

<h1 style="margin: 0;">Regulatory Analysis Form</h1> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;">(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p style="font-size: 2em; margin: 0;">RECEIVED IRRC</p> <p style="font-size: 1.5em; margin: 0;">2018 FEB - 9 A 10: 48</p>	
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Occupational Therapy Education and Licensure</p>		<p>IRRC Number: 3134</p>	
<p>(2) Agency Number: 16A Identification Number: 16A-6711</p>			
<p>(3) PA Code Cite: 49 Pa. Code §§ 42.13 – 42.16, 42.51 – 42.58 and 42.61 – 42.63.</p>			
<p>(4) Short Title: General Revisions</p>			
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: Jacqueline Wolfgang, Counsel, State Board of Occupational Therapy Education and Licensure, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) jawolfgang@pa.gov.</p> <p>Secondary Contact: Cynthia K. Montgomery, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) cymontgome@pa.gov.</p>			
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input checked="" type="checkbox"/> FINAL REGULATION</p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>	
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The act of July 5, 2012 (P.L. 1132, No. 138) (Act 138), amended the Occupational Therapy Practice Act (act) to require the maintenance of professional liability insurance by occupational therapists, and to authorize the Board to establish continued competency requirements for occupational therapy assistants. This rulemaking implements Act 138.</p>			
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p>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. Section 8(5)(vi) of the act (63 P.S. § 1508(5)(vi)) requires the Board to promulgate regulations governing self-insurance. Section 15(a) of the act (63 P.S. § 1515(a)) further provides that “[t]he board may establish additional requirements for license renewal designed to assure continued competency of the applying occupational therapist or occupational therapy assistant.”</p>			

(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.

Yes, the regulation is required by state law. Act 138 amended the act to require the maintenance of professional liability insurance of \$1,000,000 per occurrence for occupational therapists, effective July 1, 2013, and provide proof of this insurance to the Board. The regulation is not mandated by Federal law, court order or Federal regulation. While section 15(a) of the act (63 P.S. § 1515(a)) authorizes the Board to establish continued competency requirements for occupational therapy assistants, such requirements are not mandated by the act or state law.

(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.

On January 13, 2011, in his cosponsorship memo, Senator Stewart J. Greenleaf, the sponsor of S.B. 1528, which became Act 138 of 2012, described the requirement to maintain \$1 million in professional liability insurance. "While OTs are not currently required to carry liability insurance, most, if not all, already have such coverage. Other health professionals, such as Physical Therapists, Certified Registered Nurse Practitioners and Perfusionists, are required to maintain liability insurance so it makes sense for OTs to have coverage." The same reasoning would apply to this regulation. Both licensees and the general public will benefit from the professional liability insurance and continued competency requirements. The professional liability insurance requirement assures the availability of funds to compensate individuals who may be harmed by negligence or malpractice by and occupational therapist. It also protects the occupational therapist's personal wealth and property in the event a judgment is entered against them. The continued competence requirements for occupational therapy assistants assures the public that qualified health care practitioners are providing services. Furthermore, the regulation is necessary to ensure that the Board regulations conform to current statutory changes and do not cause confusion in the regulated community, the health care community or in the general population.

(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.

No. There are no Federal licensure standards for occupational therapists or occupational therapy assistants.

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

Because the regulation for professional liability insurance is required to conform to recent amendments to the act, comparison with other states is irrelevant. None of the states surrounding Pennsylvania require occupational therapists to maintain professional liability insurance. Yet, most occupational therapists do maintain professional liability insurance. Therefore, the regulation will not adversely affect Pennsylvania's ability to compete with other states. Regarding continued competency for occupational therapy assistants, the vast majority of states require continued competency for occupational therapy assistants; therefore, the continued competency regulation will not adversely affect Pennsylvania's ability to compete with other states.

(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, on July 16, 2012, the Board sent a draft of the proposal to interested parties and stakeholders. At a public meeting on September 27, 2012, the Board reviewed the stakeholder comments and adopted the proposed Annex. On February 21, 2013, the Board reviewed the Preamble and amendments to the Annex. In addition, at the June 6, 2013, Board meeting, the Board adopted additional amendments. After the proposed rulemaking was published on February 20, 2016, the Board received one public comment from Cathy Dolhi, OTD, OTR/L, FAOTA, regarding proof of insurance requirements for professional liability

insurance. The Board also received comments from the House Professional Licensure Committee and the Independent Regulatory Review Commission. The Board discussed the comments in open session at its June 2, 2016, Board meeting and made modifications to the annex based upon the comments received. On September 8, 2016, the Board voted to promulgate the final rulemaking, with the modifications. The Board made further modifications to the final rulemaking on January 18, 2018, when it voted to defer the implementation of continued competency requirements for occupational therapy assistants to the July 1, 2019 – June 30, 2021 biennium.

(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 will be affected by the rulemaking, as they must maintain professional liability insurance in the minimum amount of \$1,000,000 per occurrence or claims made. However, because the professional liability requirement is a statutory requirement which came into effect on July 1, 2013, the proposed regulations relating to professional liability insurance do not impose additional financial burden than already imposed by Act 138. Occupational therapy assistants will also be affected because they will now be subject to the continued competency requirements.

Currently, there are ~~8,190~~ actively licensed occupational therapists; and 3,524 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.

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 these 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 \$11.0 million or less in average annual receipts; offices of physical, occupational and speech therapists and audiologists (with a small business threshold of \$7.5 million or less in average annual receipts); and all other miscellaneous health practitioners (with a small business threshold of \$7.5 million or less in average annual receipts). For general medical and surgical hospitals, a small business is one with \$38.5 million or less in average annual receipts, while nursing care facilities (skilled nursing facilities) are defined as a small business if they have \$27.5 million or less in average annual receipts. Home health care services are considered small businesses if they have \$15.0 million or less in average annual receipts. Community care facilities include all other outpatient care centers, which have a small business threshold of \$20.5 million or less in average annual receipts. Given these thresholds, the Board believes that most occupational therapists and occupational therapy assistants work in small businesses in Pennsylvania.

The degree to which small businesses are impacted by the Act 138 mandate for professional liability insurance and the rulemaking depends on whether the individual licensee or the licensee's employer bears the costs associated with maintenance of professional liability insurance and completion of continued competence activities.

(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 8,190 actively licensed occupational therapists and 3,524 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.

The cost of professional liability insurance to occupational therapists or to the businesses that employ occupational therapists depends upon whether an occupational therapist is employed part-time or full-time and whether the occupational therapist is self-employed. Based upon estimates provided by two of the major insurance companies that sell professional liability insurance in Pennsylvania, for those occupational therapists who are employed either part-time or full-time, the cost of professional liability insurance is approximately \$85 annually depending on the insurance carrier selected. For occupational therapists who are self-employed part-time for 20 hours a week or less, the cost of professional liability insurance is approximately \$115 annually depending on the insurance carrier selected. For occupational therapists who are self-employed full-time, the cost is approximately \$230 annually depending on the insurance carrier selected.

The Board has determined that compliance with the continued competency requirements may cost up to \$300 per licensee annually. There are, however, low-cost online courses available that could decrease the cost for licensees. Additionally, the Board's regulations provide for other low or no cost ways to obtain continued competency contact hours, including fieldwork supervision, professional writing, editing, presentation and instruction, and unpaid service. The degree to which continued competency costs will impact small business depends on the degree to which the business pays these costs for their employees.

