

Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Independent Regulatory Review Commission

SECTION I: PROFILE

(1) Agency:

Department of State, Bureau of Professional and Occupational Affairs, State Board of Occupational Therapy Education and Licensure

(2) Agency Number: 16A

Identification Number: 16A-677

IRRC Number: 2892.

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(3) Short Title:

Continued Competency

(4) PA Code Cite:

49 Pa. Code §§ 42.17 and 42.51-42.58

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: **Judith Pachter Schulder, Counsel, State Board of Occupational Therapy Education and Licensure, P.O. Box 2649, Harrisburg, PA 17105-2649 (phone 717-783-7200) (fax 787-0251) jschulder@state.pa.us.**

Secondary Contact: **Cynthia Montgomery, Regulatory Counsel, Department of State, P.O. Box 2649, Harrisburg, PA 17105-2649 (phone 717-783-7200) (fax 787-0251) cymontgome@state.pa.us.**

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

X Proposed Regulation

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

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(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The Board proposes to add continued competency requirements for occupational therapists as a condition of license renewal and reactivation in new §§ 42.51 – 42.58 and fees for continued competency providers and course approvals in current § 42.17 (relating to licensure fees). Effective the first biennium following publication, the regulation would require all licensed occupational therapists to complete a minimum of 24 contact hours in at least two acceptable continued competency activities each biennium, after their first biennial renewal period, as a condition of license renewal.

(9) Include a schedule for review of the regulation including:

- | | |
|---|---|
| A. The date by which the agency must receive public comments: | Within 30 days after publication as proposed. |
| B. The date or dates on which public meetings or hearings will be held: | The Board meets quarterly at which time it considers regulations. |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | Within two years of publication as proposed. |
| D. The expected effective date of the final-form regulation: | The first full biennial period following publication of the final-form rulemaking. |
| E. The date by which compliance with the final-form regulation will be required: | The first full biennial period following publication of the final-form rulemaking. |
| F. The date by which required permits, licenses or other approvals must be obtained: | N/A |

(10) Provide the schedule for continual review of the regulation.

The Board continuously reviews its regulations.

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SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

Section 5(b) of the Occupational Therapy Practice Act, 63 P.S. § 1505(b), authorizes the State Board of Occupational Therapy Education and Licensure to promulgate and adopt rules and regulations not inconsistent with the law as it deems necessary for the performance of its duties and proper administration of the law. Section 15(a) of the act (63 P.S. § 1515(a)) further provides that “[t]he board may establish additional requirements for license renewal to assure continued competency of the applying occupational therapist.”

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The proposed regulation addresses the current lack of continued competency requirements for licensed occupational therapists. A similar requirement, albeit for continuing education is required for licensees of other health licensure Boards within the Bureau of Occupational Affairs. The proposed regulation would require all occupational therapists to complete 24 contact hours in at least two approved continued competency activities as a condition for licensure renewal. The compelling public interest for the regulation is to ensure that the Commonwealth’s licensed occupational therapists remain competent to provide occupational therapy services to their clients. The Board currently has 5,828 active occupational therapy licensees.

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

Attached is information from AOTA regarding level I fieldwork and level II fieldwork.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

There are no persons who will be adversely affected by the regulation.

Regulatory Analysis Form

(16) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

All licensed occupational therapists will be required to comply with the regulations. The Board currently has 5,828 active licensed occupational therapists. The Board has not included occupational therapy assistants in this proposal as section 15(a) of the act (63 P.S. § 1515(a)) only authorizes continued competency for occupational therapists. The Board notes, however, that if Senate Bill 187 is enacted prior to these regulations being adopted in final form, the Board will add occupational therapy assistants to this proposal. The Board currently has 2,518 active occupational therapy assistant licensees.

SECTION III: COST AND IMPACT ANALYSIS

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

This regulation requires occupational therapists to complete 24 contact hours in a minimum of two approved continued competency activities per biennium. Due to the variety of ways an occupational therapy licensee may obtain contact hours for continued competency purposes, it is impossible to derive an appropriate estimate as to costs for the regulated community. For instance, an occupational therapist could obtain contact hours through a mentoring relationship, professional writing and editing, fieldwork supervision, journal review, or presentation. None of these activities necessarily impose an additional cost on the licensed occupational therapist (other than time). While some educational courses can be expensive, many internet-based courses are extremely inexpensive, and in some cases free. Based on the foregoing information, the Board has determined that compliance with the continued competency requirements will average \$300 per licensee annually. This results in an annual cost of \$ to comply with the continued competency requirements. The increase in subsequent fiscal years reflects additional licensed occupational therapists and slight increases in the cost of continuing education seminars.

In addition, providers of continuing competency activities may incur costs associated with the provider approval fees, although the Board has pre-approved many providers. This is estimated at approximately \$2,400 in the first year (30 provider applicants and 30 individual applicants x \$40), with increases thereafter for biennial renewals and new applicants.

The Board anticipates negligible costs associated with completing and maintaining the licensed occupational therapist's professional continued competence portfolio. The regulated community should incur no legal, accounting or consulting procedures associated with the regulation.

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(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation will not result in increased costs or savings to local government and will not require legal, accounting or consulting procedures.

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation will also have a small fiscal impact on the Board in that the Board will be required to expend resources reviewing Board-approved provider and individual activity applications, however, those costs will be borne by the applicant through the \$40 application fees. In addition, the Board will incur costs and increased paperwork associated with audit and enforcement of the continued competency regulations.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY FY 10-11	FY +1 FY 11-12	FY +2 FY 12-13	FY +3 FY 13-14	FY +4 FY 14-15	FY +5 FY 15-16
SAVINGS:						
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community			\$1,750,800	\$1,800,800	\$1,850,800	\$1,903,200
Local Government						
State Government			\$ 2,400	\$ 1,200	\$ 2,400	\$ 1,200
Total Costs			\$1,753,200	\$1,802,000	\$1,853,200	\$1,904,400
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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(20a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
State Board of Occupational Therapy Education and Licensure	\$173,834.69	\$142,989.41	\$196,193.61	\$213,500.00

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The regulation will benefit the public by ensuring that occupational therapists are continuously refreshing and expanding their professional knowledge, thereby providing better service to their clients. Occupational therapists will also benefit by being better able to practice with improved skills and confidence. These benefits outweigh the estimated \$300 annual costs of compliance.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

The regulation was discussed at numerous public meetings of the Board as well as the 2008 meeting of the Pennsylvania Occupational Therapy Association. Also, prior to adopting proposed rulemaking, an exposure draft was mailed to more than twenty persons and entities identified as having an interest in the Board's regulations.

