

# Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY  
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(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-6710

IRRC Number: 3133

(3) PA Code Cite: 49 Pa. Code § 42.24

(4) Short Title: Code of Ethics

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

Primary Contact: **Jacqueline Wolfgang, Counsel, State Board of Occupational Therapy Education and Licensure, P.O. Box 69523, Harrisburg, PA 17106-5923 (phone 717-783-7200) (fax 787-0251) [jawolfgang@pa.gov](mailto:jawolfgang@pa.gov).**

Secondary Contact: **Cynthia Montgomery, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) [cymontgome@pa.gov](mailto:cymontgome@pa.gov).**

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

**PROPOSED REGULATION**

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

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

In developing this code of ethical practice, the Board reviewed and compared its current regulations with the 2010 American Occupational Therapy Association (AOTA) *Occupational Therapy Code of Ethics and Ethics Standards (Code and Standards)*, and subsequently with the AOTA *Occupational Therapy Code of Ethics (2015)*. The Board proposes this rulemaking to adopt the 2015 AOTA Code of Ethics. A copy of the 2015 AOTA Code of Ethics is attached and may also be found at the AOTA website at <http://www.aota.org/-/media/Corporate/Files/Practice/Ethics/Code-of-Ethics.pdf>. When this regulation is promulgated, the Board will place a link to the 2015 AOTA Code and Standards on its website.

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

Section 5(b) of the act (63 P.S. § 1505(b)) authorizes the Board to promulgate rules and regulations not inconsistent with law as it deems necessary for the performance of its duties and the proper administration of the act.

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(9) 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.

**This regulation is not mandated by any Federal or State law, regulation or court order.**

(10) 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.

**Section 16(a) of the act (63 P.S. § 1516(a)) authorizes the Board to discipline licensees who are guilty of unprofessional conduct which has or is likely to endanger the health, welfare or safety of the public. Section 16(a)(2) further defines “unprofessional conduct” to include conduct that violates a code of ethics adopted by the Board. In 1992, the Board adopted a code of ethics at § 42.24 (relating to Code of Ethics) which was essentially an adaptation and codification of the code of ethics promulgated by the American Occupational Therapy Association (AOTA) in 1988. Subsequently, in 2001, the Board updated its regulations to reflect the 1994 version of the AOTA code of ethics, which is the version that currently appears at § 42.24 today.**

**Beginning in 2011, the Board undertook a review of the language existing in § 42.24 and compared it to the AOTA *Occupational Therapy Code of Ethics and Ethics Standards (Code and Standards)* promulgated in 2010. As a result of its review, the Board determined that it should update § 42.24 and in 2013 voted to adopt the 2010 AOTA Code and Standards. While the regulatory proposal was pending, AOTA again updated its Code of Ethics in 2015. At the June 3, 2015, board meeting, the Board reviewed the 2015 Code of Ethics, which the Board found to be appropriate as the minimum standard of ethical conduct for occupational therapists and occupational therapy assistants in this Commonwealth. At that meeting, the Board voted to revise the proposal to adopt the AOTA *Occupational Therapy Code of Ethics (2015)*. The AOTA Code of Ethics not only reflects the Board’s own view of ethical practice, but will also keep the Commonwealth’s ethical standards consistent with the National standards. Rather than copy the standards verbatim into § 42.24, the Board proposes to adopt the 2015 AOTA Code of Ethics by reference.**

(11) 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 for occupational therapists.**

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

**This regulation will not adversely affect Pennsylvania's ability to compete with other states. Many surrounding states also list the ethical duties of licensees. In Maryland, their code of ethics lists what licensees shall do, may do, and may not do, along with separate sections that list sexual misconduct, professional competence and penalties. Similarly, Ohio separates their code of ethical conduct into sections of what they shall and shall not do as licensees. The main categories are operations, professionalism of licensee, licensee and client interactions, and cooperation. In Virginia, there are separate sections, like the other states mentioned, that list what licensees shall and shall not do. Their standards of professional conduct contain confidentiality, patient records, practitioner-patient communication, termination of relationship, practitioner responsibility, sexual conduct and refusal to provide information. Lastly, West Virginia is very similar to Pennsylvania in that their ethical standards of practice list what licensees shall do in great detail. Some surrounding states, including Delaware, New Jersey and New York do not specifically list their occupational therapists' ethical duties. Based on a review of these regulations from other states, the Board believes this regulation will not place Pennsylvania at a competitive disadvantage.**

