

R156. Commerce, Occupational and Professional Licensing.

R156-42a. Occupational Therapy Practice Act Rule.

R156-42a-101. Title.

This rule is known as the "Occupational Therapy Practice Act Rule".

R156-42a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 42a, as used in Title 58, Chapters 1 and 42a, or this rule:

(1) "Manual therapy", as used in Subsection 58-42a-102(6)(b)(vii)(L), means the use of skilled hand movements to manipulate tissues of the body for a therapeutic purpose.

(2) "Physical agent modalities", as used in Subsection 58-42a-102(6)(b)(vii)(L), means specialized treatment procedures including: superficial thermal agents, deep thermal agents, electrotherapeutic agents, and mechanical devices.

(3) "Qualified continuing professional education", as used in Subsection 58-42a-303.5(1), means continuing education that meets the standards set forth in Subsection R156-42a-304.

(4) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 42a, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-42a-502.

(5) "Wound care", as used in Subsection 58-42a-102(6)(b)(vii)(L), means:

(a) prevention of interruptions in skin and tissue integrity; and

(b) care and management of interruptions in skin and tissue integrity.

R156-42a-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 42a.

R156-42a-104. Organization - Relationship to Rule 156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-42a-302. Qualifications for Licensure - Examination Requirements.

The examination requirements for licensure, in accordance with Section 58-42a-302, are established as follows:

(1) An applicant for licensure as an occupational therapist shall pass the Occupational Therapist Registered (OTR) certification examination from the National Board for Certification in Occupational Therapy (NBCOT), or a predecessor organization.

(2) An applicant for licensure as an occupational therapy assistant shall pass the Certified Occupational Therapy Assistant (COTA) certification examination from the National Board for Certification in Occupational Therapy (NBCOT), or a predecessor organization.

R156-42a-303. Expiration, Renewal, and Reinstatement of License.

In accordance with Section 58-1-308:

(1) The renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 42a is established in R156-1-308a.

(2) Renewal and reinstatement procedures shall be in accordance with Sections R156-1-308a through R156-1-308l except as provided in Subsection (3).

(3) An applicant whose licensure was active and in good standing at the time of expiration may apply for reinstatement between two years and five years after the date of expiration, in accordance with the following practice re-entry requirements:

(a) Each applicant shall:

(i) submit an application demonstrating compliance with all requirements and conditions of license renewal;

(ii) pay all license renewal and reinstatement fees for the current renewal period;

(iii) submit evidence of completion of continuing education for each preceding renewal period in which the license was expired; and

(b) If the applicant has been out of practice three or more years, the applicant shall also:

(i) meet with the Board for evaluation of the applicant's qualifications for licensure; and

(ii) comply with additional licensure requirements or conditions considered necessary by the Division and Board to protect the public and ensure that the applicant is currently competent to engage in the profession.

R156-42a-304. Continuing Education.

(1) Continuing education required by Subsection 58-42a-302.5(1) shall consist of 24 hours of qualified continuing professional education in each preceding two-year period of licensure or prior to reinstatement of licensure. Each hour of continuing professional education may include a 10-minute break.

(2) If a renewal period is shortened or extended to effect a change of renewal cycle, the continuing professional education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.

(3) The required number of contact hours of continuing professional education for an individual who first becomes licensed during the two-year renewal cycle shall be decreased by a pro-rata amount.

(4) The standards for qualified continuing professional education include:

(a) an identifiable clear statement of purposed and defined objective for the educational program directly related to the practice of occupational therapy;

(b) relevance to the licensee's professional practice;

(c) presentation in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the continuing education;

(d) preparation and presentation by individuals who are qualified by education, training, and experience;

(e) completion of a minimum of two hours related to legal and ethical principles of practice; and

(f) verification from the continuing education provider to licensee of the completed continuing education.

(5) Supervision of one Level II occupational therapy student may account for two hours of continuing education, up to a maximum of eight hours of continuing education during each renewal cycle.

(6) Records of qualified continuing education completion shall be maintained by the licensee and reported to the Division when requested.

R156-42a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) delegating supervision, or occupational therapy services, care or responsibilities not authorized under Title 58, Chapter 42a or this rule;

(2) engaging in or attempting to engage in the use of physical agent modalities, wound care, or manual therapy when not competent to do so by education, training, or experience;

(3) failing to provide general supervision as set forth in Title 58, Chapter 42a and this rule;

(4) failing to cosign COTA discharge documentation within 30 days pursuant to R156-42a-601; and

(5) violating any provision of the American Occupational Therapy Association Code of Ethics, last amended 2015, which is hereby adopted and incorporated by reference.

R156-42a-601. Practice Standards.

(1) A certified occupational therapist assistant (COTA), after consultation with the supervising occupational therapist (OT), may discharge an individual from on-going service only if there is no evaluation component associated with the discharge from service. The supervising OT shall co-sign the appropriate documentation within 30 days.

(2) An occupational therapist shall complete formal specialized wound care training or certification, including didactic and clinical components, if engaging in the care and management of interruptions in skin and tissue integrity.

(3) Occupational therapy treatment shall be performed by an occupational therapist or certified occupational therapist assistant who is able to demonstrate and document evidence of theoretical background, technical skill, and competence in the therapies performed.

KEY: licensing, occupational therapy

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Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-42a-101