The Board received comments from Deborah Waltermire, Lecturer in Occupational Therapy at Elizabethtown College. She expressed concerns about the ability of licensees to attend continuing competency courses given by state occupational therapy associations outside of Pennsylvania. Also, the Board received comments from the American Occupational Therapy Association, the National Board for Certification in Occupational Therapy, the occupational therapy faculty from the University of Pittsburgh, and Sharon Kurfuerst, President of the Pennsylvania Occupational Therapy Association.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Nonregulatory alternatives were not considered because policy statements on any of the issues covered by the amendments would not have the force or effect of law.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no federal licensure standards.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

New Jersey and New York do not require their occupational therapy licensees to complete any continuing competency hours. Ohio requires its licensees to complete 10 hours annually, with adjustments made depending on when the license was granted. Delaware requires 20 hours in a biennial period for its licensees, with that total prorated downward for new licensees. Similarly, Maryland requires 24 hours biennially from licensees in practice for more than 2 years, with the total prorated downward for newer licensees. West Virginia requires its licensees to complete 12 continuing competency contact hours annually. As such, the proposed regulation in this Commonwealth would be comparable with most of our surrounding states, and would not put the Commonwealth at a competitive disadvantage.

(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will not affect any regulations of the Commission or other state agencies.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Renewal forms will be altered slightly to provide for verification of compliance with the continuing competency requirements. The Board will conduct random audits of occupational therapists in order to monitor compliance with the new regulation. Occupational therapists will have increased paperwork requirements in retaining required documentation for 4 years and in responding to audit notices, as applicable.

(28) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Board is aware of no special needs of any subset or group which should be excepted.

FEE REPORT FORM

Agency: State - BPOA

Date: December 1, 2009

Contact: Basil Merenda
Commissioner, Bureau Of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Occupational Therapy Continuing Education Sponsorship (Provider) Approval: \$40.00

Estimated Biennial Revenue: \$ 1,200.00 (30 applications x \$40.00)

Fee Description:

The fee will be charged to each applicant for continuing education sponsorship (provider) approval.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Occupational Therapy to review and process an application for approval as a sponsor (provider) of continuing education programs and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time- prepare and process application	(.50 hr)	16.23
Board Member – application evaluation	(1.5 hr.)	12.00
Administrative Overhead:		11.16

Total Estimated Cost:	\$36.39
Proposed Fee:	\$40.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$40.00 be established to review an application for approval as a provider of continuing education programs.

Continuing Education providers wishing to offer courses for credit by licensees toward the mandatory continuing education requirement apply to the board for approval as a provider or sponsor. Individual courses are not approved at this time, rather, the sponsorship is determined. Staff receives the provider application and reviews for completeness, contacts the provider to request any missing information. Following their review, the provider application is forwarded to a board member for evaluation. The board member makes the determination to approve or disapprove the provider. Staff then notifies the provider of approval or denial of application. Approval as a provider is required once per biennium.

FEE REPORT FORM

Agency: State - BPOA

Date: December 1, 2009

Contact: Basil Merenda
Commissioner, Bureau Of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Biennial Renewal Fee - Occupational Therapy Continuing Education Sponsorship
(Provider) Approval: \$40.00

Estimated Biennial Revenue: \$ 1,200.00 (30 applications x \$40.00)

Fee Description:

The fee will be charged biennially to every continuing education sponsor (provider) for renewal of approval through the next biennial cycle.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Occupational Therapy and (2) defray a portion of the Board's administrative overhead.

Analysis, Comment, and Recommendation:

It is recommended that a renewal fee of \$40.00 be established for renewal of continuing education sponsor (provider) approval, thereby causing those entities to contribute to the general operational costs of the State Board of Occupational Therapy.

FEE REPORT FORM

Agency: State - BPOA

Date: December 1, 2009

Contact: Basil Merenda
Commissioner, Bureau Of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Occupational Therapy Continuing Education Course Approval: \$40.00

Estimated Biennial Revenue: \$1,200.00 (30 applications x \$40.00)

Fee Description:

The fee will be charged to every licensee who submits an application for each continuing education course approval.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Occupational Therapy to review and process an application for approval to provide a continuing education course and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Board staff - application prep/processing	(0.50 hr)	16.23
Board member – application evaluation	(1.50 hr)	12.00
Administrative Overhead:		11.16
	Total Estimated Cost:	\$ 39.39
	Proposed Fee:	\$ 40.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$40.00 be established to review an application for approval of each continuing education course.

Continuing Education Course Approval:

Clerical staff: Receives application and supporting documents, enters information into tracking system and transmits fee. Reviews application to ensure that all required supporting documents are submitted, contacts applicant to request missing information. Once complete, forwards to board member.

Board Member: Receives application, evaluates for compliance with established rules and regulations, and determines if approval should be granted or denied. If approved, application is returned to board office, staff updates tracking system and issues approval notice, prepares application for scanning. If denied, application is returned to board office, tracking system is updated to reflect decision and application is assigned to a second board member for review. If second board member agrees with decision of first board member, a letter of denial is sent to the applicant. If the second board member disagrees with the decision, the application is sent to the full board for review and final decision. Following review and vote the tracking system is updated and the appropriate letter sent to the applicant. No time has been factored into the cost estimate for a second, or full board review because this is a new process and sufficient data has not been gathered.

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BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Occupational Therapy
Education and Licensure

(AGENCY)

[Signature]
BY: _____
Andrew C. Clark

MAR 07 2011

DOCUMENT/FISCAL NOTE NO. 16A-677

NOV 16 2010

DATE OF APPROVAL

DATE OF ADOPTION: _____

DATE OF APPROVAL

[Signature]
BY: _____
Ellen L. Kolodner

EXECUTIVE
Deputy General Counsel

Chairperson
TITLE: _____
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable.
No Attorney General approval
or objection within 30 days
after submission.

PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE
49 PA. CODE, CHAPTER 42
CONTINUING COMPETENCY

The State Board of Occupational Therapy Education and Licensure (Board) proposes to amend § 42.17 (relating to licensure fees) and to adopt §§ 42.51 – 42.58, to read as set forth in Annex A.

Effective Date

The proposed rulemaking will take effect upon publication of final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 5(b) of the Occupational Therapy Practice Act (act) (63 P.S. § 1505(b)) authorizes the Board to promulgate and adopt rules and regulations not inconsistent with law as it deems necessary for the performance of its duties and the proper administration of the act. Section 15(a) of the act (63 P.S. § 1515(a)) further provides that “[t]he board may establish additional requirements for licensure renewal to assure continued competency of the applying occupational therapist.”

Background and Purpose

Board members and licensees have long recognized the need for licensed occupational therapists to maintain and expand their professional knowledge and skills. The purpose of the proposed rulemaking is to implement the requirement for continued competency in section 15(a) of the act and establish continued competency requirements to enable licensed occupational therapists to provide “the highest possible degree of professional care and conduct” to the citizens of the Commonwealth, as provided in section 2 of the act (63 P.S. § 1502).

