

Dear Senators MARTIN, Souza, Jordan, and
Representatives WOOD, Wagoner, 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 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-0601-1900F).

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 07/23/2019. 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 08/20/2019.

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 Drafting Attorney - Matt Drake

DATE: July 03, 2019

SUBJECT: Bureau of Occupational Licenses - Occupational Therapists & Occupational Therapy Assistants

IDAPA 24.06.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-0601-1900F)

The Idaho Bureau of Occupational Licenses - Occupational Therapists & Occupational Therapy Assistants - submits notice of temporary and proposed rules at IDAPA 24.06.01, Rules for the Licensure of Occupational Therapists & Occupational Therapy Assistants. The rulemaking adopts and re-publishes existing and previously approved chapters with minor edits in the nature of clean-up and simplification. **No substantive changes are noted.** This is a fee rule. **No new fees or charges are imposed by this rule reauthorization and republication.** These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation.

cc: Bureau of Occupational Licenses - Occupational Therapists & Occupational Therapy Assistants
Kelley Packer

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may 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. 24-0601-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-3717(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 24.06.01, rules of the Occupational Therapy Licensure Board:

IDAPA 24

- 24.06.01, *Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants*—All rules *except Subsections 010.01, 010.02, 010.09, 010.11, 010.12, and 010.14.*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. The Occupational Therapy Licensure Board licenses individuals who meet a national education standards and qualifications to therapeutically use everyday life activities to help individuals or groups participate in roles and situations in home, school, the workplace, community, and other settings. These rules public health, safety, and welfare through ensuring those who work with vulnerable members of our society are ethical in their practice and possess and maintain the education and training to assess and treat people who need services in order to function in everyday life activities.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and the immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Without the ability to assess and collect the licensure fees described in this chapter, the Occupational Therapy Licensure Board would not be able to remain self-sufficient, contrary to its statutory requirement.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. Fees are established in accordance with

Sections 54-3707 and 54-3712, Idaho Code, as follows: initial licensure fee for occupational therapists: \$80; initial licensure fee for occupational therapy assistants: \$60; fee for limited permit or temporary license: \$25; active license annual renewal fee for occupational therapists: \$40; active license renewal fee for occupational therapy assistants: \$30; inactive license annual renewal fee for occupational therapists and occupational therapy assistants: \$20; and the fee for reinstating an inactive license to an active license is the difference between the current inactive and active license renewal fees.

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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of June, 2019.

Kelley Packer
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

**IDAPA 24
TITLE 06
CHAPTER 01**

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

000. LEGAL AUTHORITY.

Pursuant to Section 54-3717(2), Idaho Code, the Occupational Therapy Licensure Board of Idaho is authorized to promulgate rules that implement the provisions of Chapter 37, Title 54, Idaho Code. (3-29-10)

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.06.01, “Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants.” (7-1-93)

002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES.

Written interpretations of these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking process in the adoption of these rules are available for review and copying at cost from the Bureau of Occupational Licenses, 1109 Main Street, Suite 220, Box 83720, Boise, Idaho 83702-0063. (3-29-10)

003. ADMINISTRATIVE APPEAL.

All contested cases will be governed by the provisions of IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” and the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (4-2-03)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into this rule. (3-25-16)

005. ADDRESS AND STREET ADDRESS OF THE OCCUPATIONAL THERAPY LICENSURE BOARD OF IDAHO.

The office of the Occupational Therapy Licensure Board of Idaho is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone number of the Board is (208) 334-3233. The Board's fax number is (208) 334-3945. The Board's fax number is (208) 334-3945. The Board's e-mail address is oct@ibol.idaho.gov. The Board's official website is <http://www.ibol.idaho.gov>. (3-29-10)

006. PUBLIC RECORD ACT COMPLIANCE.

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (4-2-03)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Clients. Clients are those persons to whom occupational therapy services are delivered. (4-11-19)

02. 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: (4-11-19)

a. The outcome of the assigned task is predictable; (4-11-19)

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; (4-11-19)

c. The client has demonstrated some previous performance ability in executing the task; and

(4-11-19)

d. The task routine and process have been clearly established. (4-11-19)

03. 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. (4-11-19)

