

Dear Senators HEIDER, Souza, Jordan, and  
Representatives WOOD, Packer, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - Occupational Therapists & Occupational Therapy Assistants: IDAPA 24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants - Proposed Rule (Docket No. 24-0601-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 11/05/2018. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/05/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee  
**FROM:** Legislative Research Analyst - Matt Drake  
**DATE:** October 17, 2018  
**SUBJECT:** Bureau of Occupational Licenses - Occupational Therapists & Occupational Therapy Assistants

IDAPA 24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants  
- Proposed Rule (Docket No. 24-0601-1801)

### Summary and Stated Reasons for the Rule

The Bureau of Occupational Licenses submits notice of proposed rulemaking relating to the Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants. The Bureau states that the proposed rule is intended to simplify the rules regarding supervision of occupational therapy assistants, limited permit holders, and aides. According to the Bureau, the current rule has lacked clarity for licensees and applicants, necessitating the proposed revision. The Bureau states that the proposed rule will reduce confusion for licensees and applicants, provide more flexibility for supervisors, remove outdated language, and better organize the rules on supervision and recordkeeping requirements. The rule establishes new language pertaining to limited permit holders and occupational therapy aides. The rule also updates language in the application section, updates the Code of Ethics to reflect current terminology, and adds a section that specifies the factors that the Board will consider when reviewing an applicant with criminal or disciplinary history.

### Negotiated Rulemaking / Fiscal Impact

The Bureau states that negotiated rulemaking was not conducted because the proposed rule was discussed in noticed, open meetings of the Board and in stakeholder meetings with the members of the national and state associations. There is no anticipated negative fiscal impact on the state general fund.

### Statutory Authority

This rulemaking appears to be within the authority granted by Sections 54-3715 and 54-3717, Idaho Code.

cc: Bureau of Occupational Licenses - Occupational Therapists & Occupational Therapy Assistants  
Tana Cory

\*\*\* PLEASE NOTE \*\*\*

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

Statehouse, P.O. Box 83720  
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Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS**

**DOCKET NO. 24-0601-1801**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-3715, 54-3717, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The current rules regarding supervision of occupational therapy assistants, limited permit holders, and aides are complex and have been a consistent source of questions for licensees. This proposed rule will reduce confusion for licensees and applicants, provide more flexibility for supervisors, remove outdated language, and better organize the rules on supervision and recordkeeping. This rule also updates language in the application section, updates the Code of Ethics to reflect current terminology, and adds a section that specifies the factors that the Board will consider when reviewing an applicant with criminal or disciplinary history.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed rule was discussed and decided upon during noticed, open meetings of the Board and in stakeholder meetings with members of the national and state associations.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jennifer Carr at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 30th Day of August, 2018.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720  
Phone: (208) 334-3233  
Fax: (208) 334-3945

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0601-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**010. DEFINITIONS.**

- ~~01.~~ **Association.** *The Idaho Occupational Therapy Association.* (1-5-88)
- ~~02.~~**1.** **Board.** The Occupational Therapy Licensure Board of Idaho. (1-5-88)
- ~~03.~~**2.** **Bureau.** The Idaho Bureau of Occupational Licenses. (7-1-09)
- 03.** **Clients.** Clients are those persons to whom occupational therapy services are delivered. ( )
- 04.** **Client-Related Tasks.** Client-related tasks are routine tasks during which the aide may interact with the client but does not act as a primary service provider of occupational therapy services. The following factors must be present when an occupational therapist or occupational therapy assistant assigns a selected client-related task to the aide: ( )
- a.** The outcome of the assigned task is predictable; ( )
- b.** The situation of the client and the environment is stable and will not require that judgment, interpretations, or adaptations be made by the aide; ( )
- c.** The client has demonstrated some previous performance ability in executing the task; and ( )
- d.** The task routine and process have been clearly established. ( )
- 05.** **Direct Line-of-Site Supervision.** Direct line-of-sight supervision requires the supervisor's physical presence and immediate availability at the site when services are being provided to clients by the individual under supervision. ( )
- 06.** **Direct Supervision.** Direct supervision requires daily, in-person contact by the supervisor at the site where services are provided to clients by the individual under supervision. ( )
- 07.** **Evaluation.** Evaluation is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the review, specific observation, interviewing, and administering data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities. ( )
- 08.** **General Supervision.** General Supervision requires in-person or synchronous interaction at least once per month by an occupational therapist and contact by other means as needed. Other means of contact include, but are not limited to, electronic communications such as email. ( )
- ~~09.~~**9.** **Good Standing.** The individual's license, certification, or registration is not currently suspended or revoked by any state regulatory entity. (3-29-10)
- 10.** **Limited Permit Holder.** A person who has completed the education and experience requirements of Section 54-3706(1) and (2), Idaho Code, for an occupational therapist or occupational therapy assistant, has not yet taken or received the results of the entry level certification examination as required by Section 54-3708, Idaho Code, and Subsection 020.04.a. of these rules, and has applied for and been granted limited permit status as allowed by Section 54-3705(1), Idaho Code, and Subsection 021.03 of these rules. ( )
- ~~05~~**11.** **Occupational Therapist.** A person licensed to practice occupational therapy. (4-2-03)