(13) 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 other regulations of the Board or other state agencies.**

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

**In accordance with Executive Order 1996-1, in 2011, the Board sent an exposure draft to interested parties and stakeholders. The Board received comments from the Pennsylvania Occupational Therapy Association (POTA) and occupational therapy program directors at Elizabethtown College and Temple University. The Board members then conducted a section-by-section comparison of the AOTA Code and Standards with the Board's current Code of Ethics regulations. At a series of public meetings throughout 2012 and 2013, the Board considered whether to revise its existing Code of Ethics to update it, or to adopt the AOTA Code and Standards in their entirety. In the end, the Board opted for the latter course of action and voted in 2013 to promulgate regulations effectuating that intent. However, while the regulatory proposal was pending, the AOTA again revised its Code of Ethics in 2015. At its public meeting on June 3, 2015, the Board reviewed the AOTA *Occupational Therapy Code of Ethics (2015)* and determined that the proposal should be updated to reflect the most current standards of the profession and voted to revise the regulatory proposal to adopt the 2015 AOTA Code of Ethics. This rulemaking effectuates that intent.**

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

**All licensed occupational therapists and occupational therapy assistants will be affected by the rulemaking, as they must adhere to the AOTA Code and Standards**

**Currently, there are 7,629 actively licensed occupational therapists and 3,307 actively licensed occupational therapy assistants. According to the Pennsylvania Department of Labor and Industry, the majority of occupational therapists and occupational therapy assistants work in offices of other health care practitioners, hospitals, nursing homes and home health care agencies. Others work in community care facilities, in schools or are self employed.**

**According to the Small Business Administration (SBA), there are approximately 1,014,489 businesses in Pennsylvania; of which 997,243 are small businesses. Of the 997,243 small businesses, 225,050 are small businesses with employees and the remaining 772,193 are non-employers (i.e., sole proprietors). Thus, the vast majority of businesses in Pennsylvania are considered small businesses.**

**For the business entities listed above for occupational therapists and occupational therapy assistants, small businesses are defined in Section 3 of Act 76 of 2012, which provides that a small business is defined by the U.S. Small Business Administration's (SBA) Small Business Size Regulations under 13 CFR Ch. 1 Part 121. Specifically, the SBA has established these size standards at 13 CFR 121.201 for types of businesses under the North American Industry Classification System (NAICS).**

**In applying the NAICS standards to the types of businesses where occupational therapists and occupational therapy assistants work, offices of other health care practitioners include the following 3 types of businesses: offices of physicians for which a small business is one with \$10.0 million or less in average annual receipts; offices of physical, occupational and speech therapists and audiologists (with a small business threshold of \$7.0 million or less in average annual receipts); and all other miscellaneous health practitioners (with a small business threshold of \$7.0 million or less in average annual receipts). For general medical and surgical hospitals, a small business is one with \$35.5 million or less in average annual receipts, while nursing care facilities (skilled nursing facilities) are defined as a small business if they have \$25.5 million or less in average annual receipts. Home health care services are considered small businesses if they have \$14.0 million or less in average annual receipts. Community care facilities include all other outpatient care centers, which have a small business threshold of \$19.0 million or less in average annual receipts. Elementary and secondary schools are considered a small business if they have \$10.0 million or less in average annual receipts. Therefore, based on these thresholds, the Board concludes that most occupational therapists and occupational therapy assistants work in small businesses in Pennsylvania.**

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

**Approximately 7,629 actively licensed occupational therapists and 3,307 actively licensed occupational therapy assistants, including those that either work for or are themselves considered small businesses (due to their self-employed status), will be required to comply with the rulemaking.**

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

**There will be numerous benefits both to licensees and to the general public for compliance with these ethical standards. The Code of Ethics identifies and describes the principles supported by the occupational therapy profession, serves to educate the general public and members of the profession regarding established principles to which occupational therapy personnel are accountable, notifies occupational therapy personnel of expected standards of conduct and assists occupational therapy personnel in recognition and resolution of ethical dilemmas.**

**All of these goals benefit both the profession and the general public.**

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

**There are no fiscal impacts or paperwork requirements for this regulation. Once this regulation becomes effective, the Board will post a link to the 2015 AOTA Code of Ethics on the Board's website. The cost of doing so will be *de minimis*.**

(19) 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.