Currently, the Board does not have any continued competency requirements. Consequently, the Board proposes to add fees for continued competency providers and course approvals in current § 42.17 and institute continued competency requirements for occupational therapists as a condition of licensure renewal and reactivation in new §§ 42.51 – 42.58. The Board has not included occupational therapy assistants in this proposal as section 15(a) of the act (63 P.S. § 1515(a)) only authorizes continued competency for occupational therapists. The Board notes, however, that if Senate Bill 187 is enacted prior to these regulations being adopted in final form, the Board will add occupational therapy assistants to this proposal.

Description of Amendments

§ 42.17—Fees.

The regulation would amend and rename current § 42.17 to add a fee schedule relating to continued competency. Applicants seeking provider approval under new § 42.54(d) (relating to program providers) would be required to pay a \$40 application and biennial renewal fee. Applicants seeking course approval under new § 42.54(e) would

also be required to pay a \$40 application fee. These fees are based upon the actual amount of time it takes to process these applications.

§ 42.51—Purpose.

Proposed § 42.51 (relating to purpose) sets forth the purpose of the continued competency requirements consistent with the Board's statutory authority.

§ 42.52—Definitions.

The Board proposes to define ten terms specifically applicable to continued competency in § 42.52 (relating to definitions): contact hour, continued competency, educational courses, level I fieldwork, level II fieldwork, protégé, mentor, mentorship, mentorship agreement, and professional continued competence portfolio.

A "contact hour" is defined as 50-60 minutes of participation in a continued competency activity, depending on the type of activity. Generally, educational courses are 50 minutes in duration while fieldwork, mentorship, writing and editing are measured in 60-minute increments. Unlike continuing education, which is a prerequisite for biennial renewal for many licensing professions, "continued competency" is a multidimensional process by which a licensed occupational therapist demonstrates the development and maintenance of knowledge, skills, attitudes, judgment, abilities and ethics. A "professional continued competence portfolio" is a document that evidences completion of continued competency activities plus a self-assessment as required by § 42.57 (relating to verification and reporting of continued competency activities).

The remaining definitions stem from the acceptable continued competency activities listed in § 42.55 (relating to acceptable continued competency activities). The proposed definition of "educational courses" clarifies that these courses include academic and continuing education courses delivered by both onsite and distance education. Another acceptable continued competency activity is fieldwork as described in the American Occupational Therapy Association's (AOTA's) Standards for an Accredited Educational Program for the Occupational Therapist. The definitions of "level I fieldwork" and "level II fieldwork" distinguish between basic and advanced fieldwork experiences. Specific information about level I fieldwork and level II fieldwork is available at the AOTA's website at: <http://www.aota.org/Educate/EdRes/Fieldwork.aspx>.

In addition to education courses and fieldwork, another acceptable continued competency activity is mentorship. As explained in the proposed definition, a "mentorship" is a formalized one-on-one teaching/learning relationship specified in a "mentorship agreement" between a "mentor" and a "protégé." A "mentor" includes a licensed occupational therapist as well as another person who holds a license, certificate or registration from one of the health licensing boards within the Bureau of Professional and Occupational Affairs, or who is currently certified by the Department of Education.

§ 42.53—Continued competency requirements.

Effective the first biennium following publication, §42.53 (relating to continued competency requirements) would require all licensed occupational therapists to complete a minimum of 24 contact hours in at least two acceptable continued competency activities each biennium, after their first biennial renewal period, as a condition of licensure renewal. Occupational therapists seeking to reactivate lapsed or inactive licenses would be required to show compliance with the continued competency requirement during the biennium immediately preceding the request for reactivation. Additionally, licensed occupational therapists whose licenses have been suspended or revoked would be required to complete the continued competency contact hour requirement for each biennium in which the license was suspended or revoked as a condition for reinstatement.

§ 42.54—Program providers.

Under proposed § 42.54 (relating to program providers), licensed occupational therapists would have three options for provider approvals: they could complete activities from pre-approved providers, they could complete activities from Board-approved providers or they could seek individual approval for a specific activity provided by an entity that neither pre-approved nor Board-approved. Proposed subsection (c) contains the list of 12 pre-approved providers including State, National or international occupational therapy associations; the American Occupational Therapy Association's Approved Provider Program; the Pennsylvania Department of Education; Federal and State programs related to health care; accredited colleges, universities and post-secondary vocational schools; and National and State professional health care and education organizations.

Proposed subsection (d) contains the criteria the Board will use to evaluate providers for Board approval. At least 60 days prior to the commencement of the activity, but no later than 90 days before the end of the biennial renewal period, a provider seeking Board approval would be required to provide the Board with its learning objectives, criteria for selecting and evaluating faculty instructors, subject matter and instructional materials and its evaluation procedures. Unlike pre-approved providers, Board-approved providers must renew their approval biennially.

A licensed occupational therapist who wishes to obtain credit for an activity that is provided by an entity that is neither pre-approved nor Board-approved may seek approval for the activity no later than 90 days before the end of the biennial period based on the criteria described in proposed subsection (e). Following review, the Board will advise the licensed occupational therapist whether the activity has been approved and the number of contact hours awarded.

§ 42.55—Acceptable continued competency activities.

Proposed § 42.55 describes the various activities for which continued competency contact hours may be awarded, the maximum number of hours that may be awarded, and

the documentation required for that activity if it differs from the general requirements in proposed § 42.57(a) (relating to provider documentation). These activities include continuing education courses, academic courses, mentorship, fieldwork supervision, professional writing and editing, presentation, and instruction. Irrespective of the provider, contact hours would only be granted for activities that are relevant to the practice of occupational therapy, but may not involve marketing, office management, financial gain or self-promotion.

For educational courses, under proposed subsection (b)(1), licensed occupational therapists may earn a maximum aggregate of 18 contact hours. The number of contact hours for continuing education courses equals the number of directed hours while one credit equals 15 contact hours for academic courses.

Mentorship activities are delineated in subsection (b)(2). Prior to the commencement of a mentorship, the mentor and the protégé would enter into a mentorship agreement establishing the scope of the mentorship. Following the mentorship, the mentor would provide the protégé a post-mentorship summary documenting the time spent and the outcomes of the mentorship program. Both a mentor and a protégé may earn 1 contact hour for every 5 hours of mentorship activities up to 6 contact hours per biennium. A copy of the mentorship agreement and the post-mentorship summary would be included in the professional continued competence portfolio.

Proposed subsection (b)(3) describes fieldwork supervision. Licensed occupational therapists may earn 1 contact hour per student up to 3 contact hours per biennium for serving as a supervisor for level I fieldwork and 3 contact hours per student up to 6 contact hours per biennium for serving as a supervisor for level II fieldwork. In addition to the documentation required to be produced upon audit in proposed § 42.57(a) (relating to provider documentation), fieldwork documentation would have to be verified by the educational program.

