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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

August 5, 1999

COMMITTEES

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MAJORITY CHAIRMAN
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COCHAIRMAN EMERITUS

Original: 2037
McGinley
cc: McGinley
Smith
Nanorta
Sandusky
Legal, Notebook

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John R. McGinley, Jr., Chairman
Independent Regulatory Review Commission
14th Floor, 333 Market Street
Harrisburg, PA 17101

Dear Chairman McGinley:

This is to advise you that the House Professional Licensure Committee was unable to convene a quorum in time to take formal committee action on Regulation 16A-673. Committee members were forwarded a copy of the regulation and asked that they forward to the Chairman any comments or suggestions, however, none were received. Therefore, the committee submits no comments.

Please feel free to contact my office if any questions should arise.

Sincerely,

A handwritten signature in black ink that reads "Mario J. Civera".

Mario J. Civera, Chairman
Professional Licensure Committee

MJC/sms
Enclosure

cc: Hanna Gruen, Chairperson
State Board of Occupational Therapy Education and Licensure
The Honorable Kim Pizzingrilli
Secretary of the Commonwealth

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Regulation 16A-673

State Board of Occupational Therapy Education and Licensure

PROPOSAL: Regulation 16A-673 amends 49 PA Code, Chapter 42, regulations of the State Board of Occupational Therapy and Education Licensure, by adding new Section 42.25. This section clarifies the circumstances under which an occupational therapist may accept oral referrals from licensed physicians or podiatrists.

The proposed Rulemaking was published in the Pennsylvania Bulletin on June 19, 1999. The Professional Licensure Committee has until August 9, 1999, to submit comments on the regulation.

ANALYSIS: Pursuant to Sec. 14 of the Occupational Therapy Practice Act, 63 P.S. Sec. 1514, implementation of direct occupational therapy to an individual for a specific medical condition must be based on a referral from a licensed physician or podiatrist. The Board has historically construed "referral" to include oral as well as written referrals. New Sec. 42.25(a) codifies the Board's interpretation by providing that referrals shall be in the form of a written order, unless the urgency of the medical circumstances requires immediate treatment. In such circumstances, an occupational therapist may accept an oral order, provided that the oral order is immediately transcribed, including the date and time, in the patient's medical record and signed by the occupational therapist taking the order.

Additionally, under new Sec. 42.25(b), if the occupational therapy services are to be provided in a private office setting, the countersignature of the referring physician or podiatrist shall be obtained within five days of receipt of the oral order. If services are to be provided in a facility which is licensed by the Board of Health, the countersignature of the referring physician or podiatrist shall be obtained in accordance with applicable regulations of the Department of Health governing the licensed facility in which the services are provided. This provision clarifies the fact that occupational therapists providing services in long term care nursing facilities and home health care agencies are authorized to receive a physician's oral order for services, pursuant to regulations of the Department of Health.

RECOMMENDATIONS: It is recommended that the Professional Licensure Committee take no formal action until final-form regulations are promulgated.

House of Representatives
Professional Licensure Committee
July 14, 1999