The professional liability insurance requirement assures the availability of funds to compensate individuals who may be harmed by negligence or malpractice by an occupational therapist. It also

protects the occupational therapists' personal wealth and property in the event a judgment is entered against them. The continued competency requirements for occupational therapy assistants assure the public that qualified health care practitioners are providing services.

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

As noted in question 10 above, in passing Act 138 of 2012, the General Assembly determined that occupational therapists should be required to maintain professional liability insurance. Because the costs of professional liability insurance range from \$85 to \$230 annually per licensee, the amount of protection of \$1,000,000 for any damages that a patient may receive outweighs the annual cost for an occupational therapist or for a business that employs an occupational therapist. The costs associated with completion of continued competence activities by occupational therapy assistants (approximately \$300 annually) is relatively low in comparison to the public benefits of having qualified health care practitioners providing occupational therapy services to the public in this Commonwealth. Additionally, as noted above, the Board's regulations provide for low and no cost ways to obtain continued competency contact hours. Therefore, the costs of continued competency may be less or even negated if occupational therapy assistants choose the lower cost or free continued competency options.

(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.

The cost to the regulated community depends on whether the costs of professional liability insurance are paid by a licensee's employer. For a breakdown of the costs for individual occupational therapists or the businesses that employ occupational therapists, see the answer to question 17 above.

According to the Pennsylvania Department of Labor and Industry in 2014, 1.9 % of occupational therapists were self-employed. Additionally, according to the U.S. Department of Labor, Bureau of Labor Statistics, 25 % of occupational therapists nationwide worked part-time. Based on these percentages, of the 8,190 currently licensed occupational therapists, 98.1 % or 8,035 licensees are employed in businesses, while 1.9% or 155 are self-employed.

Occupational therapists employed in businesses spend approximately \$85 a year on professional liability insurance, for an aggregate of \$682,975 annually. Of the 1.9% or 155 of the occupational therapists who are self-employed, 25% or 39 licensees work part-time and pay approximately \$115 annually for professional liability insurance, for a total of \$4,485. For the 75% of self-employed occupational therapists who work full-time (116), and pay approximately \$230 annually for professional liability insurance, the total is \$26,680. Therefore, the total annual costs for occupational therapists to maintain professional liability insurance as required by the act and this rulemaking is approximately \$714,140.

For 3,524 occupational therapy assistants to complete 24 contact hours of continued competency activities at an average of \$300 per year, the annual cost would be \$1,057,200. Therefore, the total annual costs to the regulated community associated with the proposed rulemaking is

approximately \$1,771,340. However, as noted above, the Board's regulations provide for low and no cost ways to obtain continued competency contact hours. Therefore, the costs of continued competency may be less or even negated if occupational therapy assistants choose the lower cost or free continued competency options.

(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.

According to the Pennsylvania Department of Labor, approximately 4.1% of occupational therapists are employed in elementary and secondary schools. 4.1% of the 8,190 licensed occupational therapists is 336. The estimated cost for \$1,000,000 in professional liability insurance for these 336 occupational therapists is \$85 annually. Therefore, the total potential costs to all elementary and secondary schools, which are funded by local school districts in Pennsylvania, would be approximately \$28,560 per year, assuming school districts pay for the professional liability insurance for the occupational therapists that they employ.

No legal, accounting or consulting procedures will be required.

(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.

The Board will incur costs and increased paperwork associated with audit and enforcement of the continued competency regulations for occupational therapy assistants and the professional liability insurance requirement for occupational therapists. However, the Board has determined that it has sufficient funds in its augmentation account to absorb the costs associated with this regulation, without the need for a fee increase at this time. There are no other costs or savings to state government associated with the implementation of the 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.

Renewal and reactivation forms for occupational therapy assistants will be altered slightly to provide for verification of compliance with the continuing competency requirements. The Board will conduct random audits of occupational therapy assistants to monitor compliance with the new requirement. Occupational therapy assistants will have increased paperwork requirements in retaining required documentation for 4 years and in responding to audit notices, as applicable. However, they currently do not have to provide copies of this paperwork unless audited. The Board is currently transitioning its application process to a new online database system, the

Pennsylvania Licensing System (PALS). PALS will minimize the burden of increased paperwork in the future because (PALS) will enable licensees to track compliance with the continued competency requirements through their PALS “dashboards” and upload certificates of completion.

Occupational therapists will be required to provide additional documentation evidencing professional liability insurance as required by the act and regulations. Applications for initial licensure, biennial renewal and reactivation will be altered to include this requirement. Because this is required by the act, no measures were taken to minimize these requirements.

(22a) Are forms required for implementation of the regulation?

Yes, existing forms will be altered to include the requirements to verify compliance with the professional liability insurance and continued competency requirements.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here.** If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Copies of the revised/draft forms are attached.

(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.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community	\$714,140	\$714,140	\$1,771,340	\$1,771,340	\$1,771,340	\$1,771,340
Local Government	\$28,560	\$28,560	\$28,560	\$28,560	\$28,560	\$28,560
State Government						
Total Costs	\$742,700	\$742,700	\$1,799,900	\$1,799,900	\$1,799,900	\$1,799,900
REVENUE LOSSES:						

Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

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

Program	FY -3 FY 14-15	FY -2 FY 15-16	FY -1 FY 16-17	Current FY FY 17-18 (projected)
State Board of Occupational Therapy Education and Licensure	\$328,248.35	\$320,108.97	\$371,193.52	\$397,000

(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.
- (a) As noted above, in question 15, according to the Pennsylvania Department of Labor and Industry, the majority of the 8,190 licensed occupational therapists and 3,524 licensed 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. Most of these entities are small businesses, which may, but are not required to, pay the cost of professional liability insurance for the licensed occupational therapists they employ, or the costs associated with completion of required continuing competency activities for occupational therapy assistants.
- (b) If the businesses (most of which are small businesses) that employ occupational therapists pay these costs for their employees, then these businesses could pay approximately \$1,771,340 annually, as noted in question 19. However, regarding the continued competency requirement that will begin in the 2019-2021 biennium, the Board's regulations provide for low and no cost ways to obtain continued competency contact hours. Therefore, the costs of continued competency may be less or even negated if occupational therapy assistants choose the lower cost or free continued competency options.

- (c) The probable effect on impacted small businesses will either be to pay these costs for the occupational therapists and occupational therapy assistants they employ or shift the cost to the licensees themselves. Small businesses who employ occupational therapy assistants could mitigate the direct costs associated with continued competence activities by developing in-house training courses; by offering opportunities for publication of articles in their own publications; providing mentoring opportunities for their employees; etc.
- (d) The Board worked to minimize the costs associated with completion of continued competence activities when that regulation was originally promulgated. Professional liability insurance is mandated by the act, and therefore no other alternative methods of achieving the purpose of the act were devised.

(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.

No alternative regulatory provisions were considered. The Board finds that the least burdensome acceptable alternatives have been selected.

(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 performance 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.

No alternative regulatory methods were considered because no alternatives were provided for in Act 138 of 2012. All licensees renew biennially, and all continued competence activities must be completed during a biennial period. Documentation of completion of continued competence activities must be maintained by all employees for 4 years, regardless of the size of their employer. The Bureau is developing a continuing education tracking module in the new PALS system. It would not be consistent with the public health, safety and welfare to exempt small businesses (or licensees that work for small businesses) from any of the requirements contained in the regulation.