**There are no fiscal impacts or paperwork requirements for this regulation to the regulated community.**

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

**There are no costs or savings to local governments.**

(21) Provide a specific estimate of the costs and/or savings to the **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.

**Once this regulation becomes effective, the Board will post a link to the 2015 AOTA Code of Ethics on the Board's website. The cost of doing so will be *de minimis*. There are no other costs to state government associated with this regulation.**

(22) For each of the groups and entities identified in items (19)-(21) above, 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.

**As stated above, there are no fiscal impacts or paperwork requirements for this regulation.**

(23) 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.

	<b>Current FY 14-15</b>	<b>FY +1 15-16</b>	<b>FY +2 16-17</b>	<b>FY +3 17-18</b>	<b>FY +4 18-19</b>	<b>FY +5 19-20</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>
<b>COSTS:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Costs</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 12-13 (Actual)	FY -2 13-14 (Actual)	FY -1 14-15 (Projected)	Current FY 15-16 (Budgeted)
State Board of Occupational Therapy Education and Licensure	\$247,491.59	\$241,914.69	\$273,000.00	281,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

**This regulation will not have an adverse impact on small businesses.**

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

**No special provisions are required to address any particular group.**

(26) 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.

**The Board compared its current regulations at § 42.24 with the 2010 AOTA Code and Standards and the 2015 AOTA Code of Ethics, neither of which burden the regulated community or the public.**

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

**This regulation will not have any adverse impact on small businesses.**

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

**No data forms the basis for this regulation.**

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

- |   |   |
|---|---|
| A. The date by which the agency must receive public comments:                               | <b>Thirty days after publication in the <i>Pennsylvania Bulletin</i>.</b>   |
| B. The date or dates on which public meetings or hearings were held:                        | <b>November 18, 2011; March 19, 2012; July 6, 2012; September 27, 2012; February 21, 2013; June 6, 2013; June 3, 2015</b> |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <b>Fall 2016</b>  |
| D. The expected effective date of the final-form regulation:                                | <b>Upon publication as a final form rulemaking.</b>   |
| E. The date by which compliance with the final-form regulation will be required:            | <b>Upon publication as a final form rulemaking.</b>   |
| F. The date by which required permits, licenses or other approvals must be obtained:        | <b>N/A</b>  |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

**The Board evaluates the continuing effectiveness of its regulations on at least an annual basis in accordance with Executive Order 1996-1. All regulatory proposals are discussed at public board meetings. The remaining board meeting dates in 2016 are as follows: March 3, June 2, September 8 and December 7, 2016.**

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU 2016 FEB -5 AM 10: 21

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

Copy below is approved as to form and legality. Executive or Independent Agencies.

*Amy M. Elliott*

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

State Board of Occupational Therapy  
Education and Licensure

\_\_\_\_\_  
(AGENCY)

*[Handwritten Signature]*

JAN 13 2016

\_\_\_\_\_  
DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-6710

DATE OF ADOPTION: \_\_\_\_\_

12-17-15

\_\_\_\_\_  
DATE OF APPROVAL

BY: \_\_\_\_\_

*Kerri L. Hample*  
Kerri Hample, ODT, OTR/L

~~(Executive Deputy General Counsel~~  
Strike inapplicable title)

TITLE: Chairperson  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

- Check if applicable  
Copy not approved.  
Objections attached.
- Check if applicable. No  
Attorney General approval or  
objection within 30 day 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 § 42.24

CODE OF ETHICS

The State Board of Occupational Therapy Education and Licensure (Board) proposes to amend § 42.24 (relating to code of ethics) to read as set forth in Annex A.

*Effective Date*

The amendments will be effective upon publication of the 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.