**0412. Occupational Therapy.** The care and services provided by or under the direction and supervision of an occupational therapist. (3-29-10)

**0913. Occupational Therapy Aide in the Delivery of Occupational Therapy Services.** Also referred to in these rules as an “aide in the delivery of occupational therapy services” or “aide,” is a person who is not licensed by the Board and who provides supportive services to occupational therapists and occupational therapy assistants. ~~An aide shall function only under the guidance, responsibility and direct line-of-sight supervision of the licensed occupational therapist or an occupational therapy assistant who is appropriately supervised by an occupational therapist. The aide provides only specifically selected client related or non-client tasks for which the aide has been trained and has demonstrated competence~~ as provided in these rules. (3-29-10)(    )

**0614. Occupational Therapy Assistant.** A person licensed to practice occupational therapy, and who works under the supervision of an occupational therapist. (3-29-10)

~~07. Graduate Occupational Therapist. A person who holds a certificate of graduation from an approved occupational therapy curriculum, who has submitted a completed application for certification by examination, and who may practice occupational therapy in association with and under the supervision of an occupational therapist and under authority of a Limited Permit. (3-29-10)~~

~~08. Graduate Occupational Therapy Assistant. A person who holds a certificate of graduation from an approved occupational therapy assistant curriculum, has submitted a completed application for licensure by examination and is performing the duties of occupational therapy assistant in association with and under the supervision of an occupational therapist and under the authority of a Limited Permit. (3-29-10)~~

**145. NBCOT.** The National Board for Certification in Occupational Therapy, Inc., is a not-for-profit credentialing agency that provides certification for the occupational therapy profession. (3-29-10)

**16. Non-Client Related Tasks.** Non-client related tasks include clerical and maintenance activities and preparation of the work area or equipment. (    )

**17. Routine Supervision.** Routine Supervision requires in-person or synchronous interaction at least once every two (2) weeks by an occupational therapist and contact by other means as needed. Other means of contact include, but are not limited to, electronic communications such as email. (    )

**18. Student.** A person who is pursuing a supervised course of study in an accredited or approved educational program under Subsections 020.01.a. or 020.02 of this rule, or who is fulfilling the supervised fieldwork experience requirements to qualify for licensure as an occupational therapist or occupational therapy assistant. (    )

**19. Synchronous Interaction.** Synchronous interaction means real-time communication through interactive technology that enables two (2) people at two (2) locations separated by distance to interact simultaneously through two-way video and audio or audio transmission. (    )

**011. SUPERVISION.**

An occupational therapist shall supervise and be responsible for the patient care given by occupational therapy assistants, ~~graduate occupational therapists, graduate occupational therapy assistants, student occupational therapists, student occupational therapy assistants,~~ limited permit holders, and aides, and students. An occupational therapist’s or occupational therapy assistant’s failure to provide appropriate supervision in accordance with these rules is grounds for discipline. (3-29-10)(    )

**01. Skill Levels Supervision Requirements.** ~~The following skill levels apply to occupational therapy assistants, graduate occupational therapists, graduate occupational therapy assistants, student occupational therapists, student occupational therapy assistants and aides:~~ Supervision is the direction and review of service delivery, treatment plans, and treatment outcomes. Unless otherwise specified in this rule, General Supervision is the minimum level of supervision that must be provided. Methods of supervision may include, but are not limited to, Direct Line-of-Sight Supervision, Direct Supervision, Routine Supervision, or General Supervision, as needed to ensure the safe and effective delivery of occupational therapy. (4-7-11)(    )