(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 length of the public comment period: **Thirty days**
- B. The date or dates on which any public meetings or hearings will be held: **All regulatory proposals are discussed in public session at regularly scheduled Board meetings. During the following board meetings, the Board discussed the final-form regulations: June 2, 2016, September 8, 2016, December 7, 2016, and May 25, 2017. The Board held a special meeting on January 18, 2018, to consider modifications to the final-form regulatory package. See item (30) for the schedule of upcoming meetings.**
- C. The expected date of delivery of the final-form regulation: **By March 21, 2018**
- D. The expected effective date of the final-form regulation: **Upon final-form publication in *The Pennsylvania Bulletin*.**
- E. The expected date by which compliance with the final-form regulation will be required: **Upon final-form publication. The continued competency requirements for occupational therapy assistants will be effective beginning with the July 1, 2019 to June 30, 2021 biennium.**
- F. The expected date by which required permits, licenses or other approvals must be obtained: **N/A**

(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 Board's 2018 meetings are: March 1, June 7, September 6 and December 6, 2018.

ATTACHMENT "A"

1. OT/OTA License Application
2. Renewal Application—Occupational Therapist
3. Renewal Application—Occupational Therapy Assistant
4. Reactivation Application—Occupational Therapist
5. Reactivation Application—Occupational Therapy Assistant



STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

P.O. Box 2649
Harrisburg, PA 17105-2649

Telephone: (717) 783-1389
Fax: (717) 787-7769
Website: www.dos.pa.gov/therapy
E-Mail: st-occupational@pa.gov

Courier Address:
2601 North Third Street
Harrisburg, PA 17110

Dear Applicant:

The State Board of Occupational Therapy Education and Licensure welcomes you and wishes to assist you in your endeavor to work in Pennsylvania in your chosen field of Occupational Therapy.

In order to practice as an Occupational Therapist or an Occupational Therapy Assistant in the Commonwealth of Pennsylvania, you must hold a license issued by the Board. To obtain a license, please be sure to read all instructions and complete the enclosed application.

TEMPORARY to become permanent licenses are designed to accommodate students/new graduates. You may begin the license application process during your last fieldwork II assignment. Graduates of foreign schools who **have not yet taken** the exam should also apply for this type of license. Follow the instructions for **TEMPORARY** to become permanent licenses.

PLEASE NOTE: HOLDERS OF A TEMPORARY LICENSE, BOTH OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS, MAY PROVIDE SERVICES ONLY UNDER THE DIRECT SUPERVISION OF A PENNSYLVANIA LICENSED OCCUPATIONAL THERAPIST, AND ARE REQUIRED TO SIT FOR THE NEXT EXAMINATION.

All other applicants should apply for **PERMANENT** licenses. When you obtain your permanent license, it will be necessary to renew the license by June 30th of every odd numbered year.

If the name you are currently using on your application is different than the name you used on any of the other documents required to be submitted with your application, or if you change your name after you submit this application, send evidence of your name change within ten (10) days. For example, send a copy of marriage certificate or court order authorizing the name change.

Licenses are not forwarded. Provide your current address to receive correspondence from the Board. It is the applicant's responsibility to inform the Board of an address change within ten (10) days of the change. Refer to the "Name/Address Change" form located on our website.

If a pending application is older than one year from the date submitted online and the applicant wishes to continue the application process, the Board shall require the applicant to submit a new application including the required fee. In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance. The Board will notify you if additional information is required.

YOU MAY NOT PRACTICE IN PENNSYLVANIA UNTIL YOU HAVE A TEMPORARY OR PERMANENT LICENSE. LICENSES ARE NOT ISSUED UNTIL ALL NECESSARY DOCUMENTS ARE RECEIVED IN THE BOARD OFFICE.

INSTRUCTIONS FOR TEMPORARY LICENSE (to become permanent)

1. Eligibility Requirements

- a. Applicant is eligible and has applied to take the National Board for Certification in Occupational Therapy, Inc. (NBCOT) Examination for the first time

OR

- b. Applicant has failed the examination once and has applied for re-examination on the next scheduled examination administration.

PLEASE NOTE: The Occupational Therapy Law and regulations state that temporary license holders who fail the examination for the first time are permitted to continue to practice but are **required to sit for the next scheduled exam**. Procedure: Upon notification of first time failure, the temporary license holder must contact NBCOT, www.nbcot.org to request that a Verification of Confirmation of Examination Registration and Eligibility to Examine be submitted to the Board office within 90 days of the date of the failed examination. If the Board office does not receive a Verification of Confirmation of Examination Registration and Eligibility to Examine directly from NBCOT within 90 days of the date of the failed examination, the temporary license will be null and void and the temporary license holder will receive a notice from the Board requesting that the temporary license be returned to the Board office for failure to sit for the next available examination.

2. If applicant is eligible under one of the above criteria:

- a. Complete, sign and date pages 1 and 2 of the application and forward with a \$50.00 check or money order made payable to Commonwealth of PA directly to the Board office. Fee is not refundable or transferable. If you do not receive your temporary to become permanent license within one year from the date your application is received, you will be required to submit another application fee. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.
- b. On page 3 of the application, complete Part I and forward to your school for completion of Part II. The school must forward it **directly** to the Board office in a sealed official school envelope. **(DO NOT COMPLETE)** this page if you are a graduate of a foreign school.)
- c. Graduates of foreign schools must request that a credential evaluation be submitted from NBCOT, directly to the Board office in a sealed official envelope from NBCOT.
- d. Request Verification of Confirmation of Examination Registration and Eligibility to Examine to be forwarded from the NBCOT, **directly** to the Board office in a sealed official envelope of NBCOT.
- e. The Bureau of Professional and Occupational Affairs (BPOA), in conjunction with the Department of Human Services (DHS), is providing notice to all health-related licensees and funeral directors that are considered "mandatory reporters" under section 6311 of the Child Protective Services Law (CPSL) (23 P.S. § 6311), as amended, that EFFECTIVE JANUARY 1, 2015, all persons applying for issuance of an initial license shall be required to complete 3 hours of DHS-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Child Abuse Continuing Education Providers Information can be found on the Board's website: www.dos.pa.gov. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board.
- f. **Effective August 1, 2016,** provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)

3. To change a Temporary to a Permanent license:

When you apply for the NBCOT Examination, the application instructs you to specify to which states you wish your score reports be sent. You will need to include Pennsylvania so that the Board office receives your official score from NBCOT. After the Board receives your passing score, the temporary license will be made null and void and the permanent license will be issued. You do not need to reapply for a permanent license unless your application expires prior to you receiving the license.

INSTRUCTIONS FOR PERMANENT LICENSES

1. Eligibility Requirements - Applicant is a graduate of an AOTA accredited school or a foreign equivalent school as determined by AOTA, and has passed the NBCOT (AOTCB) examination. Applicant may hold a current/active license in another state and proof of current NBCOT certification or hold current NBCOT certification.
2. If applicant is eligible under the above criteria:
 - a. Complete, sign and date pages 1 and 2, and forward with \$30.00 check or money order made payable to Commonwealth of PA directly to the Board office. Fee is not refundable or transferable. If you do not receive your permanent license within one year from the date your application is received, you will be required to submit another application fee. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.
 - b. On page 3 of the application, complete Part I and forward to your school for completion of Part II. The school must forward it **directly** to the Board office in a sealed official school envelope. (**DO NOT COMPLETE** this page if you are a graduate of a foreign school.)
 - c. Graduates of foreign schools must request that a credential evaluation be submitted from NBCOT, **directly** to the Board office in a sealed official envelope from NBCOT.
 - d. Request each state in which you now hold or ever held a license, certificate, permit, registration or other authorization to practice a profession or occupation in any state or jurisdiction, to forward a "Letter of Good Standing" **directly** to the Board office in a sealed official state board envelope.
 - e. You must request NBCOT, to send a "Verification of Certification" **directly** to the Board office in a sealed official envelope of NBCOT. **Note: The Verification of Certification must reflect "current" certification status if you do not hold an active/current license in another state.**
 - f. The Bureau of Professional and Occupational Affairs (BPOA), in conjunction with the Department of Human Services (DHS), is providing notice to all health-related licensees and funeral directors that are considered "mandatory reporters" under section 6311 of the Child Protective Services Law (CPSL) (23 P.S. § 6311), as amended, that **EFFECTIVE JANUARY 1, 2015**, all persons applying for issuance of an initial license shall be required to complete 3 hours of DHS-approved training in child abuse recognition and reporting requirements as a condition of licensure. Please review the Board website for further information on approved CE providers. Child Abuse Continuing Education Providers Information can be found on the Board's website: www.dos.pa.gov. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board.
 - g. **Effective August 1, 2016**, provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)

