the course.
- (4) Publications of books, articles, or films related to clinical practice, management, or education of occupational therapy. A maximum of five contact hours for each published article, ten contact hours for a published book, five contact hours for a chapter in a book, and ten contact hours for a film may be earned in these categories. Co-authorship is acceptable. The item must be published within the current renewal cycle. Proof of completion is the published article, title page of the book, or film. [There is no limit of contact hours in this category.](#)
- (5) Undergraduate or graduate courses. A maximum of ten contact hours may be earned per completed course. Courses must be related to the management, practice, or education of occupational therapy. Proof of completion is an unofficial college or university transcript. An official college or university transcript may be requested at the discretion of the occupational therapy section. Proof of content is the catalog description. There is no limit of contact hours in this category.
- (6) Supervision of fieldwork. ~~Continuing education credit can be earned by supervising level II students. One contact hour may be earned for every eighty hours of student supervision~~

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~~completed, with a maximum of eight contact hours per renewal cycle. Proof of student supervision will be a certificate of supervision from the student's school or the student's completed evaluation form.~~

- (a) Continuing education credit can be earned by supervising level I students. One contact hour may be earned for each student supervised, with a maximum of six contact hours per renewal cycle.
- (b) Continuing education credit can be earned by supervising level II students. Six contact hours may be earned per student for eight weeks of supervision. Eight contact hours may be earned per student for twelve weeks of supervision. There is no limit of contact hours for level II supervision.
- (c) A licensee must be a signing rater on the American occupational therapy association fieldwork performance evaluation (FWPE) to be eligible for continuing education credit. If more than one licensee is a signing rater on the FWPE, the contact hours earned shall be divided between the signing raters.
- (d) Proof of student supervision is a certificate of supervision from the student's school.

- (7) Self-study. Formal study packages, such as printed text, multi-media, or internet based activities, related to the clinical practice, management, or education of occupational therapy are acceptable. There is no limit of contact hours in this category. Proof of completion is the certificate of completion and/or a copy of the post test results.
- (8) Distance learning. Credit for distance learning requires that there be opportunity for interaction with the program presenter and that the content is related to the clinical practice, management, or education of occupational therapy. The agenda and certificate of participation are required to verify completion. There is no limit of contact hours in this category.
- (9) Apprenticeships. Supervised clinical experience aimed at developing specialized skills in occupational therapy is acceptable. Five contact hours shall be credited for each forty hour week. There is no limit to the amount of contact hours that can be earned under this category. Proof of completion is a signed letter from the clinical supervisor describing length and type of education experiences and an evaluation of the occupational therapist's or occupational therapy assistant's performance.

Apprenticeships must be served under the supervision of a licensed occupational therapist whose license is in good standing and who has demonstrated expertise in the practice of occupational therapy or other individuals who have demonstrated expertise in specialized techniques as approved by the occupational therapy section.

- (10) Research projects. A maximum of ten contact hours may be earned in this category. The hours will be granted only for completed, published or unpublished research projects related to the theory, clinical practice, management, or education of occupational therapy. Proof of completion is the published article or unpublished manuscript.
- (11) Informal independent study. One contact hour will be given for reading an evidence based book chapter or research journal article relating to the clinical practice, management, or education of occupational therapy practitioners and identifying how the information

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presented can be applied to one's own practice, management, or education situation. Proof of completion is a copy of the article's title page and the first page, and a written report summarizing the information and outlining how it can be applied by the licensee. One hour will be awarded for each chapter/article. A maximum of four contact hours may be earned in this category per renewal cycle.

- (12) Jurisprudence examination. One contact hour may be earned for completing and passing the Ohio occupational therapy jurisprudence examination. This contact hour may be utilized only once per renewal cycle for continuing education credit. Proof of completion is the graded examination. This contact hour may be used to fulfill the ethics, jurisprudence, or cultural competence requirement established in paragraph (A)(5) of this rule.
 - (13) Mentorship. Continuing education credit can be earned by mentoring a student completing a graduate level research/capstone project at an ACOTE accredited entry-level or a post-professional occupational therapist education program. One contact hour may be earned for every eighty hours of mentorship completed, with a maximum of four contact hours per renewal cycle. Proof of mentorship will be a certificate from the student's school and a time log documenting the mentor's activities and the time spent completing those activities. Faculty members mentoring students enrolled in the faculty member's own program are not eligible for continuing education credit for mentorship.
- (C) The occupational therapy section shall conduct an audit of the continuing education records of not less than five per cent of the licensees each renewal year.
- (1) Licensees chosen for audit shall submit to the board by the date specified by the board copies of all records and documentation of the continuing education activities used to meet the requirements of paragraph (A) of this rule.
 - (2) Failure to provide proof of the required number of continuing education hours, in the appropriate categories, for the specified time period will result in the commencement of disciplinary action.
 - (3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.
- (D) An occupational therapist or occupational therapy assistant license shall not be renewed unless the licensee certifies that the individual completed the required number of continuing education hours specified in paragraph (A) of this rule.

A licensee who falsifies a renewal application may be disciplined by the occupational therapy section for violating section 4755.11 of the Revised Code.