~~a. *Entry Level—Working on initial skill development (zero to one (0-1) year experience) or working in a new area of practice; An occupational therapist and an occupational therapy assistant must ensure the delivery of services by the individual being supervised is appropriate for client care and safety and must evaluate:*~~ (3-29-10)(    )

~~i. *The complexity of client needs;*~~ (    )

~~ii. *The number and diversity of clients;*~~ (    )

~~iii. *The skills of the occupational therapist and the occupational therapist assistant, aide, or limited permit holder;*~~ (    )

~~iv. *The type of practice setting;*~~ (    )

~~v. *The requirements of the practice setting; and*~~ (    )

~~vi. *Other regulatory requirements applicable to the practice setting or delivery of services.*~~ (    )

~~b. *Intermediate Level—Increased independence and mastery of basic roles and functions. Demonstrates ability to respond to new situations based on previous experience (generally one to five (1-5) years' experience); Supervision must be documented in a manner appropriate to the individuals and the setting. The documentation must be kept as required by Section 013 of these rules.*~~ (3-29-10)(    )

~~c. *Advanced Level—Refinement of skills with the ability to understand complex issues and respond accordingly. Supervision must include consultation at appropriate intervals regarding evaluation, intervention, progress, reevaluation and discharge planning for each patient. Consultation must be documented and signed by the supervisor and supervisee.*~~ (3-29-10)(    )

~~02. *Supervision Levels. The following supervision levels apply to occupational therapy assistants, graduate occupational therapists, graduate occupational therapy assistants, student occupational therapists, student occupational therapy assistants and aides:*~~ (4-7-11)

~~a. *Direct Line of Site Supervision—An occupational therapist or occupational therapy assistant must provide direct line of site supervision to an aide;*~~ (3-29-10)

~~b. *Direct Supervision—Daily, direct contact at the site of work with the supervisor physically present at all times within the facility when the supervisee renders care and requires the supervisor to co-sign all documentation that is completed by the supervisee. This supervision is the minimal level of supervision required for students, for entry or intermediate level occupational therapy assistants applying deep thermal and electrotherapeutic modalities, and for advanced level occupational therapy assistants who apply such modalities while lacking the education and training required in Subsection 012.01 of these rules;*~~ (4-7-11)

~~c. *Close Supervision. The occupational therapist provides daily direction in developing the plan of treatment and inspects on-site the actual implementation of the plan at least every two (2) weeks. This supervision is the minimal level of supervision required for entry level occupational therapy assistants and graduate occupational therapy assistants;*~~ (4-4-13)

~~d. *Routine Supervision—Requires direct contact at least every two (2) weeks at the site of work, with interim supervision occurring by other methods, such as by telephone or written communication. This supervision is the minimal level of supervision required for graduate occupational therapists and intermediate level occupational therapy assistant. It also is the minimum level of supervision required for advanced level occupational therapy assistants applying deep thermal and electrotherapeutic modalities while possessing the education and training specified in Subsection 012.01 of these rules;*~~ (4-7-11)

~~e. *General Supervision—Initial direction and periodic review of the following: service delivery, update of treatment plans, and treatment outcomes. The supervisor need not at all times be present at the premises*~~

~~where the occupational therapy assistant is performing the professional services. However, not less than monthly direct contact must be provided, with supervision available as needed by other methods. This supervision is the minimal level of supervision required for an intermediate to advanced occupational therapy assistant. (3-29-10)~~

~~**03. Supervision Ratios.** An occupational therapist may supervise up to three (3) full-time occupational therapy assistants, but never more than two (2) entry-level occupational therapy assistants. The total number of supervised occupational therapy assistants, non-licensed occupational therapy personnel (including any graduate occupational therapists, graduate occupational therapy assistants, student occupational therapy, student occupational therapy assistants, and aides), and occupational therapists in training to provide deep thermal, electrotherapeutic modalities and wound care may not exceed five (5) without prior Board approval. The Board may permit the supervision of a greater number by an occupational therapist if, in the Board's opinion, there would be adequate supervision and the public's health and safety would be served. It is the supervising occupational therapist's responsibility to notify the Board of any circumstances requiring approval of a greater number and to submit a written plan for resolution of the situation. (4-7-11)~~

~~**04. Record Keeping.** The occupational therapy assistant, graduate occupational therapist, and graduate occupational therapy assistant must maintain on file at the job site signed documentation reflecting supervision activities. This supervision documentation must contain the following: date of supervision, means of communication, and information discussed. Both the supervising occupational therapist and the person being supervised must sign each entry. (4-7-11)~~