Proposed subsection (b)(4) describes professional writing activities. Licensed occupational therapists may earn a maximum of 15 contact hours in this activity. The Board proposes to award 15 contact hours for writing a book, 10 contact hours for writing a chapter in a book, 10 contact hours for writing an article published in a peer-reviewed journal and 5 contact hours for writing an article published in a non-peer-reviewed journal. Although the Board is cognizant that numerous hours are spent writing prior to the document being published, for continued competency contact hour purposes, the Board will only award credit for professional writing activities in the biennium in which the book, chapter, or article is published.

Like professional writing, the Board proposes capping the number of contact hours to be awarded for editing to a maximum of 15 contact hours per biennium. Proposed subsection (b)(5) would award a maximum of 10 contact hours for editing a book and 1 contact hour, up to a maximum of 6 contact hours, for each article reviewed for a professional journal.

Proposed subsection (b)(6) addresses presentation and instruction. A licensed occupational therapist may earn a maximum of 12 contact hours in this activity per biennium. Two contact hours would be awarded for each 60-minute peer-reviewed or invited presentation.

§ 42.56—Waivers of continued competency requirements and curing deficiencies.

As proposed, § 42.56 (relating to waivers of continued competency requirements and curing deficiencies) would allow the Board to waive continued competency requirements for licensees due to illness, injury or emergency. Licensees would be required to request a waiver no later than 60 days before the end of the renewal year unless the applicant proves to the satisfaction of the Board that it was impracticable to do so (as in the instance where a licensee is enrolled for a continued competency activity 15 days before the end of the biennial period and suffers a heart attack preventing the licensee from attending the activity). The proposal would also permit licensed occupational therapists to make up deficiencies after presenting a request, along with a remediation plan, to the Board to make up the required contact hours.

§ 42.57—Documentation and reporting of continued competency activities.

Proposed § 42.57 (relating to documentation and reporting of continued competency activities) describes the documentation and reporting responsibilities for providers and for licensed occupational therapists. Regardless of whether the provider is pre-approved or Board-approved, subsection (a) requires providers to provide attendees with completion documentation following the activity. The documentation must include the name of the participant, provider and instructor, the title, date and location of the activity and number of contact hours awarded.

Subsection (b) describes documentation requirements for licensed occupational therapists. For each biennial period, a licensed occupational therapist would be required to prepare a professional continued competency portfolio which contains verification of completion of the required continued competency contact hours as well as a self-assessment. Licensed occupational therapists would be required to retain the portfolio for 4 years following the last day of the renewal period in which the continued competence activities were earned and to provide them to the Board when requested. It also provides notice that licensed occupational therapists who have not completed the required hours of continued competency activities will not be eligible for renewal until the hours are completed, unless a waiver has been granted or a plan for curing deficiencies has been approved by the Board under § 42.56.

§ 42.58—Disciplinary action.

Finally, § 42.58 (relating to disciplinary action) advises licensed occupational therapists that failure to comply with the continued competency requirements or submit false documentation in connection with those requirements subjects the licensed

occupational therapist to disciplinary action under section 16 of the act (63 P.S. § 1516). Procedures and standards for due process stemming from a disciplinary action are set forth in the General Rules of Administrative Practice and Procedure, 1 Pa. Code 31.1-35.251; Act 48 of July 2, 1993, P.L. 345, No. 48, *as amended*, 63 P.S. §2201-2207; and case law.

Fiscal Impact and Paperwork Requirements

The amendments will have a fiscal impact on the regulated community in that each licensed occupational therapist would incur the costs associated with completion of 24 contact hours of continued competency activities as a condition of biennial renewal. Due to the variety of ways an occupational therapist may obtain contact hours for continued competency purposes, it is impossible to derive an appropriate estimate as to costs for the regulated community. For instance, an occupational therapist could obtain contact hours through a mentoring relationship, professional writing and editing, fieldwork supervision, journal review, or presentation. None of these activities necessarily impose an additional cost on the licensee. While some educational courses can be expensive, many internet-based courses are extremely inexpensive, and in some cases free. Nonetheless, the Board estimates an average cost of compliance with the continued competency requirements to be \$300 per licensee annually. In addition, the amendments would create additional paperwork for the regulated community in that licensed occupational therapists would be required to retain documentation supporting the completion of the continued competency activities for 4 years and provide that documentation to the Board upon request.

The amendments will also have a fiscal impact on the Board in that the Board will be required to expend resources reviewing Board-approved provider and individual activity applications, however, the Board anticipates that there will be no more than 30 applications to review in each category and those costs will be borne by the applicants through the proposed \$40 fee. In addition, the Board will incur costs and increased paperwork associated with audit and enforcement of the continued competency requirements.

Sunset Date

The Board continuously monitors the effectiveness of the regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 25, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations, or objections regarding this proposed rulemaking to Judith Pachter Schulder, Board Counsel, State Board of Occupational Therapy Education and Licensure, P.O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Ellen L. Kolodner
Chairperson

ANNEX A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY

EDUCATION AND LICENSURE

LICENSURE

§ 42.17. [Licensure] Fees.

* * * * *

(c) The fee schedule for continued competency providers and courses is as follows:

<u>Initial provider approval.....</u>	<u>\$40</u>
<u>Biennial renewal of provider approval</u>	<u>\$40</u>
<u>Individual activity approval.....</u>	<u>\$40</u>

* * * * *

CONTINUED COMPETENCY

§ 42.51. Purpose.

The purpose of §§ 42.52 – 42.58 is to implement section 15(a) of the act (63 P.S. § 1515(a)), which authorizes the Board to establish additional requirements for licensure renewal to assure continued competency so as to achieve the legislative purpose expressed in section 2 of the act (63 P.S. § 1502) to assure the highest degree of professional care and conduct on the part of licensed occupational therapists.

§ 42.52. Definitions.

The following words and terms, when used in §§ 42.51 – 42.58 (relating to continued competency), have the following meanings, unless the context clearly indicates otherwise:

Contact hour—A unit of measure for a continued competency activity that equals 50-60 minutes of participation.

Continued competency—The multidimensional process by which a licensed occupational therapist demonstrates the development and maintenance of the knowledge, skills, attitudes, judgment, abilities and ethics necessary to practice occupational therapy in a variety of roles and settings.

Educational courses—Academic and continuing education courses delivered on-site or by distance education.

Level I fieldwork—Introductory fieldwork experiences that are a component of an educational program in occupational therapy in which students develop a basic understanding of the needs of clients through directed observation and supervised participation in the occupational therapy process.

Level II fieldwork—Advanced fieldwork experiences that are a component of an educational program in occupational therapy that provides multiple occupational therapy services to a variety of clients in multiple settings.

