

Dear Senators VANORDEN, Zuiderveld, Wintrow, and
Representatives VANDER WOUDE, Erickson, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - Occupational Therapists & Occupational Therapy
Assistants Licensure Board:

IDAPA 24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy
Assistants (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-0601-2301).

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 09/05/2023. 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 10/03/2023.

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.



Terri Kondeff
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: Senior Legislative Drafting Attorney - Matt Drake

DATE: August 18, 2023

SUBJECT: Division of Occupational and Professional Licenses - Occupational Therapists & Occupational Therapy Assistants Licensure Board

IDAPA 24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule (Docket No. 24-0601-2301)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - Occupational Therapists & Occupational Therapy Assistants Licensure Board submits Notice of Omnibus Rulemaking via Docket No. 24-0601-2301. The Division notes that this is a Zero-Based Regulation ("ZBR") chapter rewrite pursuant to Executive Order 2020-01. Accordingly, the Division states that this rulemaking is intended to streamline and simplify existing rules that were previously submitted to and reviewed by the Legislature. The Division states that no fees are being increased and no new fees are being imposed by the rulemaking.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rulemaking is not anticipated to have a fiscal impact.

Statutory Authority

The proposed rule appears to be within the statutory authority granted pursuant to Sections 54-3717 and 67-2604, Idaho Code.

cc: Division of Occupational and Professional Licenses - Occupational Therapists & Occupational Therapy Assistants Licensure Board
Michael Hyde

***** 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.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

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

DOCKET NO. 24-0601-2301 (ZBR CHAPTER REWRITE, FEE RULE)

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 Section 67-2604, Idaho Code, and Sections 54-3712, 54-3715, 54-3717, and 54-3720, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Wednesday, August 23, 2023 – 1:30 p.m. MT
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

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

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Occupational Therapy Licensure Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

The fees for licenses, permits, and reinstatement as designated in Rule 400 of these proposed rules are authorized in Section 54-3712, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

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 as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

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 Michael Hyde, Bureau Chief, at (208) 332-7133.

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 August 23, 2023.

DATED this 6th day of July, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0601-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

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

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-3712, 54-3715, 54-3717, and 54-3720 Idaho Code. ()

001. SCOPE.

These rules govern the practice of occupational therapy in Idaho. ()

002. -- 199. (RESERVED)

100. LICENSURE.

01. Approved Education. An educational program in occupational therapy 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. ()

02. Supervised Fieldwork. During the period of supervised fieldwork, students must be under daily in-person contact with 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. ()

03. Continuing Education. Occupational Therapists and Occupational Therapy Assistants must complete and maintain proof of completion of ten (10) hours of germane continuing education each year during the licensee's renewal cycle. Proof of completion must be provided to the board upon request and must include licensee's

name, date of activity or when course was completed, provider name, course title, description of course/activity, and number of contact hours. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Scope of Practice. Occupational Therapists and Occupational Therapy Assistants must possess the education, training, and experience within their scope of practice to perform occupational therapy tasks. ()

02. Supervision Requirements. Supervision is the direction and review of service delivery, treatment plans, and treatment outcomes. Unless otherwise specified in this rule, in-person or synchronous interaction at least once a month is the minimum level of supervision that must be provided. Methods of supervision may include but are not limited to line-of-sight supervision with the supervisor's physical presence when services are being provided and/or in-person contact by the supervisor where services are being provided to ensure the safe and effective delivery of occupational therapy. ()

a. Limited Permit Holders. Limited permit holders must be supervised by an occupational therapist. This requires daily in-person contact with the supervisor at the site where service is provided. ()

b. Occupational Therapy Assistants. Occupational therapy assistants must be supervised by an occupational therapist at least once per month by no less than telecommunications. ()

c. Occupational Therapy Aides. 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. 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. Occupational therapists and occupational therapy assistants must document all training and supervision of an aide. ()

i. The following factors must be present when an occupational therapist or occupational therapy assistant assigns a selected client-related task to the aide: The supervisor must be physically present when services are being provided to clients by the aide; the outcome of the assigned task must be predictable; the situation of the client and the environment must be stable and will not require the aide to make judgments, interpretations, or adaptations; and the routine and process of the task must have been clearly established. ()

201. -- 299. (RESERVED)

300. DISCIPLINE.

01. Civil Penalty. The Board may impose a fine up to the amount of any economic advantage obtained through the violation. ()

301. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL FEE (Not to Exceed)
Initial Licensure for Occupational Therapists	\$80	\$40
Initial Licensure for Occupational Therapy Assistants	\$60	\$30
Limited Permit or Temporary License	\$25	

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL FEE (Not to Exceed)
Reinstatement Fee	As provided in Section 67-2614, Idaho Code.	