04. 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. (4-11-19)

05. 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. (4-11-19)

06. 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. (4-11-19)

07. 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. (4-11-19)

08. Occupational Therapy Aide. 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. under direct line-of-sight supervision as provided in these rules. (4-11-19)

09. 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)

10. Non-Client Related Tasks. Non-client related tasks include clerical and maintenance activities and preparation of the work area or equipment. (4-11-19)

11. 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. (4-11-19)

12. 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. (4-11-19)

13. 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. (4-11-19)

011. SUPERVISION.

An occupational therapist shall supervise and be responsible for the patient care given by occupational therapy assistants, limited permit holders, 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. (4-11-19)

01. Supervision Requirements. 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. (4-11-19)

a. 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: (4-11-19)

- i. The complexity of client needs; (4-11-19)
- ii. The number and diversity of clients; (4-11-19)
- iii. The skills of the occupational therapist and the occupational therapist assistant, aide, or limited permit holder; (4-11-19)
- iv. The type of practice setting; (4-11-19)
- v. The requirements of the practice setting; and (4-11-19)
- vi. Other regulatory requirements applicable to the practice setting or delivery of services. (4-11-19)

b. 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. (4-11-19)

c. 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. (4-11-19)

02. Occupational Therapy Assistants. Occupational therapy assistants must be supervised by an occupational therapist. General Supervision must be provided at a minimum. (4-11-19)

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. (4-11-19)

04. Occupational Therapy Aides. Occupational therapy aides do not provide skilled occupational therapy services. An aide 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. 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. (4-11-19)

a. 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. (4-11-19)

b. 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. (4-11-19)

c. An aide must perform client-related tasks under the direct line-of-sight supervision of an occupational therapist or occupational therapy assistant. (4-11-19)

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. (4-11-19)

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. (4-11-19)

012. DEEP THERMAL AND ELECTROTHERAPEUTIC MODALITIES, AND WOUND CARE.

01. Qualifications. Except as provided in Subsection 012.02 of these rules, a person may not utilize occupational therapy techniques involving deep thermal, electrotherapeutic modalities or perform wound care management unless the person is licensed by the Board as an occupational therapist and certified by the Hand Therapy Commission. In lieu of being certified by the Hand Therapy Commission, the person must have obtained education and training as described in Paragraphs 012.01.a. through 012.01.c. of this rule. (4-7-11)

a. If the person utilizes techniques involving deep thermal, electrotherapeutic modalities, the person must have successfully completed three (3) continuing education units in the application of deep thermal and electrotherapeutic modalities, along with forty (40) hours of supervised, on-the-job or clinical internship or affiliation training pertaining to such modalities. (3-25-16)

b. If the person manages wound care, the person must have successfully completed one and one-half (1.5) continuing education units in wound care management, along with forty (40) hours of supervised, on-the-job or clinical internship or affiliation training pertaining to wound care management. (3-25-16)

c. If the person utilizes both deep thermal, electrotherapeutic modalities and manages wound care, the person's forty (40) hours of supervised, on-the-job or clinical internship or affiliation training may be obtained concurrently through the same forty (40) hours of supervised, on-the-job or clinical internship or affiliation, provided that such internship or training includes both the use of deep thermal, electrotherapeutic modalities and the management of wound care. (3-25-16)

02. Obtaining Education and Supervised Training. A student occupational therapist, graduate occupational therapist, and an occupational therapist may utilize deep thermal, electrotherapeutic modalities or manage wound care while working towards obtaining the education and supervised training described in Section 012 of these rules. The supervisor must provide at least direct supervision to the student occupational therapist, and at least routine supervision to the graduate occupational therapist or occupational therapist. An occupational therapy assistant may apply deep thermal and electrotherapeutic modalities under routine supervision if the occupational therapy assistant has obtained an advanced level of skill as described in Subsection 011.01 of these rules and the education and training described in Subsection 012.01 of these rules. Otherwise, the occupational therapy assistant must work under direct supervision while applying such modalities. (4-7-11)

03. Supervised Training by Qualified Individual. The supervised training described in Section 012 of these rules must be provided by an occupational therapist who is qualified as specified in this Subsection 012.01, or by another type of licensed health care practitioner whose education, training, and scope of practice enable the practitioner to competently supervise the person as to the modalities utilized and wound care management provided. (4-7-11)