Mentor—A person who holds a current license, certificate or registration from a health-related board within the Bureau of Professional and Occupational Affairs or is currently certified by the Department of Education who is engaged in a one-on-one teaching/coaching relationship with a licensed occupational therapist for the stated

purpose of imparting specific knowledge and skills related to the practice of occupational therapy.

Mentorship—Participation in a formalized, one-on-one teaching/learning relationship for the purposes of building a licensed occupational therapist's capacity to practice occupational therapy.

Mentorship agreement—A written agreement between the mentor and the protégé that outlines specific goals and objectives and designates a plan of activities.

Professional continued competence portfolio—A document, which includes a self-assessment, that evidences the licensed occupational therapist's completion of the continued competency requirement in § 42.53 (relating to continued competency requirements).

Protégé—A licensed occupational therapist who is engaged in a one-on-one relationship with another health care professional for the stated purpose of acquiring specific skills and knowledge related to the practice of occupational therapy.

§ 42.53. Continued competency requirements.

(a) Beginning with the _____ (*Editor's note: The blank represents the first complete licensure biennium following the date of the publication of the final-form rulemaking*) biennium, a licensed occupational therapist shall complete a minimum of 24 contact hours in each biennial period in at least two of the acceptable continued competency activities listed in § 42.55 (relating to acceptable continued competency activities) as a condition of licensure renewal.

(b) For the first biennial renewal after a licensed occupational therapist obtains a license, the licensed occupational therapist is exempt from complying with subsection (a).

(c) A licensed occupational therapist seeking to reactivate a lapsed or inactive license shall show compliance with the continued competency contact hour requirement during the 2-year period immediately preceding application for reactivation.

(d) A licensed occupational therapist whose license has been suspended or revoked shall complete the required continued competency contact hours for each licensure biennium in which the license was suspended or revoked as a condition of reinstatement.

§ 42.54. Program providers.

(a) *In general.* Activities offered by pre-approved and Board-approved providers will be accepted as satisfying part of the continued competency requirement. It is the responsibility of the licensed occupational therapist to ascertain the approval status of the provider before undertaking a continued competency activity.

(b) *Rights reserved.* The Board reserves the right to reject an activity if it is outside of the scope described in § 42.55(a) (relating to acceptable continued competency activities) or is otherwise unacceptable because of presentation or content.

(c) *Pre-approved providers.* The Board has pre-approved those educational courses provided, co-provided, or approved by the following entities:

(1) A State, National or international occupational therapy association.

(2) The American Occupational Therapy Association's Approved

Provider Program.

- (3) American Society of Hand Therapists.
 - (4) Association for Driver Rehabilitation Specialists.
 - (5) The Pennsylvania Department of Education.
 - (6) An accredited college or university or post-secondary vocational technical school or institution.
 - (7) Federal or State government programs related to health care.
 - (8) A provider approved by another health licensing board within the Bureau of Professional and Occupational Affairs or another State licensure board.
 - (9) National and State professional health care organizations.
 - (10) National and State professional education organizations.
 - (11) National Alliance for the Mentally Ill.
 - (12) Case Management Society of America.
- (d) Board-approved providers. The Board will consider for approval, on a biennial basis, providers who wish to offer activities described in § 42.55(a), as follows:
- (1) The provider seeking approval shall submit an application to the Board at least 60 days prior to the commencement of the activity but no later than 90 days before the end of the biennial renewal period. The applicant will be notified of approval or disapproval in writing.
 - (2) The Board will not approve a provider unless it:
 - (i) Offers activities with specific learning objectives.
 - (ii) Has criteria for selecting and evaluating faculty instructors, subject matter and instructional materials.

(iii) Has a procedure for determining licensees' perceptions of the extent to which the objectives have been met.

(e) Individual activity approval.

(1) A licensed occupational therapist may request approval of contact hours for continued competency activities not otherwise approved by submitting an application for approval to the Board no later than 90 days before the end of the biennial renewal period that includes the following:

(i) The title of the activity and number of contact hours.

(ii) The description of the activity from the program catalogue/brochure.

(iii) The learning objectives.

(iv) The name and qualifications of the presenter.

(v) An assessment of the activity.

(2) Upon review of the completed application, the Board will notify the applicant whether the activity has been approved, and, if approved, the number of contact hours that will be awarded.

(f) Withdrawal of approval. The Board may withdraw approval of any provider for cause. The provider will be notified in writing of the reasons for withdrawal of approval.

§ 42.55. Acceptable continued competency activities.

(a) Irrespective of the provider, contact hours will only be awarded for continued competency activities that are relevant to the practice of occupational therapy including direct care, management, education, and research. No contact hours will be

awarded for activities related to marketing, office management, financial gain or self-promotion.

(b) The following activities are acceptable so long as the specific activity complies with subsection (a):

(1) Educational courses.

(i) A licensed occupational therapist may earn a maximum aggregate of 18 contact hours in educational courses per biennium.

(ii) For continuing education courses, contact hours equal the number of directed learning hours.

(iii) For academic courses, one credit equals 15 contact hours.

(iv) In lieu of the documentation required in § 42.57(a) (relating to provider documentation), acceptable documentation of educational courses consists of an official transcript or certificate of completion indicating the name and date of the course, plus a description of the course from the school catalog or brochure.

(2) Mentorship.

(i) Prior to beginning a mentorship, the mentor and the protégé shall enter into a mentorship agreement.

(ii) At the conclusion of the mentorship, the mentor shall provide a post-mentorship summary documenting the time spent in and outcomes of the mentoring program. A copy of the summary must be provided to the protégé and maintained by both for 4 years.

(iii) Both the mentor and the protégé may earn 1 contact hour for every 5 hours spent in mentorship activities up to 6 contact hours per biennium.

(iv) In lieu of the documentation required in § 42.57(a) (relating to provider documentation), acceptable documentation consists of a copy of the mentorship agreement and the post-mentorship summary.

(3) Fieldwork supervision.

(i) A licensed occupational therapist may earn:

(A) One contact hour per student, up to 3 contact hours per biennium, for serving as a supervisor for level I fieldwork.

(B) Three contact hours per student, up to 6 contact hours per biennium, for serving as a supervisor for level II fieldwork.

(ii) In addition to the information required in § 42.57(a), the educational program shall verify the name of the supervisor, the names and number of students being supervised, the location(s) where the fieldwork is being performed, and the dates and level of fieldwork.

(4) Professional writing.

(i) A licensed occupational therapist may earn the following contact hours, up to a maximum of 15 per biennium, for professional writing:

(A) 15 contact hours for writing a book.

(B) 10 contact hours for writing a chapter in a book.

(C) 10 contact hours for writing an article published in a peer-reviewed journal.

(D) 5 contact hours for writing an article published in a non-peer-reviewed journal.

(ii) Credit will be awarded for the biennium in which the book, chapter or article is published.