()

401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

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

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections [54-3712](#), [54-3715](#), [54-3717](#)(~~2~~), and [54-3720](#), Idaho Code.()

001. SCOPE.

These rules govern the practice of occupational therapy in Idaho.()

002. -- ~~009~~099.(RESERVED)

~~010.~~ DEFINITIONS.

~~**01. 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.()~~

~~**02. Direct Line of Sight Supervision.** Direct line of sight supervision requires the supervisor's physical presence when services are being provided to clients by the individual under supervision.()~~

~~**03. 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.()~~

~~**04. 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.()~~

~~**05. 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.()~~

~~**06. 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.()~~

~~200-0211.~~ [PRACTICE STANDARDSSUPERVISION.](#)

~~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.(—)~~

01. Scope of Practice. Occupational Therapists and Occupational Therapy Assistants must possess the education, training, and experience within their scope of practice to perform occupational therapy tasks."

02.b. Occupational Therapy Assistants. Occupational therapy assistants must be supervised by an occupational therapist, at least once per month by no less than telecommunications. ~~General Supervision must be provided at a minimum.(—)~~

02.a. Limited Permit Holders. Limited permit holders must be supervised by an occupational therapist or occupational therapy assistant. This requires daily in-person contact with the supervisor at the site where service is provided. ~~Direct supervision must be provided at a minimum. The occupational therapist is responsible for the overall use and actions of the limited permit holder.()~~

023.c. Occupational Therapy Aides. 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. 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. Occupational therapists and occupational therapy assistants must document all training and supervision of an aide. ~~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.()~~

ia. The following factors must be present when an occupational therapist or occupational therapy assistant assigns a selected client-related task to the aide: The supervisor's physical presence when services are being provided to clients by the aide; the outcome of the assigned task is predictable, the situation of the client and the environment is stable and will not require that judgment, interpretations, or adaptations be made by the aide, the client has demonstrated some previous performance ability in executing the task, and the task routine and process have been clearly established. ()

i. ~~The outcome of the assigned task is predictable;~~ (—)

ii. ~~The situation of the client and the environment is stable and will not require that judgment, interpretations, or adaptations be made by the aide;~~(—)

iii. ~~The client has demonstrated some previous performance ability in executing the task; and~~ (—)

iv. ~~The task routine and process have been clearly established.~~ (—)

b. ~~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.(—)~~

e. ~~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.(—)~~

d. ~~An aide must perform client-related tasks under the direct line-of-sight supervision of an occupational therapist or occupational therapy assistant.(—)~~

~~e. Occupational therapists and occupational therapy assistants must document all training and supervision of an aide.(—)~~

~~04. **Students.** Students must be under daily in person contact with 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.(—)~~

~~025. **Supervision Requirements.** Supervision is the direction and review of service delivery, treatment plans, and treatment outcomes. Unless otherwise specified in this rule, in-person, or synchronous interaction at least once a month ~~General Supervision~~ is the minimum level of supervision that must be provided. Methods of supervision may include; but are not limited to, line-of-sight supervision with the supervisor's physical presence when services are being provided and/ or in-person contact by the supervisor where services are being provided to ensure the safe and effective delivery of occupational therapy.-~~

~~Direct Line-of-Sight Supervision, Direct Supervision, Routine Supervision, or General Supervision, as needed to ensure the safe and effective delivery of occupational therapy.(—)~~

~~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:(—)~~

- ~~i. The complexity of client needs; (—)~~
- ~~ii. The number and diversity of clients; (—)~~
- ~~iii. The skills of 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. Supervision must be documented in a manner appropriate to the supervised position and the setting. The documentation must be kept as required by Section 013 of these rules.(—)~~

~~e. 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.(—)~~

~~012. **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 client care, supervision provided by the licensee, and compliance with regulatory requirements applicable to the setting.(—)~~