NOTICE TO ALL LICENSEES

A revised Code of Ethics was adopted by the Board on _____ at 49 Pa. Code § 42.24 and is available on the Board's website at www.dos.pa.gov/therapy.

For Occupational Therapists, effective July 1, 2013

Under the Occupational Therapy Law, in order to hold an occupational therapy license in the Commonwealth of Pennsylvania, you are required to have professional liability insurance in the minimum of one million dollars (\$1,000,000) per occurrence or claims made.

Acceptable coverage shall include:

- 1) Personally purchased professional liability insurance;
- 2) Self-insurance;
- 3) Professional liability insurance coverage provided by the occupational therapist's employer.

Therefore, you have **30 days** from the date your license is issued to provide proof of acceptable coverage, which may include a certificate of insurance issued by the insurer or a copy of the declarations page of the professional liability insurance policy or evidence of a plan of self-insurance. Failure to do so shall result in automatic suspension of your professional license.

For professional liability insurance coverage through the occupational therapist's employer, documentation must reflect you as a named insured.

It is sufficient to submit a 1) letter from the applicant's professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant's license to practice occupational therapy in this Commonwealth; or 2) a certification indicating that the applicant will be covered by an employer against professional liability in the required amount effective upon the beginning of employment as an occupational therapist, provided that the applicant does not practice occupational therapy prior to the beginning of such employment. Applicants who submit a letter or certification must submit proof of acceptable coverage (certificate of insurance issued by the insurer, a copy of the declarations page of the professional liability insurance policy, or evidence of a plan of self-insurance) within 30 days of issuance of the license or within 30 days from the beginning of employment, whichever is applicable.

**STATE BOARD OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE**

Mailing Address:
P.O. Box 2649
Harrisburg, PA 17105-2649
Telephone: (717) 783-1389
E-Mail: st-occupational@pa.gov
Website: www.dos.pa.gov/therapy

Courier Address:
2601 North Third Street
Harrisburg, PA 17110
Fax: (717) 787-7769

OFFICIAL USE ONLY	
Temp Lic #	_____
Elig exp	_____
Exam result	_____
Exam result	_____
License #	_____

OT/OTA LICENSE APPLICATION

LICENSE CLASS (CHECK ONE)

- Occupational Therapist
- Occupational Therapy Assistant

TYPE OF LICENSE (CHECK ONE)

FEE

- Temporary \$50.00
- Permanent \$30.00

MAKE FEE PAYABLE TO "COMMONWEALTH OF PENNSYLVANIA". FEE IS NOT REFUNDABLE OR TRANSFERABLE. IF YOU DO NOT RECEIVE YOUR TEMPORARY LICENSE/PERMANENT LICENSE WITHIN ONE YEAR FROM THE DATE YOUR APPLICATION IS RECEIVED, YOU WILL BE REQUIRED TO SUBMIT ANOTHER APPLICATION FEE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

EDUCATION (CHECK ONE)

- College
- University

Name of School _____

Date of (Expected) Graduation _____

If outside of the US, list country _____

EXAMINATION

Examination date/window that you sat/will sit for the NBCOT Examination: _____

NAME

_____ Last First Middle Maiden/Other name used

ADDRESS

_____ Street

_____ City State Zip Code

SOCIAL SECURITY NO. [] - [] - []

BIRTHDATE: _____

PHONE NUMBER: () - _____

EMAIL ADDRESS: _____

1. Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice ANY health-related profession in any other state or jurisdiction? Yes No
 If yes, please provide the profession and state or jurisdiction. _____
 You must request that a Letter of Good Standing be sent from each state board office directly to the Board office in a sealed official envelope of that state board.
2. Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline? Yes No
3. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction? Yes No
4. Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction? Yes No
5. Have you been convicted, found guilty or pleaded nolo contendere, or received probation without verdict or accelerated rehabilitative disposition (ARD) as to any felony or misdemeanor, including any drug law violations, or do you have any criminal charges pending and unresolved in any state or jurisdiction? You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court. Yes No
6. Do you currently have any criminal charges pending and unresolved in any state or jurisdiction? Yes No
7. Do you currently engage in or have you ever engaged in the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics or other drugs or substances that may impair judgment or coordination? Yes No
8. Have you ever had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority? Yes No
9. Have you ever had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility? Yes No
10. Have you ever been charged by a hospital, university, or research facility with violating research protocols, falsifying research, or engaging in other research misconduct? Yes No
11. Has the NBCOT (AOTCB) ever censured, put on probation, suspended, or revoked your certification? Yes No
12. Have you ever failed the NBCOT Examination?
 If yes, how many times? _____ Yes No
13. Have you previously had your examination scores transferred to Pennsylvania?
 If yes, indicate month and year _____ Yes No
14. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? If you selected "yes", please list the name or names. Submit a copy of the legal document indicating the name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name; legal document indicating the retaking of a maiden name, or court order) Yes No

IF YOU ANSWERED YES TO ANY OF THE CRIMINAL/DISCIPLINARY ACTION QUESTION(S), PLEASE ATTACH AN 8 1/2 X 11 SHEET OF PAPER GIVING FULL DETAILS. INCLUDE COURTHOUSE CERTIFIED COPIES OF DOCUMENTS EXPLAINING SITUATION, IF APPLICABLE.

VERIFICATION

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304 1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number. In addition, Social Security Numbers are required in order for the Board to comply with the reporting requirements of the U.S. Department of Health and Human Services, National Practitioner Data Bank.

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 Pa. C.S. § 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. Section 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

 Printed Name of Applicant

 Signature of Applicant

 Date

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

P.O. Box 2649
Harrisburg, PA 17105-2649

Telephone: (717) 783-1389
Fax: (717) 787-7769
Website: www.dos.pa.gov/therapy
E-Mail: st-occupational@pa.gov

Courier Address:
2601 North Third Street
Harrisburg, PA 17110

VERIFICATION OF OCCUPATIONAL THERAPY EDUCATION

GRADUATES OF A FOREIGN SCHOOL: DO NOT COMPLETE THIS FORM. You must request that a credential evaluation be submitted from NBCOT, directly to the Board office in a sealed official envelope from NBCOT.