*Background and Purpose*

Section 16(a) of the act (63 P.S. § 1516(a)) authorizes the Board to discipline licensees who are guilty of unprofessional conduct which has or is likely to endanger the health, welfare or safety of the public. Section 16(a)(2) further defines “unprofessional conduct” to include conduct that violates a code of ethics adopted by the Board. In 1992, the Board adopted a code of ethics at § 42.24 (relating to Code of Ethics) which was essentially an adaptation and codification of the code of ethics promulgated by the American Occupational Therapy Association (AOTA) in 1988. Subsequently, in 2001, the Board updated its regulations to reflect the 1994 version of the AOTA code of ethics, which is the version that currently appears at § 42.24 today.

Beginning in 2011, the Board undertook a review of the language existing in § 42.24 and compared it to the AOTA *Occupational Therapy Code of Ethics and Ethics Standards* (Code and Standards) promulgated in 2010. As a result of its review, the Board determined that it should update § 42.24 by adopting the 2010 AOTA Code and Standards and voted in 2013 to begin the process to promulgate an update to its regulations. While the regulatory proposal was pending, AOTA updated its Code of Ethics again in 2015. At the June 3, 2015, Board meeting, the Board reviewed the AOTA *Occupational Therapy Code of Ethics (2015)* (Code of Ethics), which the Board now finds to be the minimum standard of ethical conduct for occupational therapists and occupational therapy assistants in this Commonwealth, and voted to revise the regulatory proposal to adopt the 2015 Code of Ethics. The AOTA Code of Ethics not only reflects the Board’s own view of ethical practice, but will also keep the Commonwealth’s ethical standards consistent with the National standards. Rather than copy the standards verbatim into § 42.24, the Board proposes to adopt the Code of Ethics by reference. A copy of the 2015 AOTA Code of Ethics may be found on the AOTA website at: <http://www.aota.org/-/media/Corporate/Files/Practice/Ethics/Code-of-Ethics.pdf> and is attached to the “regulatory analysis form” provided to the Independent Regulatory Review Commission with this proposal. A copy is available upon request. The Board intends to place a copy of the 2015 AOTA Code of Ethics on its website once the final-

form rulemaking has been promulgated.

#### *Description of Amendments*

The Board would delete the current language at § 42.24 (relating to Code of Ethics). In its place, the Board would propose new subsections (a) through (c).

Subsection (a) would provide that licensees shall adhere to the AOTA *Occupational Therapy Code of Ethics (2015)*, except as provided in subsections (b) and (c). Subsection (b) would require licensees to adhere to Federal and State law whenever there is a conflict between the AOTA Code of Ethics and Federal and State law. Likewise, subsection (c) would require licensees to adhere to this chapter whenever there is a conflict between the AOTA Code of Ethics and the Board's regulations in this chapter.

If the AOTA later updates its Code of Ethics, then the Board will review future updates to determine whether to adopt them. If the Board decides not to adopt future updates to the AOTA Code of Ethics, then the Board may decide to retain the 2015 Code of Ethics or adopt other ethical standards.

#### *Fiscal Impact and Paperwork Requirements*

There are no fiscal impacts or paperwork requirements for this regulation. Once this regulation becomes effective, the Board will place a copy of the 2015 AOTA Code of Ethics on the Board's website. The cost of doing so will be *de minimis*.

#### *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 February 5, 2016, 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 Regulatory Counsel, State Board of Occupational Therapy Education and Licensure, P.O. Box 69523, Harrisburg, PA 17106-9523, or by email at [RA-STRegulatoryCounsel@pa.gov](mailto:RA-STRegulatoryCounsel@pa.gov), within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-6710 (code of ethics) when submitting comments.

Kerri L. Hample, OTD, OTR/L  
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**

\* \* \* \* \*

**MINIMUM STANDARDS OF PRACTICE**

\* \* \* \* \*

**§ 42.24. Code of [Ethics] ethics.**

[*Purpose.* The Board adopts the following Code of Ethics to establish and maintain a high standard of integrity and dignity in the profession and to protect the public against unprofessional conduct on the part of licensees. The Code of Ethics is adapted with permission from the “Occupational Therapy Code of Ethics” of the American Occupational Therapy Association (revised July 1994).

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

(i) Licensees shall provide services in an equitable manner for all individuals.