(iii) In lieu of the documentation required in § 42.57(a), acceptable documentation of professional writing consists of a copy of the editor's or publisher's acceptance letter and a copy of the article, chapter, or in the case of a book, the cover page of the book including the title, author, source and date of publication, and editor.

(5) Editing.

(i) A licensed occupational therapist may earn the following contact hours, up to a maximum of 15 per biennium, for editing:

(A) A maximum of 10 contact hours may be earned for editing a book relevant to occupational therapy.

(B) A maximum of 6 contact hours per biennium may be earned for serving as a reviewer for a professional journal, provided that only 1 contact hour may be accrued for each article reviewed.

(ii) In lieu of the documentation required in § 42.57(a), acceptable documentation of editing activities consists of the following:

(A) For editing a book, a copy of editor's or publisher's acceptance letter, and the cover page of the book including the title, author, source and date of publication, and editor.

(B) For serving as a reviewer, a copy of a letter from the editor acknowledging the number of articles reviewed.

(6) Presentation and instruction.

(i) A licensed occupational therapist may earn 2 contact hours, up to a maximum of 12 per biennium, for each 60-minute peer-reviewed or invited presentation or workshop related to occupational therapy.

(ii) Credit will only be awarded one time per biennium for each presentation regardless of the number of times the material is presented.

(iii) In addition to the information required in § 42.57(a), the provider shall provide a copy of the official program, schedule or syllabus including presentation title, date, hours of presentation and attestation by the provider.

§ 42.56. Waivers of continued competency requirements and curing deficiencies.

(a) Waivers.

(1) The Board may waive all or part of the continued competency activity requirements in the case of a serious illness, injury, or emergency which prevents a licensee from completing the continued competency requirements.

(2) A licensed occupational therapist seeking a waiver shall submit a written request for a waiver and provide documentary evidence to the satisfaction

of the Board of the serious illness, injury, or emergency which would preclude the completion of the continued competency requirements.

(3) The request for a waiver must be filed with the Board 60 days before the end of the biennium in which the contact hours are being accrued unless the licensed occupational therapist proves to the satisfaction of the Board that it was impracticable to do so.

(b) *Curing deficiencies.* A licensed occupational therapist with a deficiency in contact hours may apply to the Board in writing for leave to make up the contact hours in arrears. The request shall include an explanation of why the deficiency occurred and a plan, along with the estimated time needed, for curing it. Requests will be evaluated by the Board on a case-by-case basis and will be approved or disapproved at its discretion.

§ 42.57. Documentation and reporting of continued competency activities.

(a) A provider of a continued competency activity shall furnish to each participant documentation, signed by the provider, which includes the following, unless otherwise directed in § 42.56 (relating to continued competency activities):

(1) Name of the participant, provider and instructor.

(2) Title, date and location of the activity.

(3) Number of contact hours awarded.

(b) A licensed occupational therapist shall:

(1) Prepare a professional continued competence portfolio for each biennial period and retain it for 4 years following the last day of the biennial period during which the continued competency activities were completed.

(2) Verify completion of the required contact hours of continued competency activities when the license is renewed. A licensed occupational therapist who has not completed the required hours of continued competency activities will not be eligible for renewal until the hours are completed, unless a waiver or extension has been granted or a plan to cure the deficiency has been approved by the Board under § 42.57 (relating to waiver of continued competency requirements and curing deficiencies).

(3) Provide a copy of the professional continued competence portfolio to the Board within 30 days of notification of an audit.

§ 42.58. Disciplinary action.

A licensed occupational therapist who fails to comply with the continued competency activity requirements or the audit requirements or submits false documents in connection with the continued competency requirement will be subject to disciplinary action under section 16 of the act (63 P.S. § 1516).

* * * * *



Living Life To Its Fullest™

Last Updated: 5/21/2007

COE Guidelines for an Occupational Therapy Fieldwork Experience - Level I

I. Definition and Purpose

The AOTA *Standards* describe the goal of Level I Fieldwork "to introduce students to the fieldwork experience, and develop a basic comfort level with an understanding of the needs of clients." Level I Fieldwork is not intended to develop independent performance, but to "include experiences designed to enrich didactic coursework through directed observation and participation in selected aspects of the occupational therapy process."

Services may be provided to a variety of populations through a variety of settings. Experiences may include those directly related to occupational therapy, as well as other situations to enhance an understanding of the developmental stages, tasks, and roles of individuals throughout the life span. Day care centers, schools, neighborhood centers, hospice, homeless shelters, community mental health centers, and therapeutic activity or work centers are among the many possible sites. Level I Fieldwork may also include services management and administrative experiences in occupational therapy settings, community agencies, or environmental analysis experiences. Populations may include disabled or well populations; age-specific or diagnosis-specific clients.

Qualified personnel for supervision of Level I Fieldwork may include, but are not limited to, academic or fieldwork educators, occupational therapy practitioners initially certified nationally, psychologists, physician assistants, teachers, social workers, nurses, physical therapists, social workers, etc. The supervisors must be knowledgeable about occupational therapy and cognizant of the goals and objectives of the Level I Fieldwork experience.

II. Objectives

Objectives of Level I Fieldwork may vary significantly from one academic institution to another. These variations occur as a result of differences in individual academic institutional missions, programmatic philosophical base, curriculum design and resources, etc. As a result, the individual academic institutions should provide information regarding the specific didactic relationship and should provide objectives for the experience. Fieldwork educators should determine if the resources of their facilities are adequate to meet the objectives of the educational institution, and then apply the objectives to the fieldwork setting.

Fieldwork objectives should reflect role delineation between professional and technical level students as specified by *The Guide to OT Practice*, AOTJ, Vol.53, No.3. In the event a facility provides Level I Fieldwork experiences to both levels of students, separate objectives and learning experiences should be utilized, as developed by the academic program faculty. Students should be evaluated using these objectives.

In instances where students will have a prolonged/consecutive fieldwork experience in the same facility, the objectives should also reflect a sequential orientation and move from concrete to conceptual or from simple to more complex learning activities. In the event that the student will rotate through a variety of settings it is recommended that a master list of objectives be developed that demonstrate a developmental learning continuum and indicate which objectives/learning experiences have been provided in previous experiences.

Schedule design of Level I Fieldwork will depend on the type of setting and the curriculum of the academic institution. Options include, but are not limited to, full days for one-half a term, full days in alternating weeks for one term, half days for one term, or one week.

Academic Institution

- Identify course content areas to be enhanced by Level I Fieldwork experiences.
- Develop general goals that clearly reflect the purpose of the experience and level of performance to be achieved.
- Assure that objectives reflect the appropriate role of an OT or OTA student.
- Sequence the objectives from concrete to conceptual or from simple to increasing complexity.
- Identify facilities that may be able to provide the necessary learning experiences.
- Share the objectives with the fieldwork educators and ask them to identify those objectives that could be met in their facility.
- Discuss and coordinate fieldwork administration issues, such as scheduling, work load, report deadlines, etc.
- Collaborate with fieldwork educators to clearly identify the skill levels necessary for successful completion of Level I Fieldwork experience.
- Develop an evaluation form and protocol.