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. (4-11-19)

014. -- 019. (RESERVED)

020. GENERAL QUALIFICATIONS FOR LICENSURE.

01. Applicant. An applicant must be of good moral character. The Board may refuse licensure if it finds the applicant has engaged in conduct prohibited by Section 54-3713, Idaho Code; provided, the Board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. (3-29-10)

02. Education. Each applicant shall provide evidence of successful completion of the academic requirements of an educational program in occupational therapy that is accredited by the American Occupational

Therapy Association’s Accreditation Council for Occupational Therapy Education (ACOTE), or by a predecessor or successor organization recognized by the United States Secretary of Education, the Council for Higher Education Accreditation, or both. (3-29-10)

03. Experience. Each applicant shall submit evidence of having successfully completed a period of supervised fieldwork experience acceptable to the board, which fieldwork shall be: (4-2-03)

a. For an occupational therapist, a minimum of six (6) months of supervised fieldwork experience; or (4-2-03)

b. For an occupational therapy assistant, a minimum of four (4) months of supervised fieldwork experience. (3-29-10)

04. Examination. Each applicant shall either pass an examination required by the Board or shall be entitled to apply for licensure by endorsement or limited permit. (1-5-88)

a. The written examination shall be the examination conducted by the National Board for Certification in Occupational Therapy, Inc. (NBCOT) and the passing score shall be the passing score established by the NBCOT. (4-2-03)

b. An applicant for licensure by examination who fails to pass the examination on two (2) attempts must submit a new application as specified in Subsection 021.01. (3-29-10)

05. Good Standing. An applicant must be in good standing as defined in these rules. (3-29-10)

06. Application Expiration. An application upon which the applicant takes no further action will be held for no longer than one (1) year. (1-5-88)

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; (4-11-19)

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; (4-11-19)

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. Evidence of successful passage of the written examination or a letter from the examining entity authorizing the applicant to take the examination. (4-11-19)

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)

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. (4-11-19)

01. Consideration of Factors and Evidence. The Board shall consider the following factors or evidence: (4-11-19)

- a. The severity or nature of the crime or discipline; (4-11-19)
 - b. The period of time that has passed since the crime or discipline under review; (4-11-19)
 - c. The number or pattern of crimes or discipline or other similar incidents; (4-11-19)
 - d. The circumstances surrounding the crime or discipline that would help determine the risk of repetition; (4-11-19)
 - e. The relationship of the crime or discipline to the practice of occupational therapy; (4-11-19)
 - 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 (4-11-19)
 - g. Any other information regarding rehabilitation or mitigating circumstances. (4-11-19)
- 02. Interview.** The Board may, at its discretion, grant an interview of the applicant. (4-11-19)
- 03. Applicant Bears the Burden.** The applicant shall bear the burden of establishing the applicant's current suitability for licensure. (4-11-19)

023. 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)

024. (RESERVED)

025. CONTINUING EDUCATION.

In order to protect public health and safety and promote the public welfare, the Board has adopted the following continuing education requirement of all licensees: (3-25-16)

- 01. Requirement.** Until January 1, 2018, each licensee shall successfully complete, in the two (2) years preceding renewal of the license, a minimum of two (2) Board-approved continuing education units (CEUs). (3-25-16)
- a. Effective January 1, 2018 each licensee shall successfully complete, in the two (2) years prior to the license expiration date, a minimum of two (2) Board-approved CEUs. (3-25-16)
 - b. A CEU is a measurement of the licensee's participation in a Board-approved continuing education activity. One (1) CEU requires ten (10) contact hours of participation in a Board-approved continuing education program, excluding meals and breaks. One (1) contact hour equals one (1) clock hour for purpose of obtaining CEUs. (3-29-10)
 - c. The Board shall waive the continuing education requirement for the first two (2) license renewals after initial licensure. (3-25-16)
- 02. Verification.** The licensee must verify to the Board, as part of the annual license renewal process,

that the licensee is in compliance with the continuing education requirement. (3-29-10)