~~**052. Occupational Therapy Assistants.** Occupational T~~h~~erapy A~~ss~~istants may deliver occupational therapy services under the supervision of occupational therapists as follows. The occupational therapy assistant: must be supervised by an occupational therapist. General Supervision must be provided at a minimum. (3-29-10)(    )~~

~~**a.** May only select, implement, and modify therapeutic activities and interventions that are consistent with client goals, the requirements of the practice setting, and the occupational therapy assistant's demonstrated competency levels; (3-29-10)~~

~~**b.** Must not initiate a treatment program until the occupational therapist has evaluated the client and planned treatment for the client, or discharge the client from a treatment program without supervision from the occupational therapist; (3-29-10)~~

~~**c.** Must not perform an evaluation, but may contribute to the evaluation process with the supervision of the occupational therapist; (3-29-10)~~

~~**d.** May participate in the screening process by collecting data, such as records, by general observation and by conducting a general interview, and may communicate the information gathered to the occupational therapist; (3-29-10)~~

~~**e.** May track the need for reassessment, report changes in status that might warrant reassessment or referral, and administer the reassessment under the supervision of the occupational therapist; (3-29-10)~~

~~**f.** Must immediately discontinue any specific treatment procedure which appears harmful to the client, and so notify the occupational therapist; (3-29-10)~~

~~**g.** Is responsible for knowing about the client's targeted occupational therapy outcomes and for providing information and documentation related to outcome achievement; (3-29-10)~~

~~**h.** May implement outcome measurements and provide needed client discharge resources. (3-29-10)~~

~~**03. Limited Permit Holders.** Limited permit holders must be supervised by an occupational therapist or occupational therapy assistant. Direct supervision must be provided at a minimum. The occupational therapist is responsible for the overall use and actions of the limited permit holder. (    )~~

~~**064. Occupational Therapy Aides.** Occupational therapy A~~ss~~istants do not provide skilled occupational~~



therapy services. An aide ~~is~~ **must be** trained by an occupational therapist or an occupational therapy assistant to perform specifically delegated tasks. The occupational therapist is responsible for the overall use and actions of the aide. ~~An aide first must demonstrate competency to be able to perform the assigned, delegated client and non-client tasks.~~ The occupational therapist must oversee the development, documentation, and implementation of a plan to supervise and routinely assess the ability of the occupational therapy aide to carry out non-client **related** and client-related tasks. The occupational therapy assistant may contribute to the development and documentation of this plan. ~~An aide shall function only under the direct line of sight supervision of an occupational therapist or occupational therapy assistant. An aide may provide:~~ (3-29-10)(    )

**a.** ~~Non-client-related tasks, including clerical and maintenance activities and preparation of the work area or equipment~~ **Before assigning client-related and non-client related tasks to an aide, the occupational therapist or occupational therapy assistant must ensure that the aide is able to competently perform the task.** (3-29-10)(    )

**b.** ~~Client related, routine tasks during which the aide may interact with the client. The following conditions must exist when an occupational therapist or occupational therapy assistant delegates a selected client-related task to the aide:~~ **The occupational therapist or occupational therapy assistant must train the aide to perform client-related and non-client related tasks at least once per month.** (3-29-10)(    )

~~i. The outcome anticipated for the delegated task is predictable.~~ (3-29-10)

~~ii. The client and environment are stable and will not require that judgment, interpretations, or adaptations be made by the aide.~~ (3-29-10)

~~iii. The client has demonstrated some previous performance ability in executing the task.~~ (3-29-10)

~~iv. The task routine and process have been clearly established.~~ (3-29-10)

~~v. The aide has been trained and is able to demonstrate competency in carrying out the task and in using any necessary equipment.~~ (3-29-10)

~~vi. The aide has been instructed on how to specifically carry out the delegated task with the specific client.~~ (3-29-10)

~~vii. The aide knows the precautions, signs, and symptoms for the particular client that would indicate the need to seek assistance from the occupational therapist or occupational therapy assistant.~~ (3-29-10)

**c.** ~~The supervision of the aide needs to be documented for every client-related activity performed by an aide. Documentation must include information about frequency and methods of supervision used, the content of supervision, and the names and credentials of all persons participating in the supervisory process~~ **An aide must perform client-related tasks under the direct line-of-sight supervision of an occupational therapist or occupational therapy assistant.** (3-29-10)(    )