Fieldwork Education Center

- Evaluate administrative aspects of the program to determine the feasibility of providing education experiences of high quality while maintaining the effectiveness of services. Some considerations are: providing the necessary supervision, scheduling learning experiences, and staff attitudes toward.
- Review objectives and learning experiences with academic representatives to assure that they address the Level I Fieldwork objectives of the program.
- Review the evaluation form and associated protocols and seek any necessary clarification prior to its implementation.
- Review the Level I Fieldwork objectives and the evaluation form to determine if the learning experiences can be provided at your fieldwork agency and if they are compatible with the philosophy of the program.
- In collaboration with the academic program faculty, identify, and design, if possible, specific learning activities which will meet Level I objectives.
- Those agencies providing fieldwork for both the professional and technical level student should have different learning experiences designed to clearly reflect role delineation.

AOTA Commission on Education (COE) and Fieldwork Issues Committee (FWIC)
Amended and Approved by FWIC 11/99 and COE 12/99

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Last Updated: 5/21/2007

COE Guidelines for an Occupational Therapy Fieldwork Experience - Level II

History and Purpose:

The intent of this document is to describe the desired characteristics of a fieldwork placement for occupational therapy and occupational therapy assistant students in Level II Fieldwork Education. It is not intended to be interpreted as a standard of performance or requirement of a program, rather as a reference or as instructional materials. It is for internal use by members of the AOTA.

This document was originally prepared by the Loma Linda Fieldwork Council at the request of the Commission on Education and approved by the Commission on Education on April 15, 1985. The document was revised by the AOTA Fieldwork Issues Committee in 1992, and is now again revised by COE in June, 2000.

Definition:

The ACOTE/AOTA Standards (1998) describe Level II Fieldwork as...a crucial part of professional preparation...The goal of Level II Fieldwork is to develop competent, entry-level, generalist occupational therapists and occupational therapy assistants. The fieldwork experience is to provide students with the opportunity to integrate academic knowledge with the application of skills in a practice setting. (AOTA, 1999a & b; AOTA, 1996)

1. **The fieldwork agency should have currently participated in a review process as established by the appropriate body, such as Joint Commission on Accreditation of Health Care Organizations, the Commission on Accreditation of Rehabilitation Facilities or a state regulatory board. In lieu of this review body there should be a review by the university/program which is using the center as a fieldwork site.**

2. **The fieldwork agency should have a stated philosophy regarding service delivery.**

A philosophy of the fieldwork agency is a statement of the foundation or principles underlying its operation. This statement should serve as a guide for the delivery of service for individuals and groups, the degree of emphasis on research, and the commitment to education.

3. **There should be regular professional conferences to evaluate patient/client programming regarding intervention needs.**

In situations where there is little possibility for professional conference due to the nature of the fieldwork placement, the occupational therapist may independently establish intervention plans and goals when providing consultation, evaluation and treatment services.

4. **There should be occupational therapy representation in planning programs and formulating policies which would affect occupational therapy services or involvement.**

Occupational therapy representation may be through participation in program-related conferences, quality review processes, or in groups in which planning and policy-making may be carried out.

5. **The administrators and staff of the fieldwork placement should understand the philosophy and principles of the occupational therapy fieldwork education program and should accept the responsibility for making it an integral part of their function.**

Since the occupational therapy fieldwork education experience exists within the philosophy and policies of the fieldwork agency, it is essential that the administration and staff accept and support the program.

6. **The fieldwork agency recognizes that the primary objective of the fieldwork experience is to benefit the student's education.**

The educational value of the student fieldwork experience should be of primary importance, and the placement should not be used to extend services offered by the fieldwork agency.

7. **Opportunities for continuing education and professional development of the occupational therapy staff and students should be supported.**

A. Attendance at workshops, institutes, conferences, courses and professional meetings should be encouraged.

B. Financial support should be given for professional development whenever feasible with the budget of the fieldwork agency.

C. Inservice education programs should be developed and made available.

D. Fieldwork students should be encouraged to participate in continuing education and be provided time to do so, when content is relevant to the fieldwork experience.

8. **Occupational therapy staff members should participate actively in occupational therapy associations and in occupational therapy educational programs, whenever possible.**

Occupational therapists and occupational therapy assistants as role models should be actively involved with national and state occupational therapy associations.

Occupational therapists and occupational therapy assistants should be involved with the occupational therapy educational programs from which they accept students on an ongoing basis. Such involvement may include education council meetings, on-site visits, correspondence, telephone calls, etc.

9. **The fieldwork placement shall meet all existing local, state, and/or federal safety and health requirements and should provide adequate and efficient working conditions.**

Space for client-related consultation, preparation, writing, in-service education and research activities by occupational therapists, practitioners and students should be provided.

10. **There must be adequate financial resources to support the fieldwork placement with adequate staff, equipment, and supplies.**
11. **Client records should be available to the staff and students for intervention planning and practice, educational and research purposes.**
12. **The occupational therapy philosophy regarding practice and education programs should be stated in writing. The written objectives of the program should reflect the specific contribution occupational therapy makes to the overall agency and program.**

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The philosophy of the occupational therapy services should be written and should include the following: purpose; responsibility to society, profession, staff, and service recipients; degree of commitment to service recipients, education and research; and attitude toward future growth. The objectives should be based on the concepts, beliefs, and values established in the philosophy.

13. **The occupational therapist and occupational therapy practitioner should comply with state regulations governing referrals from qualified physicians and from others seeking service in the medical, educational and broader human services community. Occupational therapy staff should collaborate with duly licensed physicians in those instances where medical management is active, indicated or required.**
14. **Fieldwork educators responsible for educating Level II Fieldwork occupational therapy students shall meet state regulations governing practice and have as a minimum 1 year of practice experience, subsequent to initial certification by NBCOT as an occupational therapist.**
15. **Fieldwork educators responsible for educating Level II Fieldwork occupational therapy assistant students shall meet state regulations governing practice and have as a minimum 1 year of practice experience, subsequent to initial certification by NBCOT as an occupational therapist or an occupational therapy assistant.**
16. **The fieldwork agency's communication system ensures accountability in service provision and documentation.**
 - A. There should be regular procedures for communication among all fieldwork educators and students.
 - B. Adequate records and reports should be maintained in accordance with AOTA standards and legal requirements.
 - C. Records should be maintained to provide sufficient data for quality improvement. Records may include administrative, service and other data. Administrative reports would include such information as numbers of persons serviced, attendance records, schedules and budgets. Service records should include such information as referral data, client assessments, intervention plan progress notes and discharge summaries.
17. **The fieldwork educator and student should have access to current professional information, publications, texts, and Internet resources related to occupational therapy and pertinent topics related to populations and systems being served.**
18. **The fieldwork experience shall meet requirements in accordance with the Standards for an Accredited Educational Program for the Occupational Therapist and/or the Standards for an Accredited Educational Program for the Occupational Therapy Assistant."**
19. **The educational program and the fieldwork placement should work collaboratively to develop objectives in which the aims are compatible with those of the educational program. The objectives should be reviewed at least annually. These objectives should be clearly defined for the student and continually evaluated to determine the effectiveness of the educational experience.**