03. Courses and Activities. At least one (1) CEU must directly relate to the delivery of occupational therapy services. The remaining CEU must be germane to the practice of occupational therapy and relate to other areas of a licensee's practice. A licensee may take online or home study courses, as long as a course completion certificate is provided. (3-25-16)

a. CEUs acceptable to the Board include, but are not limited to, programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Idaho Occupational Therapy Association (IOTA); post-professional coursework completed through any approved or accredited educational institution that is not part of a course of study leading to an academic degree; or otherwise meet all of the following criteria: (3-25-16)

i. The program or activity contributes directly to professional knowledge, skill, and ability; (3-29-10)

ii. The program or activity relates directly to the practice of occupational therapy; and (3-29-10)

iii. The program or activity must be objectively measurable in terms of the hours involved. (3-29-10)

b. Partial credit will not be given for CEUs. (3-25-16)

c. The delivery of occupational therapy services may include: models, theories or frameworks that relate to client/patient care in preventing or minimizing impairment, enabling function within the person/environment or community context. (3-29-10)

d. Other activities may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to one's practice (3-29-10)

04. Carry Over and Duplication. CEUs cannot be carried over to the next reporting period. The same course taken more than once during a reporting cycle will only be counted once. (3-25-16)

05. Documentation. A licensee need not submit documentation of CEUs when the licensee renews a license. However, a licensee must maintain documentation verifying that the licensee has completed the continuing education requirement for a period of four (4) years. A licensee must submit the verification documentation to the Board if the licensee is audited by the Board. A percentage of occupational therapists and certified occupational therapy assistants will be audited every year. Documentation for all activities must include licensee's name, date of activity or when course was completed, provider name, course title, description of course/activity, and number of CEUs. (3-25-16)

a. Continuing education course work. The required documentation for this activity is a certificate or documentation of attendance. (3-29-10)

b. In-service training. The required documentation for this activity is a certificate or documentation of attendance. (3-29-10)

c. Professional conference or workshop. The required documentation for this activity is a certificate or documentation of attendance. (3-29-10)

d. Course work offered by an accredited college or university, provided that the course work is taken after the licensee has obtained a degree in occupational therapy, and the course work provides skills and knowledge beyond entry-level skills or knowledge. The required documentation for this activity is a transcript. (3-29-10)

e. Publications. The required documentation for this activity is a copy of the publication. (3-29-10)

f. Presentations. The required documentation for this activity is a copy of the presentation or program listing. Any particular presentation may be reported only once per reporting period. (3-29-10)

g. Interactive online courses. The required documentation for this activity is a certificate or

documentation of completion. (3-29-10)

h. Development of instructional materials incorporating alternative media such as video, audio and/or software programs to advance professional skills of others. The required documentation for this activity is a program description. The media/software materials must be available if requested during audit process. (3-29-10)

i. Professional manuscript review. The required documentation for this activity is a letter from publishing organization verifying review of manuscript. A maximum of ten (10) hours is allowed per reporting period for this category. (3-29-10)

j. Guest lecturer for occupational therapy related academic course work (academia not primary role). The required documentation for this activity is a letter or other documentation from instructor. (3-29-10)

k. Serving on a professional board, committee, disciplinary panel, or association. The required documentation for this activity is a letter or other documentation from the organization. A maximum of ten (10) hours is allowed per reporting period for this category. (3-29-10)

l. Self study of cassette, tape, video tape, or other multimedia device, or book. The required documentation for this activity is a two (2) page synopsis of each item written by the licensee. A maximum of ten (10) hours is allowed per reporting period for this category. (3-29-10)

m. Level II fieldwork direct supervision of an occupational therapy student or occupational therapy assistant student by site designated supervisor(s). The required documentation for this activity is a name of student(s), letter of verification from school, and dates of fieldwork. A maximum of ten (10) hours per supervisor is allowed per reporting period for this category. (3-29-10)

06. Exemptions. A licensee may request an exemption from the continuing education requirement for a particular two-year (2) period under the following circumstances. The licensee must provide any information requested by the Board to assist in substantiating the licensee's need for a claimed exemption: (3-29-10)

a. During the continuing education period the licensee was residing in another country for one (1) year or longer, reasonably preventing completion of the continuing competency requirements; (3-29-10)

b. The licensee was absent from Idaho because of military service for a period of one (1) year or longer during the continuing education period, preventing completion of the continuing competency requirements; or (3-29-10)

c. The licensee should be exempt from the continuing education requirements for reasons of health or other good cause. (3-25-16)