~~013.—019.(Reserved)~~

~~02100. **GENERAL QUALIFICATIONS FOR LICENSURE.**~~

~~01. **APPLICANT. THE BOARD MAY REFUSE LICENSURE IF IT FINDS THE APPLICANT HAS ENGAGED IN CONDUCT PROHIBITED BY SECTION 54 3718, IDAHO CODE; PROVIDED, THE**~~

~~BOARD SHALL TAKE INTO CONSIDERATION THE REHABILITATION OF THE APPLICANT AND OTHER MITIGATING CIRCUMSTANCES.(—)~~

~~012. **Approved Education.** Each applicant shall provide evidence of successful completion of the academic requirements of a~~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.()

~~02. **Supervised Fieldwork.** During the period of supervised fieldwork, students must be under daily in-person contact with 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.()~~

~~03. **Continuing Education.** Occupational Therapists and Occupational Therapy Assistants must complete and maintain proof of completion of ten (10) hours of germane continuing education each year during the licensee's renewal cycle. Proof of completion must be provided to the board upon request and must include licensee's name, date of activity or when course was completed, provider name, course title, description of course/activity, and number of contact hours.~~

~~03. **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.(—)~~

~~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. (—)~~

~~04. **Examination** An applicant for licensure by examination who fails to pass the examination on two (2) attempts must submit a new application.(—)~~

021. Application For Licensure.

~~01. **Licensure by Endorsement.** An applicant may be eligible for licensure without examination if they 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.(—)~~

~~02. **Limited Permit.** The Board may issue a Limited Permit to an application who has graduated from an occupational therapy ist or graduate occupational therapy assistant school approved by the Board and has completed supervised fieldwork, 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.(—)~~

~~a. A Limited Permit shall only allow a person to practice occupational therapy in association with and under the supervision of a licensed occupational therapist. A Limited Permit shall be valid six (6) months from the date of issue. A Limited Permit may be extended by the Board for good cause.(—)~~

~~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. (—)~~

~~a. 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.(—)

05. Personal Interview. The Board may, at its discretion, require the applicant to appear for a personal interview.(—)

022. Written Statement Of Suitability For Licensure.

An applicant who, or whose license, has a criminal 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 factors set forth in Section 67-9411, Idaho Code.(—)

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.(—)

~~023.—024.(Reserved)~~

025. Continuing Education.

01. Requirement. Each licensee must successfully complete, in the twelve (12) months preceding license renewal, a minimum of ten (10) contact hours of continuing education, as approved by the Board.(—)

a. One (1) contact hour is equivalent to one (1) clock hour for the purpose of obtaining continuing education. (—)

b. The Board will waive the continuing education requirement for the first license renewal after initial licensure. (—)

02. Attestation. The licensee attests, as part of the annual license renewal process, that the licensee is in compliance with the continuing education requirement.(—)

03. Courses and Activities. At least five (5) of the contact hours directly relate to the delivery of occupational therapy services. The remaining contact hours are 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 or self competency assessments, as long as a course completion certificate is provided.(—)

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

b. Other areas may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to the licensee's practice.(—)

e. Continuing education acceptable to the Board includes, but is not limited to, programs or activities sponsored by the American Occupational Therapy Association (AOTA), the Idaho Occupational Therapy Association (IOTA), or National Board for Certification in Occupational Therapy (NBCOT); post professional

coursework completed through any approved or accredited educational institution; or otherwise meet all of the following criteria:(—)

- i. The program or activity contributes directly to professional knowledge, skill, and ability; (—)
- ii. The program or activity relates directly to the practice of occupational therapy; and (—)
- iii. The program or activity must be objectively measurable in terms of the hours involved. (—)

04. ~~Carry Over and Duplication.~~ A maximum of ten (10) continuing education hours may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year. If the licensee completes two (2) or more courses having substantially the same content during any one (1) renewal period, the licensee only will receive continuing education credit for one (1) of the courses.(—)

05. ~~Documentation.~~ A licensee need not submit documentation of continuing education when the licensee renews a license. However, a licensee will maintain documentation verifying that the licensee has completed the continuing education requirement for a period of four (4) years from the date of completion. 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 contact hours.(—)

a. ~~Continuing education course work.~~ The required documentation for this activity is a certificate or documentation of attendance.(—)

b. ~~In service training.~~ The required documentation for this activity is a certificate or documentation of attendance: (—)

e. ~~Professional conference or workshop.~~ The required documentation for this activity is a certificate or documentation of attendance.(—)