The fieldwork experience should be an extension of the educational program into the clinical or community setting. The objectives should reflect both the curriculum design of the educational program and the model of service delivery of the fieldwork setting.
20. **Adequate staff to provide occupational therapy services and educational services should be maintained with supervisory and administrative responsibilities clearly defined.**
 - A. The ratio of fieldwork educators considered adequate to carry out a fieldwork experience is dependent upon the complexity of the services and the ability to ensure proper supervision and frequent assessment in achieving fieldwork objectives.
 - B. Administrative and staff responsibilities should be clearly defined.
21. **The fieldwork educator should carry out an organized procedure of orientation to the agency, services, and the fieldwork experience.**
22. **The fieldwork placements should provide the student with experience with various groups across the life span, persons with various psychosocial and physical performance challenges, and various service delivery models reflective of current practice in the profession.**

Within the required total of 16 weeks for the occupational therapy assistant student and 24 weeks for the occupational therapy student, there should be exposure to a variety of traditional and emerging settings and a variety of client ages and conditions.

23. **The fieldwork educator shall provide ongoing supervision of the student.**
 - A. The student should be supervised in all aspects of his/her fieldwork experience by adequate supervisory staff who should have full knowledge of and responsibility for all aspects of the program being carried out by the student under her or his guidance and protection.

The fieldwork educator should have full knowledge of the student's assigned workload and responsibilities and how they are being handled and should be available to the setting and to the needs of the student.
 - B. Ongoing supervision should be provided daily and/or weekly as an essential part of the fieldwork program. It should be flexible in accordance with the interests, needs and abilities of the student. Supervision should begin with more direct supervision and gradually decrease to less direct supervision as the student demonstrates competence with respect to the setting and client's condition and needs.
 - C. The ratio of fieldwork educators to students shall be such as to ensure proper supervision and frequent assessment in achieving fieldwork objectives.
 - D. In a setting where there is no occupational therapy practitioner on site, ACOTE/AOTA Standards requires a minimum of 6 hours of supervision per week by an occupational therapy practitioner. This should include direct observation of client/student interaction, role modeling, meetings with the student, review of student paperwork, consultation and communication regarding the learning experience. The fieldwork educator may work with

students in groups, but should be aware of the individual student needs and respond accordingly. In addition, a designated on-site professional person should be available for communication throughout the experience. A documented plan for provision of occupational therapy services in accordance with state regulations and in coordination with the educational program should be in place. This fieldwork shall not exceed 12 weeks for the occupational therapy student or 8 weeks for the occupational therapy assistant student.

24. **Level II fieldwork shall be required and designed to promote clinical reasoning and reflective practice, to transmit the values and beliefs that enable the application of ethics related to the profession, to communicate and model professionalism as a developmental process and a career responsibility, and to develop and expand a repertoire of occupational therapy assessments and interventions related to human occupation and performance.**

Level II fieldwork experience should include in-depth experience in delivering occupational therapy services to clients, focusing on the application of purposeful and meaningful occupation.

25. **The student shall have the opportunity to develop increased knowledge, attitudes, and skills in administration, research and professional relationships.**

Suggested ways to implement this guideline, for example, are actual supervision of support staff, volunteers, or Level I Fieldwork students in certain tasks or work assignments; involvement in research projects; and attendance at administrative meetings.

26. **The student shall be evaluated and be kept informed on an ongoing basis of her/his performance status.**

- A. The AOTA Fieldwork Evaluation (FWE) should be used as a rating tool. The student should be formally evaluated using this form when the fieldwork experience is completed. Performance should be reviewed by the fieldwork educator and the student at both midterm and end of the fieldwork experience. Other structured forms of feedback that promote educator/student communication on the student's progress may also be used on an ongoing basis.
- B. The fieldwork experience should be evaluated by the student, using the AOTA Student Evaluation for Fieldwork Experience (SEFWE) form, and should be reviewed by the fieldwork educator and the student at the conclusion of the fieldwork experience. Other structured forms of feedback that promote educator/student communication on the learning experience may also be used on an ongoing basis.
- C. If the student's performance is not satisfactory at mid-term or at any point in the fieldwork experience, both the student and academic institution must be notified immediately and documentation concerning the student's progress and outcomes of interventions should be maintained.

References:

American Occupational Therapy Association. (1999a). Standards for an accredited educational program for the occupational therapist. *American Journal of Occupational Therapy*, 53, 575-582.

American Occupational Therapy Association. (1999b). Standards for an accredited educational program for the occupational therapy assistant. *American Journal of Occupational Therapy*, 53, 583-591.

American Occupational Therapy Association. (1997). Purpose and Value of Occupational Therapy Fieldwork Education. *American Journal of Occupational Therapy*, 50, 845.

**AOTA Commission on Education and Fieldwork Issues Committee (FWIC)
Amended and Approved by FWIC June 2000 and COE August 2000**



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE

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March 25, 2011

The Honorable Silvan B. Lutkewitte, III, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Occupational Therapy Education and Licensure
16A-677: Continued Competency

Dear Chairman Lutkewitte:

Enclosed is a copy of a proposed rulemaking package of the State Board of Occupational Therapy Education and Licensure pertaining to Continued Competency.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in cursive script that reads "Ellen L. Kolodner".

Ellen L. Kolodner, Chairperson
State Board of Occupational Therapy
Education and Licensure

ELK/JPS:bac

Enclosure

cc: Thomas J. Weaver, Acting Commissioner
Bureau of Professional and Occupational Affairs
Steven V. Turner, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Judith Pachter Schulder, Counsel
State Board of Occupational Therapy Education and Licensure
State Board of Occupational Therapy Education and Licensure

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-677
 SUBJECT: CONTINUING COMPETENCY
 AGENCY: DEPARTMENT OF STATE
 STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

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FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3/25/11	<u>Michelle Warren</u>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Julie Harhart</u>
3/25/11	<u>Mary Walmer</u>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <u>Robert M. Tomlinson</u>
3/25/11	<u>K Cooper</u>	INDEPENDENT REGULATORY REVIEW COMMISSION ATTORNEY GENERAL (for Final Omitted only)
3/25	<u>m. nichols</u>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)