PART I - TO BE COMPLETED BY APPLICANT AND FORWARDED TO SCHOOL PROGRAM DIRECTOR

NAME _____
Last First Middle Maiden/Other name used

SOCIAL SECURITY # - -

Indicate the examination window in which you sat/will be sitting for NBCOT Exam: _____

PART II - TO BE COMPLETED BY SCHOOL PROGRAM DIRECTOR

NAME OF OCCUPATIONAL THERAPY / OCCUPATIONAL THERAPY ASSISTANT SCHOOL _____

ADDRESS OF SCHOOL _____

1. I certify that the applicant has completed the required curriculum and supervised fieldwork experiences, and that the applicant is eligible to sit for the NBCOT Examination.
2. I hereby certify that to the best of my knowledge, the applicant is of good moral character.
3. Indicate the applicant's completion of program/curriculum date: _____
4. Indicate the applicant's graduation date/expected graduation date: _____
5. Indicate specific degree and major conferred/to be conferred: _____

SIGNATURE OF PROGRAM DIRECTOR: _____

DATE: _____ PHONE NUMBER: _____

(SCHOOL SEAL)

THIS FORM IS TO BE RETURNED DIRECTLY TO THE BOARD OFFICE BY THE PROGRAM DIRECTOR IN A SEALED OFFICIAL SCHOOL ENVELOPE.

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE RENEWAL APPLICATION – Occupational Therapist

NAME _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

EMAIL ADDRESS: _____

LICENSE NUMBER _____

RETURN TO:
 State Board of Occupational Therapy
 Education and Licensure
 PO Box 8416
 Harrisburg, PA 17105-8416

- ADDRESS CHANGE** – Check if the address or email address above is a new address and not on file with the Board.
- NAME CHANGE** – If the name above is not the current name on the licensure records, submit a photocopy of a legal document verifying name change (i.e., marriage certificate, divorce decree or legal document indicating retaking of a maiden name, etc.)

THE FOLLOWING QUESTIONS MUST BE ANSWERED

YES	NO	If "YES" to any of the criminal/disciplinary action question(s), please attach certified copies of legal document(s).
		1. Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice ANY health-related profession in any other state or jurisdiction? If "Yes" please provide the profession and state or jurisdiction _____
		2. Since your initial application or last renewal, whichever is later, have you had disciplinary action taken against a professional or occupational license, certificate, permit or registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?
		3. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		4. Since your initial application or last renewal, whichever is later, have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to reapply for professional or occupational license, certificate or registration in any state or jurisdiction?
		5. Since your initial application or last renewal, whichever is later, have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by order of a court.
		6. Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?
		7. Since your initial application or last renewal, whichever is later, have you ever engaged in, the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics, or other drugs or substances that may impair judgment or coordination?
		8. Since your initial application or last renewal, whichever is later, have you had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?
		9. Since your initial application or last renewal, whichever is later, have you had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?
		10. Since your initial application or last renewal, whichever is later, have you been charged by a hospital, university or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?
		11. Do you maintain current professional liability insurance in the Commonwealth of Pennsylvania? If no, please attach an explanation on an 8 ½ x 11 sheet of paper. Insurance company name _____ Policy number _____
		12. Have you completed 2 hours of Board-approved continuing education in child abuse recognition and reporting?

SECTION A – CONTINUED COMPETENCY

You are required to maintain certificates for a minimum of 5 years after completion of the program. Do not submit any certificates or proof of completion to the Board. The Board will be conducting a random audit and you will be required to supply them to the Board upon request.

SELECT ONE BELOW:

- I have attended/completed the required 24 contact hours of continued competency activities during the period from July 1, 2017 to June 30, 2019, in acceptable activities obtained through approved program sponsors or through continued competency activities.
- I have received written approval from the Board for an extension or waiver of the required continuing competency based on an illness, emergency or hardship.
- I am exempt from the continued competency activities due to this being my first biennial renewal of my license. This exemption does not exempt me from the mandatory child abuse reporter training under Act 31.

NOTE: An individual who provides false or misleading information regarding the completion of continuing competency requirements is subject to disciplinary action for failure to complete continuing competency and for submitting a false or deceptive license renewal application.

SECTION B – VERIFICATION OF INFORMATION & COMPLIANCE

I verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 Pa. C.S. 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation, or denial of my license, certificate, permit or registration.

Printed Name of ApplicantSignature of ApplicantDate

INACTIVE STATUS

If you will not be practicing occupational therapy in Pennsylvania after June 30, 2019, you may place your license on inactive status by checking the box below. The form must be completed in its entirety. If you are requesting inactive status, you are not required to submit a fee, complete continued competency activities, or maintain malpractice insurance.

- I will not be practicing as an occupational therapist in Pennsylvania after June 30, 2019, and request inactive status.

CODE OF ETHICS

A revised Code of Ethics was adopted by the Board on _____ at 49 Pa. Code § 42.24 and is available on the Board's website at www.dos.pa.gov/therapy.

EXPIRATION DATE:	June 30, 2019 NOTE: Upon renewal the license will expire June 30, 2021
FEE – Payable to “COMMONWEALTH OF PENNSYLVANIA”	\$55.00
<p>Write your license number on your payment. A \$20.00 fee will be assessed for returned payments.</p> <p>LATE FEE – \$5.00 per month, or part of a month will be assessed if postmarked AFTER June 30, 2019 PRACTICING ON AN EXPIRED LICENSE MAY RESULT IN DISCIPLINARY ACTIONS AND ADDITIONAL MONETARY PENALTIES</p> <p>TO ENSURE YOU RECEIVE YOUR NEW LICENSE BEFORE IT EXPIRES RETURN BY: May 31, 2019</p>	

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE RENEWAL APPLICATION – Occupational Therapy Assistant

NAME _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

EMAIL ADDRESS: _____

LICENSE NUMBER _____

RETURN TO:
 State Board of Occupational Therapy
 Education and Licensure
 PO Box 8416
 Harrisburg, PA 17105-8416

- ADDRESS CHANGE** – Check if the address or email address above is a new address and not on file with the Board.
- NAME CHANGE** – If the name above is not the current name on the licensure records, submit a photocopy of a legal document verifying name change (i.e., marriage certificate, divorce decree or legal document indicating retaking of a maiden name, etc.)

THE FOLLOWING QUESTIONS MUST BE ANSWERED

YES	NO	If "YES" to any of the criminal/disciplinary action question(s), please attach certified copies of legal document(s).
		1. Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice ANY health-related profession in any other state or jurisdiction? If "Yes" please provide the profession and state or jurisdiction _____
		2. Since your initial application or last renewal, whichever is later, have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction?
		3. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		4. Since your initial application or last renewal, whichever is later, have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		5. Since your initial application or last renewal, whichever is later, have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by the order of a court.
		6. Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?
		7. Since your initial application or last renewal, whichever is later, have you ever engaged in, the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics, or other drugs or substances that may impair judgment or coordination?
		8. Since your initial application or last renewal, whichever is later, have your had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?
		9. Since your initial application or last renewal, whichever is later, have you had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?
		10. Since your initial application or last renewal, whichever is later, have you been charged by a hospital, university or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?
		11. Have you completed 2 hours of Board approved continuing education in child abuse recognition and reporting?

SECTION A – CONTINUED COMPETENCY

You are required to maintain certificates for a minimum of 5 years after completion of the program. Do not submit any certificates or proof of completion to the Board. The Board will be conducting a random audit and you will be required to supply them to the Board upon request.

SELECT ONE BELOW:

- I have attended/completed the required 24 contact hours of continued competency activities during the period from July 1, 2019 to June 30, 2021, in acceptable activities obtained through approved program sponsors or through continued competency activities.
- I have received written approval from the Board for an extension or waiver of the required continuing competency based on an illness, emergency or hardship.
- I am exempt from the continued competency activities due to this being my first biennial renewal of my license. This exemption does not exempt me from the mandatory child abuse reporter training under Act 31.