**d.** **Occupational therapists and occupational therapy assistants must document all training and supervision of an aide, and the documentation must be kept in a location that is consistent with standard business practices for the setting in which the occupational therapy is provided.** (    )

**05. Students.** **Students must be under the direct on-site supervision of an occupational therapist or occupational therapy assistant who is appropriately supervised by an occupational therapist. The occupational therapist is responsible for the overall use and actions of the student.** (    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**013. RECORD KEEPING.**

**Occupational therapists and occupational therapy assistants must maintain adequate records that are consistent with the standard business practices of the setting in which the licensee is providing occupational therapy or supervision**

and that show necessary patient care, supervision provided by the licensee, and compliance with regulatory requirements applicable to the setting. Failure to maintain adequate records constitutes unprofessional conduct. ( )

~~0134.~~ -- 019. (RESERVED)

**(BREAK IN CONTINUITY OF SECTIONS)**

**021. APPLICATION FOR LICENSURE.**

**01. Licensure by Examination.** Each applicant for licensure by examination shall submit a completed written application to the Board, on forms prescribed by the Board, together with the application fee. The application shall be verified and under oath and shall require the following information: (7-1-99)

**a.** A certificate of graduation from an approved occupational therapy curriculum; or an approved occupational therapy assistant's curriculum accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, or an accrediting agency recognized by the United States Secretary of Education, the Council for Higher Education Accreditation, or both; (4-2-03)

**b.** The disclosure of any criminal conviction or charges against the applicant other than minor traffic offenses along with a written statement of suitability for licensure as provided in Section 022 of these rules; (~~1-5-88~~)( )

**c.** The disclosure of any disciplinary action against the applicant by any state professional regulatory agency or professional organization along with a written statement of suitability for licensure as provided in Section 022 of these rules; (~~1-5-88~~)( )

**d.** The disclosure of the issuance or denial of registration or licensure by any state or district regulatory body; (4-2-03)

**e.** Not less than two (2) certificates of recommendation from persons having personal knowledge of the applicant's character; (1-5-88)

**f.** One (1), three by four inch (3" x 4") or smaller unmounted photograph of the applicant's head and shoulders, taken not more than one (1) year before the application date; (3-29-10)

**g.** Such other information as deemed necessary for the Board to identify and evaluate the applicant's credentials; and (1-5-88)

**h.** ~~A copy of the application to write the qualifying exam and the date the examination is scheduled~~ Evidence of successful passage of the written examination or a letter from the examining entity authorizing the applicant to take the examination. (~~1-5-88~~)( )

**02. Licensure by Endorsement.** An applicant may be eligible for licensure without examination if he or she meets all of the other qualifications prescribed in Section 54-3709, Idaho Code, and also holds a current valid license or registration from some other state, territory or district of the United States, or certified by the National Board for Certification in Occupational Therapy providing they meet Idaho standards and are equivalent to the requirements for licensure pursuant to these rules. (3-29-10)

**a.** Each applicant for licensure by endorsement shall submit a completed written application to the Board on forms prescribed by the Board, together with the application fee. The application shall be verified, under oath, and contain the specific information in Subsection 021.01.a. through 021.01.g. of these rules. (3-29-10)

**b.** Proof of such licensure or registration shall be verified in a manner acceptable to the Board. (1-5-88)

**03. Limited Permit.** The Board may issue a Limited Permit to a graduate occupational therapist or graduate occupational therapy assistant who meets the requirements set forth by Sections 54-3706(1) and 54-3706(2), Idaho Code, who has not yet passed the examination as required in Paragraph 020.04.a. of these rules. (3-29-10)

**a.** Each person applying for a limited permit must submit a completed written application to the Board on forms prescribed by the Board, together with the required fee. (3-29-10)

**b.** A Limited Permit shall only allow a person to practice occupational therapy in association with and under the supervision of a licensed occupational therapist. (1-5-88)

**c.** A Limited Permit shall be valid six (6) months from the date of issue. (3-20-14)

**d.** A Limited Permit may be extended by the Board for good cause. (3-20-14)

**04. Temporary License.** The Board may issue a temporary license to a person applying for licensure as an occupational therapist or an occupational therapy assistant if the person is currently licensed and in good standing to practice in another jurisdiction and meets that jurisdiction's requirements for licensure by endorsement. (3-29-10)

**a.** Each person applying for temporary licensure must submit a completed written application to the Board on forms prescribed by the Board, together with the required fee. (3-29-10)