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.~~(—)

e. ~~Publications.~~ The required documentation for this activity is a copy of the publication. (—)

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.(—)

g. ~~Interactive online courses and evidence-based competency assessments.~~ The required documentation for this activity is a certificate or documentation of completion.(—)

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.~~(—)

i. ~~Professional manuscript review.~~ The required documentation for this activity is a letter from the publishing organization verifying review of manuscript. A maximum of five (5) hours is allowed per renewal period for this category. (—)

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.(—)

~~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 five (5) hours is allowed per renewal period for this category.(—)~~

~~l. 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 the name of student(s), letter of verification from school, and dates of fieldwork.(—)~~

06. Exemptions. A licensee may request an exemption from the continuing education requirement for a particular renewal period for reasonable cause. The licensee must provide any information requested by the Board to assist in substantiating the licensee's need for a claimed exemption.(—)

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. (—)

~~02. Inactive License Status. (—)~~

~~a. Licensees may not practice in Idaho while on inactive status. (—)~~

~~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.(—)~~

~~03. Reinstatement to Full Licensure from Inactive Status. (—)~~

~~a. Return to Active Status of License—Inactive for Five (5) or Fewer Years.~~ An inactive license holder whose license has been inactive for five (5) or fewer years may convert from inactive to active license status by: (—)

~~i. Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and(—)~~

~~ii. Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee. (—)~~

~~b. Return to Active Status of License—Inactive for Greater than Five (5) Years.~~ An inactive license holder whose license has been inactive for greater than five (5) years may convert from inactive to active license status by: (—)

~~i. Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and(—)~~

~~ii. Providing proof that the licensee has actively engaged in the practice of occupational therapy in another state or territory of the United States for at least three (3) of the immediately preceding five (5) years, or provide proof that the licensee is competent to practice in Idaho.(—)~~

- iii. ~~The Board may consider the following factors when determining proof of competency:~~ ()
 - (1) ~~Number of years of practice prior to transfer from active status;~~ ()
 - (2) ~~Employment in a field similar to occupational therapy; and~~ ()
 - (3) ~~Any other factors the Board deems appropriate.~~ ()

031. (Reserved)

03002. DISCIPLINE DENIAL OR REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE.

01. Grounds for Discipline. ~~In addition to the grounds set forth in Section 54-3718, Idaho Code, applicants may be denied or refused licensure and licensees are subject to discipline upon the following grounds, including but not limited to:~~()

- a.** ~~Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;~~ ()
- b.** ~~Being guilty of unprofessional conduct or violating the Code of Ethics in Appendix A, incorporated herein by reference 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;~~()
- c.** ~~The unauthorized practice of medicine;~~ ()
- d.** ~~Failure to properly supervise persons as required in these rules.~~ ()

012. Civil 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~~**obtained through** ~~the violation~~ licensee through the conduct that resulted in discipline and that reimburses the Board for costs of the investigation and disciplinary proceedings. ()

~~033. — 040. (RESERVED)~~

04001. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT (Not to Exceed)	RENEWAL FEE (Not to Exceed)
Initial Licensure for Occupational Therapists	\$80	\$40
Initial Licensure for Occupational Therapy Assistants	\$60	\$30
Limited Permit or Temporary License	\$25	

Reinstatement Fee	As provided in Section 67-2614, Idaho Code.	
Inactive License Renewal	\$20	
Inactive to Active License	The difference between the current inactive and active license renewal fees	

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PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Occupational and Professional Licenses

Agency Contact: Michael Hyde **Phone:** (208) 577-2491

Date: 7/7/2022

IDAPA, Chapter and Title Number and Chapter Name:

24.06.01 – Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

Fee Rule Status: x **Proposed** **Temporary**

Rulemaking Docket Number: 24-0601-2301

STATEMENT OF ECONOMIC IMPACT: This rulemaking does not impose a new fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

The following is a specific description of the fees or charges:

FEE TYPE	AMOUNT	RENEWAL FEE
Initial Licensure for Occupational Therapists	\$80	\$40
Initial Licensure for Occupational Therapy Assistants	\$60	\$30
Limited Permit or Temporary License	\$25	
Reinstatement Fee	As provided in Section 67-2614, Idaho Code.	