NOTE: An individual who provides false or misleading information regarding the completion of continuing competency requirements is subject to disciplinary action for failure to complete continuing competency and for submitting a false or deceptive license renewal application.

SECTION B – VERIFICATION OF INFORMATION & COMPLIANCE

I verify that this form is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information pursuant to 18 Pa. C.S. 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa. C.S. 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

Printed Name of Applicant
Signature of Applicant
Date

INACTIVE STATUS

If you will not be practicing occupational therapy in Pennsylvania after June 30, 2021, you may place your license on inactive status by checking the box below. The form must be completed in its entirety. If you are requesting inactive status, you are not required to submit a fee or complete continued competency activities.

- I will not be practicing as an occupational therapist in Pennsylvania after June 30, 2021, and request inactive status.

CODE OF ETHICS

A revised Code of Ethics was adopted by the Board on _____ at 49 Pa. Code § 42.24 and is available on the Board's website at www.dos.pa.gov/therapy.

EXPIRATION DATE:	June 30, 2021 NOTE: Upon renewal the license will expire June 30, 2023
FEE – Payable to "COMMONWEALTH OF PENNSYLVANIA"	\$45.00
<p>Write your license number on your payment. A \$20.00 fee will be assessed for returned payments.</p> <p>LATE FEE – \$5.00 per month, or part of a month will be assessed if postmarked AFTER June 30, 2021</p> <p>PRACTICING ON AN EXPIRED LICENSE MAY RESULT IN DISCIPLINARY ACTIONS AND ADDITIONAL MONETARY PENALTIES</p> <p>TO ENSURE YOU RECEIVE YOUR NEW LICENSE BEFORE IT EXPIRES</p> <p>RETURN BY: May 31, 2021</p>	

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

REACTIVATION APPLICATION – Occupational Therapy

NAME _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

EMAIL ADDRESS: _____

LICENSE NUMBER _____

SOCIAL SECURITY NUMBER _____

**State Board of Occupational Therapy
Education and Licensure
PO Box 2649
Harrisburg, PA 17105-2649**

**Courier Address:
2601 North Third Street
Harrisburg, PA 17110**

- ADDRESS CHANGE** – Check if the address or email address above is a new address and not on file with the Board.
- NAME CHANGE** – If the name above is not the current name on the licensure records, submit a photocopy of a legal document verifying name change (i.e., marriage certificate, divorce decree or legal document indicating retaking of a maiden name, etc.)

THE FOLLOWING QUESTIONS MUST BE ANSWERED

YES	NO	If "YES" to any of the criminal/disciplinary action question(s), please attach certified copies of legal document(s).
		1. Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice ANY health-related profession in any other state or jurisdiction? If "Yes" please provide the profession AND state or jurisdiction _____
		2. Since your initial application or last renewal, whichever is later, have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction?
		3. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		4. Since your initial application or last renewal, whichever is later, have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		5. Since your initial application or last renewal, whichever is later, have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by the order of a court.
		6. Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?
		7. Since your initial application or last renewal, whichever is later, have you ever engaged in, the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics, or other drugs or substances that may impair judgment or coordination?
		8. Since your initial application or last renewal, whichever is later, have your had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?
		9. Since your initial application or last renewal, whichever is later, have you had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?
		10. Since your initial application or last renewal, whichever is later, have you been charged by a hospital, university or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?
		11. Have you completed 2 hours of Board approved continuing education in child abuse recognition and reporting?

State Board of Occupational Therapy Education and Licensure
P. O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-1389 (Phone)
(717) 787-7769 (Fax)
st-occupational@pa.gov

VERIFICATION OF PRACTICE / NON-PRACTICE

Your renewal cannot be processed unless this page is completed.

NAME _____

ADDRESS _____

LICENSE NUMBER _____

Name of Profession _____

Date of Birth _____

Social Security Number _____

Be sure you are familiar with the definition of your profession from the licensing law which pertains to the license you are renewing/reactivating. **AFTER REVIEW OF THE LAW**, answer the following questions.

- | | |
|--|---------------------------------|
| 1. Have you engaged in the practice of your profession in Pennsylvania since your Pennsylvania license lapsed or since you placed it on inactive status? | CIRCLE ONE:
YES NO |
| 2. Have you been employed by the federal government in the practice of your profession since your Pennsylvania license lapsed or since you placed it on inactive status? | CIRCLE ONE:
YES NO |

I understand that any false statement made is subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities and may result in the suspension or revocation of my license and/or certification.

(Signature of Licensee)

(Date)

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

Note: A revised Code of Ethics was adopted by the Board on _____ at 49 Pa. Code § 42.24 and is available on the Board's website at www.dos.pa.gov/therapy.

REACTIVATION REQUIREMENTS

If your license has been inactive/expired for less than 4 years, please submit the following:

- Completed Reactivation Application
- Completed Verification of Practice/Non-Practice form
- Current renewal fee
- Letter of good standing received directly from each state board office where you hold/held a license to practice ANY health-related profession to the Board office in a sealed official envelope of that state board.
- Copy of current liability insurance coverage
- Submit copies of the certificates of completion for the required 24 continued competency in acceptable activities obtained through approved program sponsors or through continued competency activities. Credit must be obtained within the two year period prior to reactivation. Continued competency regulations can be found at www.dos.pa.gov/therapy.
- The Bureau of Professional and Occupational Affairs (BPOA), in conjunction with the Department of Human Services (DHS), is providing notice to all health-related licensees and funeral directors that are considered "mandatory reporters" under section 6311 of the Child Protective Services Law (CPSL) (23 P.S. § 6311), as amended, that EFFECTIVE JANUARY 1, 2015, all persons applying for reactivation of a license shall be required to complete 2 hours of Department of State/Board-approved training in child abuse recognition and reporting requirements as a condition of reactivation. Please review the Board website for further information on approved CE providers. Child Abuse Continuing Education Providers Information can be found at www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board.
- Effective August 1, 2016*, provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)

If your license has been inactive/expired for over 4 years and you have been licensed and practicing occupational therapy in another state, the following additional documentation is required:

- Completed Reactivation Application
- Completed Verification of Practice/Non-Practice form
- Current renewal fee
- Curriculum vitae
- Letter(s) of good standing received directly from each state board office where you hold/held a license to practice ANY health-related profession to the Board office in a sealed official envelope of that state board.
- Copy of current liability insurance coverage
- Submit copies of the certificates of completion for the required 24 continued competency in acceptable activities obtained through approved program sponsors or through continued competency activities. Credit must be obtained within the two year period prior to reactivation. Continued competency regulations can be found at www.dos.pa.gov/therapy.
- The Bureau of Professional and Occupational Affairs (BPOA), in conjunction with the Department of Human Services (DHS), is providing notice to all health-related licensees and funeral directors that are considered "mandatory reporters" under section 6311 of the Child Protective Services Law (CPSL) (23 P.S. § 6311), as amended, that EFFECTIVE JANUARY 1, 2015, all persons applying for reactivation of a license shall be required to complete 2 hours of Department of State/Board-approved training in child abuse recognition and reporting requirements as a condition of reactivation. Please review the Board website for further information on approved CE providers. Child Abuse Continuing Education Providers Information can be found at www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions. Once you have completed a course, the approved provider will electronically submit your name, date of attendance, etc., to the Board.
- Effective August 1, 2016*, provide a Self-Query from the National Practitioner Data Bank completed within 6 months of submission of this application to the Board. A Self-Query can be requested online at <https://www.npdb.hrsa.gov/>. When

you receive the "Self-Query Response" from the National Practitioner Data Bank, forward it to the Board office. (Verify that "Self-Query Response" is sent to the Board and not a discrepancy notice.)