**b.** A temporary license shall automatically expire once the Board has processed the person's application for licensure and issued or denied the applied-for license, or in six (6) months after the date on which the Board issued the temporary license, whichever is sooner. (3-29-10)

**05. Personal Interview.** The Board may, at its discretion, require the applicant to appear for a personal interview. (1-5-88)

~~**06. Occupational Therapists Practicing in Idaho on Effective Date of These Rules.** All persons practicing occupational therapy in Idaho and holding American Occupational Therapy Certification Board (AOTCB) registration on January 5, 1988, shall qualify for license by endorsement. (3-29-10)~~

**022. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE.**

An applicant who, or whose license, has a criminal charge, conviction, finding of guilt, withheld judgment, or suspended sentence for any crime under any municipal, state, or federal law other than minor traffic offenses, or has been subject to discipline by any state professional regulatory agency or professional organization must submit with the application a written statement and any supplemental information establishing the applicant's current suitability for licensure. ( )

**01. Consideration of Factors and Evidence.** The Board shall consider the following factors or evidence: ( )

**a.** The severity or nature of the crime or discipline; ( )

**b.** The period of time that has passed since the crime or discipline under review; ( )

**c.** The number or pattern of crimes or discipline or other similar incidents; ( )

**d.** The circumstances surrounding the crime or discipline that would help determine the risk of repetition; ( )

**e.** The relationship of the crime or discipline to the practice of occupational therapy; ( )

**f.** The applicant's activities since the crime or discipline under review, such as employment, education, participation in treatment, payment of restitution, or any other factors that may be evidence of current rehabilitation; and ( )

~~g.~~ Any other information regarding rehabilitation or mitigating circumstances. ( )

~~02.~~ Interview. The Board may, at its discretion, grant an interview of the applicant. ( )

~~03.~~ Applicant Bears the Burden. The applicant shall bear the burden of establishing the applicant's current suitability for licensure. ( )

~~0223.~~ **LICENSE EXPIRATION AND RENEWAL.**

**01. Expiration Date.** An individual's license expires on the individual's birthday. The individual must annually renew the license before the individual's birthday in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. (3-25-16)

**02. Reinstatement.** A license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. Reinstatement of a license from inactive to active status is governed by Section 030. (4-7-11)

**03. Application for Renewal.** In order to renew a license, a licensee must submit a timely, completed, Board-approved renewal application form and pay the required renewal fees. (3-29-10)

~~023.~~—**024. (RESERVED)**

**(BREAK IN CONTINUITY OF SECTIONS)**

**APPENDIX A**  
**OCCUPATIONAL THERAPY CODE OF ETHICS**  
**PREAMBLE**

All Occupational Therapists, Occupational Therapy Assistants, ~~Graduate Occupational Therapists, Graduate Occupational Therapy Assistants, and Occupational Therapy Aides~~ and Limited Permit Holders (collectively, "occupational therapy personnel") are responsible for maintaining and promoting the ethical practice of occupational therapy. Occupational therapy personnel shall act in the best interest of the patient/client at every level of practice. This Code of Ethics, modeled in principle and the spirit of the Code of Ethics of the American Occupational Therapy Association, sets forth principals for the ethical practice of occupational therapy for occupational therapy personnel. This Code of Ethics shall be binding on all ~~Occupational Therapists, Occupational Therapy Assistants, Graduate Occupational Therapists, Graduate Occupational Therapist Assistants, and Occupational Therapy Aides~~ occupational therapy personnel.

**Principle 1.**  
Occupational therapy personnel shall demonstrate, a concern for the well-being of the recipients of their services. (beneficence).

**Principle 2.**  
Occupational therapy personnel shall take reasonable precautions to avoid imposing or inflicting harm upon the recipient of services or to his or her property. (nonmaleficence)

**Principle 3.**  
Occupational therapy personnel shall respect the recipient and/or their surrogate(s) as well as the recipient's rights. (autonomy, privacy, confidentiality)

**Principle 4.**  
Occupational therapy personnel shall achieve and continually maintain high standards of competence. (duties)

**Principle 5.**

Occupational therapy personnel shall comply with laws and policies guiding the profession of occupational therapy. (justice)

**Principle 6.**

Occupational therapy personnel shall provide accurate information about occupational therapy services. (veracity)

**Principle 7.**

Occupational therapy personnel shall treat colleagues and other professionals with fairness, discretion, and integrity. (fidelity)