026. -- 029. (RESERVED)

030. INACTIVE STATUS.

01. Request for Inactive Status. Occupational Therapists and Occupational Therapy Assistants requesting an inactive status during the renewal of their active license must submit a written request and pay the established fee. (4-7-11)

02. Inactive License Status. (4-7-11)

a. Licensees may not practice in Idaho while on inactive status. (4-7-11)

b. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho, subject to Subsection 030.03 of these rules. (4-7-11)

c. Inactive license renewal notices and licenses will be marked "Inactive." (4-7-11)

03. Reinstatement to Full Licensure from Inactive Status. An inactive licensee may reinstate to active status by submitting a completed, Board-approved application and paying the appropriate fee. The licensee's application must demonstrate, to the Board's satisfaction, that during the two (2) years immediately preceding the application, the licensee completed at least two (2) CEUs acceptable to the Board. (3-25-16)

031. (RESERVED)

032. DENIAL OR REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE.

01. Disciplinary Authority. A new application may be denied or renewal refused, and every person licensed pursuant to Title 54, Chapter 37, Idaho Code and these rules is subject to discipline, pursuant to the procedures and powers established by and set forth in Section 54-3713, Idaho Code, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-29-10)

02. Grounds for Discipline. In addition to the grounds set forth in Section 54-3713, Idaho Code, applicants may be denied or refused licensure and licensees are subject to discipline upon the following grounds, including but not limited to: (3-29-10)

- a.** Obtaining a license by means of fraud, misrepresentation, or concealment of material facts; (1-5-88)
- b.** Being guilty of unprofessional conduct or violating the Code of Ethics governing said licensees, including the provision of health care which fails to meet the standard of health care provided by other qualified licensees in the same community or similar communities, taking into account the licensee's training, experience and the degree of expertise to which he holds himself out to the public; (1-5-88)
- c.** Being convicted of a felony by a court of competent jurisdiction; (1-5-88)
- d.** The unauthorized practice of medicine; (1-5-88)
- e.** Violating any provisions of this act or any of the rules promulgated by the Board under the authority of the act; or (1-5-88)
- f.** Failure to properly supervise persons as required in these rules. (3-29-10)

03. Penalties. In addition to any other disciplinary sanctions the Board may impose against a licensee, the Board may impose a fine of up to one thousand dollars (\$1,000) per violation, or in such greater amount as the Board may deem necessary to deprive the licensee of any economic advantage gained by the licensee through the conduct that resulted in discipline and that reimburses the Board for costs of the investigation and disciplinary proceedings. (3-29-10)

033. -- 040. (RESERVED)

041. FEES.

- 01. Fees.** Necessary fees shall accompany applications. Fees shall not be refundable. (3-29-10)
- 02. Initial Licensure.** The fee for initial licensure of occupational therapists shall be eighty dollars (\$80) and the fee for occupational therapy assistants shall be sixty dollars (\$60). (3-22-18)
- 03. Limited Permit or Temporary License.** The fee for a limited permit or temporary license shall be twenty-five dollars (\$25). (4-6-15)
- 04. Active License Renewal Fee.** The annual renewal fee for an active license shall be forty dollars (\$40) for occupational therapists and thirty dollars (\$30) for occupational therapy assistants. (3-22-18)

05. Reinstatement Fee. The fee to reinstate an expired license is as provided in Section 67-2614, Idaho Code. (3-24-16)

06. Inactive License Renewal Fee. The annual renewal fee for an inactive license shall be twenty dollars (\$20) for occupational therapists and occupational therapy assistants. (3-22-18)

07. Inactive to Active License Fee. The fee for reinstating an inactive license to an active license is the difference between the current inactive and active license renewal fees. (4-7-11)

042. -- 999. (RESERVED)

APPENDIX A
OCCUPATIONAL THERAPY CODE OF ETHICS
PREAMBLE

All Occupational Therapists, Occupational Therapy Assistants, 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 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)