If your license has been inactive/expired for over 4 years and you have not been licensed and practicing occupational therapy in another state, you must re-apply and schedule to take the NBCOT examination. In order to retake the examination through NBCOT, you must complete the attached "Eligibility Application for NBCOT Examination For State Regulation/Licensure-Only Purposes" and return it to the Board office by mail or by fax. Upon receipt of this Application, the Board office will forward the information to NBCOT on your behalf. You must contact NBCOT directly at 301-990-7979 or www.nbcot.org for further instructions/application/cost.

Once you have successfully passed the re-examination, the following must be received (please do not submit these documents until *AFTER* you have passed the re-examination):

- Examination score received directly from NBCOT
- Completed Reactivation Application
- Completed Verification of Practice/Non-Practice form
- Current renewal fee
- Curriculum vitae
- Letter(s) of good standing received directly from each state board office where you hold/held a license to practice ANY health-related profession to the Board office in a sealed official envelope of that state board.
- Copy of current liability insurance coverage
- Submit copies of the certificates of completion for the required 24 continued competency in acceptable activities obtained through approved program sponsors or through continued competency activities. Credit must be obtained within the two year period prior to reactivation. Continued competency regulations can be found at www.dos.pa.gov/therapy.
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CHANGES TO THE OCCUPATIONAL THERAPY PRACTICE ACT

Act 138 of 2012 was signed by Governor on July 12, 2012, and took effect on September 10, 2012.

Under the Occupational Therapy Law, in order to maintain a license as an occupational therapist in the Commonwealth of Pennsylvania, beginning July 1, 2013, you are required to obtain and maintain professional liability insurance in the minimum of one million dollars (\$1,000,000) per occurrence or claims made.

Acceptable coverage shall include:

- 1) Personally purchased professional liability insurance;
- 2) Self-insurance;
- 3) Professional liability insurance coverage provided by the occupational therapist's employer.

Therefore, you have 30 days from the date your license is reinstated to provide proof of acceptable coverage which may include a certificate of insurance issued by the insurer or a copy of the declarations page of the professional liability insurance policy or a letter from the applicant's professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant's license to practice occupational therapy in this Commonwealth. For professional liability insurance coverage through the occupational therapist's employer, documentation must reflect you as an insured individual. Failure to do so shall result in automatic suspension of your professional license.

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

P.O. BOX 2649
HARRISBURG, PA 17105-2649
Phone: 717-783-1389
Fax: 717-787-7769
Email: st-occupational@pa.gov
Website: www.dos.pa.gov/therapy

REQUEST TO RE-EXAMINE

**TO BE COMPLETED IF YOU HAVE BEEN INACTIVE/EXPIRED FOR
OVER 4 YEARS AND YOU HAVE NOT BEEN LICENSED AND
PRACTICING OCCUPATIONAL THERAPY IN ANOTHER STATE**

**Eligibility Application for NBCOT Examination For
State Regulation/Licensure-Only Purposes**

Name: _____

Prior Name (if any): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: () _____

Check one of the following:

Occupational Therapist

Occupational Therapy Assistant

Pennsylvania License Number: _____

If you do not have your Pennsylvania license number, please go to www.licensepa.pa.gov to obtain this information.

PLEASE RETURN THE COMPLETED FORM DIRECTLY TO THE BOARD OFFICE BY
FAX (717-787-7769)

OR

BY MAIL (STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE,
P.O. BOX 2649, HARRISBURG, PA 17105-2649)

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

REACTIVATION APPLICATION – Occupational Therapy Assistant

NAME _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

EMAIL ADDRESS: _____

OP
LICENSE NUMBER _____

SOCIAL SECURITY NUMBER _____

State Board of Occupational Therapy
Education and Licensure
PO Box 2649
Harrisburg, PA 17105-2649

Courier Address:
2601 North Third Street
Harrisburg, PA 17110

- ADDRESS CHANGE – Check if the address or email address above is a new address and not on file with the Board.
- NAME CHANGE – If the name above is not the current name on the licensure records, submit a photocopy of a legal document verifying name change (i.e., marriage certificate, divorce decree or legal document indicating retaking of a maiden name, etc.)

THE FOLLOWING QUESTIONS MUST BE ANSWERED

YES	NO	If "YES" to any of the criminal/disciplinary action question(s), please attach certified copies of legal document(s).
		1. Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice ANY health-related profession in any other state or jurisdiction? If "Yes" please provide the profession AND state or jurisdiction _____ You must request that a letter of Good Standing be sent from each state board office directly to the Board office in a sealed official envelope of that state board.
		2. Since your initial application or last renewal, whichever is later, have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction?
		3. Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		4. Since your initial application or last renewal, whichever is later, have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?
		5. Since your initial application or last renewal, whichever is later, have you been convicted (found guilty, pled guilty or pled nolo contendere), received probation without verdict or accelerated rehabilitative disposition (ARD), as to any criminal charges, felony or misdemeanor, including any drug law violations? Note: You are not required to disclose any ARD or other criminal matter that has been expunged by the order of a court.
		6. Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?
		7. Since your initial application or last renewal, whichever is later, have you ever engaged in, the intemperate or habitual use or abuse of alcohol or narcotics, hallucinogenics, or other drugs or substances that may impair judgment or coordination?
		8. Since your initial application or last renewal, whichever is later, have your had provider privileges denied, revoked, suspended or restricted by a Medical Assistance agency, Medicare, third party payor or another authority?
		9. Since your initial application or last renewal, whichever is later, have you had practice privileges denied, revoked, suspended or restricted by a hospital or any health care facility?
		10. Since your initial application or last renewal, whichever is later, have you been charged by a hospital, university or research facility with violating research protocols, falsifying research, or engaging in other research misconduct?
		11. Have you completed 2 hours of Board approved continuing education in child abuse recognition and reporting?

State Board of Occupational Therapy Education and Licensure
P. O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-1389 (Phone)
(717) 787-7769 (Fax)
st-occupational@pa.gov

VERIFICATION OF PRACTICE / NON-PRACTICE

Your renewal cannot be processed unless this page is completed.

NAME _____

ADDRESS _____

LICENSE NUMBER _____

Name of Profession _____

Date of Birth _____

Social Security Number _____

Be sure you are familiar with the definition of your profession from the licensing law which pertains to the license you are renewing/reactivating. **AFTER REVIEW OF THE LAW**, answer the following questions.

1. Have you engaged in the practice of your profession in Pennsylvania since your Pennsylvania license lapsed or since you placed it on inactive status?

CIRCLE ONE:

YES NO

2. Have you been employed by the federal government in the practice of your profession since your Pennsylvania license lapsed or since you placed it on inactive status?

CIRCLE ONE:

YES NO

I understand that any false statement made is subject to the penalties of 18 Pa. C.S.

Section 4904 relating to unsworn falsification to authorities and may result in the suspension or revocation of my license and/or certification.

(Signature of Licensee)

(Date)

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

Note: A revised Code of Ethics was adopted by the Board on _____ at 49 Pa. Code § 42.24 and is available on the Board's website at www.dos.pa.gov/therapy.