(ii) Licensees shall maintain relationships that do not exploit the recipient of services sexually, physically, emotionally, financially, socially or in any other manner. Licensees shall avoid those relationships or activities that interfere with professional judgment and objectivity.

(iii) Licensees shall take all reasonable precautions to avoid harm to the recipient of services or to his property.

(2) *Principle 2.* Licensees shall respect the rights of the recipients of their services. (autonomy, privacy, confidentiality)

(i) Licensees shall collaborate with service recipients or their surrogates, or both, in determining goals and priorities throughout the intervention process.

(ii) Licensees shall fully inform the service recipients or their surrogates, or both, of the nature, potential risks and outcomes of any interventions.

(iii) Licensees shall obtain written informed consent from subjects involved in research activities indicating they have been fully advised of the potential risks and outcomes.

(iv) Licensees shall respect the individual's right to refuse professional services or involvement in research or educational activities.

(v) Licensees shall protect the confidential nature of information gained from educational, practice, research and investigational activities.

(3) *Principle 3.* Licensees shall achieve and continually maintain high standards of competence. (duties)

(i) Licensees shall use procedures that conform to the standards of acceptable and prevailing occupational therapy practice.

(ii) Licensees shall take responsibility for maintaining competence by participating in professional development and education activities.

(iii) Licensees shall perform their duties on the basis of accurate and current information.

(iv) Licensees shall protect service recipients by ensuring that duties assumed by or assigned to other licensees are commensurate with their qualifications and experience.

(v) Licensees shall provide appropriate supervision to individuals for whom the licensees have supervisory responsibility.

(vi) Licensees shall refer recipients to other service providers or consult with other service providers when additional knowledge and expertise are required.

(4) *Principle 4.* Licensees shall comply with laws and regulations governing the practice of occupational therapy in this Commonwealth. (justice)

(i) Licensees shall understand and abide by applicable local, State and Federal laws.

(ii) Licensees shall inform employers employees, and colleagues about those laws and regulations that apply to the profession of occupational therapy.

(iii) Licensees shall require those they supervise in occupational therapy related activities to adhere to this chapter.

(iv) Licensees shall accurately record and report all information related to professional activities.

(5) *Principle 5.* Licensees shall provide accurate information about occupational therapy services. (veracity)

(i) Licensees shall accurately represent their qualifications, education, experience, training and competence.

(ii) Licensees shall disclose any affiliations that may pose a conflict of interest.

(iii) Licensees shall refrain from using or participating in the use of any form of communication that contains false, fraudulent, deceptive or unfair statements or claims.

(6) *Principle 6.* Licensees shall treat colleagues and other professionals with fairness, discretion and integrity. (fidelity, veracity)

(i) Licensees shall safeguard confidential information about colleagues and staff members.

(ii) Licensees shall accurately represent the qualifications, views, contributions and findings of colleagues.

(iii) Licensees shall report any breaches of the Board's law and this chapter to the Board.]

(a) Licensees shall adhere to the American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics (2015), except as provided in subsections (b) and (c).

(b) Whenever there is a conflict between the AOTA Occupational Therapy Code of Ethics (2015) and Federal or State law, licensees shall adhere to Federal and State law.

(c) Whenever there is a conflict between the AOTA Occupational Therapy Code of Ethics (2015) and this chapter, licensees shall adhere to the provisions of this chapter.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND  
LICENSURE  
Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-1389

February 5, 2016

The Honorable John F. Mizner, Esq., Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation  
State Board of Occupational Therapy Education and Licensure  
16A-6710: Code of Ethics

Dear Chairman Mizner:

Enclosed is a copy of a proposed rulemaking package of the State Board of Occupational Therapy Education and Licensure pertaining to 16A-6710: Code of Ethics.

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 black ink that reads "Kerrie L. Hample".

Kerrie Hample, OTD, Chairperson  
State Board of Occupational Therapy Education and Licensure

KLH/JAW:jlt

Enclosure

cc: Ian J. Harlow, Commissioner of  
Professional and Occupational Affairs  
Leigh Chapman, Director of Policy, Department of State  
Timothy Gates, Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Jacqueline Wolfgang, Counsel  
State Board of Occupational Therapy Education and Licensure  
State Board of Occupational Therapy Education and Licensure