REACTIVATION REQUIREMENTS

If your license has been inactive/expired for less than 4 years, please submit the following:

- Completed Reactivation Application
- Completed Verification of Practice/Non-Practice form
- Current renewal fee
- Letter of good standing received directly from each state board office where you hold/held a license to practice a profession or occupation, to the Board office in a sealed official envelope of that state board.
- Submit copies of the certificates of completion for the required 24 continued competency in acceptable activities obtained through approved program sponsors or through continued competency activities. Credit must be obtained within the two year period prior to reactivation. Continued competency regulations can be found at www.dos.pa.gov/therapy.
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If your license has been inactive/expired for over 4 years and you have been licensed and practicing occupational therapy in another state, the following additional documentation is required:

- Completed Reactivation Application
- Completed Verification of Practice/Non-Practice form
- Current renewal fee
- Curriculum vitae
- Letter(s) of good standing received directly from each state board office where you hold/held a license to practice a profession or occupation, to the Board office in a sealed official envelope of that state board.
- Submit copies of the certificates of completion for the required 24 continued competency in acceptable activities obtained through approved program sponsors or through continued competency activities. Credit must be obtained within the two year period prior to reactivation. Continued competency regulations can be found at www.dos.pa.gov/therapy.
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Once you have successfully passed the re-examination, the following must be received (please do not submit these documents until *AFTER* you have passed the re-examination):

- Examination score received directly from NBCOT
- Completed Reactivation Application
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Email: st-occupational@pa.gov
Website: www.dos.pa.gov/therapy

REQUEST TO RE-EXAMINE

**TO BE COMPLETED IF YOU HAVE BEEN INACTIVE/EXPIRED FOR
OVER 4 YEARS AND YOU HAVE NOT BEEN LICENSED AND
PRACTICING OCCUPATIONAL THERAPY IN ANOTHER STATE**

**Eligibility Application for NBCOT Examination For
State Regulation/Licensure-Only Purposes**

Name: _____

Prior Name (if any): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: () _____

Check one of the following:

_____ Occupational Therapist

_____ Occupational Therapy Assistant

Pennsylvania License Number: _____

If you do not have your Pennsylvania license number, please go to www.licensepa.pa.gov to obtain this information.

PLEASE RETURN THE COMPLETED FORM DIRECTLY TO THE BOARD OFFICE BY
FAX (717-787-7769)

OR

BY MAIL (STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE,
P.O. BOX 2649, HARRISBURG, PA 17105-2649)

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

RECEIVED
IRRC

2018 FEB -9 A 10:48

(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.

State Board of Occupational Therapy
Education and Licensure

BY: _____
(DEPUTY ATTORNEY GENERAL)

(AGENCY)

BY: *Maria J. Z...*

DOCUMENT/FISCAL NOTE NO. 16A-6711

DATE OF APPROVAL

DATE OF ADOPTION: _____

JAN 30 2018
DATE OF APPROVAL

BY: *Kerri L. Hample*
Kerri Hample, OTD, 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.

FINAL 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
§§ 42.13—42.16, 42.51—42.58 and 42.61—42.63

GENERAL REVISIONS

The State Board of Occupational Therapy Education and Licensure (Board) hereby amends §§ 42.13—42.16 and 42.51—42.58 and adopts §§ 42.61—42.63 (relating to professional liability insurance requirement; notifications; and automatic suspension) to read as set forth in Annex A.

Effective Date

The amendments will be effective upon final-form publication 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 8(5)(vi) of the act (63 P.S. § 1508(5)(vi)) requires the Board to promulgate regulations governing self-insurance. 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 or occupational therapy assistant.”

Background and Purpose

The act of July 5, 2012 (P.L. 1132, No. 138) (Act 138) amended the act to, among other things, require the maintenance of professional liability insurance by occupational therapists, provide for the imposition of civil penalties in accordance with the act of July 2, 1993 (P.L. 345, No. 48), permit the Board to participate in the Bureau of Professional and Occupational Affairs’ impaired professionals program and authorize the Board to establish additional requirements for licensure renewal designed to assure continued competency for occupational therapy assistants. The Board established continued competency requirements for occupational therapists at 43 Pa.B. 3350 (June 22, 2013). This rulemaking implements the professional liability insurance and continued competency provisions of Act 138.

Comments to Proposed Rulemaking

The Board published a notice of proposed rulemaking at 46 Pa. B. 888 (February 20, 2016), for thirty days of public comment. During the public comment period, the Board received a comment from Cathy Dolhi, OTD, OTR/L, FAOTA. In addition, as part of their review under the Regulatory Review Act, the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) submitted comments. The following represents a summary of the comments received and the Board’s response.

Public Comment

Cathy Dolhi, OTD, OTR/L, FAOTA, submitted a comment regarding § 42.15(d)(3) (relating to application for temporary license), which permits a temporary license applicant to submit a certification indicating that the applicant will be covered by an employer against professional liability, effective upon the beginning of employment. Ms. Dolhi requested clarification regarding § 42.15(d)(3) and asked if this provision allows temporary license applicants to submit the above-referenced certification in lieu of providing proof of existing professional liability insurance.

Both the act (63 P.S. § 1508(5)(iv)) and the final-form regulations (§ 42.15(d)(1) - (3)) require submission of one of the following: proof that the applicant has professional liability insurance; a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability in the required amount upon the issuance of the applicant's temporary license; or a certification, as described above. Therefore, consistent with the act, the Board's regulations allow a temporary license applicant to submit a certification in lieu of proof of existing professional liability insurance. However, as indicated under § 42.62(b), a temporary licensee whose license was issued in reliance on a letter or certification permitted under § 42.15(d)(2) or (3), must provide the Board with proof of professional liability insurance coverage within 30 days after the beginning of employment (e.g., certificate of insurance issued by the insurer or a copy of the declarations page of the professional liability insurance policy or evidence of a plan of self-insurance). Ms. Dolhi suggests that the Board include instructions regarding the certification on the Board's application and that the Board provide a standard certificate for applicants. The Board has incorporated instructions regarding the certification into its application forms. Applicants who wish to submit a certification in lieu of proof of professional liability insurance must submit a written statement indicating that the applicant will be covered by an employer against professional liability, effective upon the beginning of employment. The Board is currently transitioning its application process to a new online database system, the Pennsylvania Licensing System (PALS). The online application in PALS will contain a selection box that will operate as the standard certification.

Comments from the House Professional Licensure Committee

On April 4, 2016, HPLC submitted one comment to the Board regarding the proposed continued competency requirement for occupational therapy assistants. HPLC asked the Board to provide the rationale for requiring occupational therapy assistants to complete the same number of hours of continuing education as is required for occupational therapists. An occupational therapy assistant is licensed to assist in the practice of occupational therapy, under the supervision of an occupational therapist. Although occupational therapy assistants practice under the supervision of an occupational therapist, under § 42.22(d) (relating to supervision of occupational therapy assistants), an occupational therapy assistant may work without direct supervision up to 90 percent of the time. An occupational therapy assistant's primary role is treatment administration,

including direct patient therapy and implementation of therapeutic interventions; therefore, contemporary practice knowledge is necessary. Given the occupational therapy assistant's ability to practice without direct supervision for up to 90 percent of the time, continued competency at the same level of an occupational therapist is necessary and appropriate.

Requiring equivalent hours is consistent with National certification requirements (National Board for Certification in Occupational Therapy), which require occupational therapy assistants to devote the same number of hours to professional development activities as occupational therapists to maintain certification. Equivalent hours are also consistent with the vast majority of regulations in other states, which require equivalent or greater continuing competence requirements for occupational therapy assistants. Further, requiring equivalent hours is consistent with Pennsylvania law regarding physical therapists and physical therapy assistants, which requires 30 contact hours for both licensee classifications. *See* 63 P.S. § 1307.2, 1309.1(j); 49 Pa. Code §§ 40.67 (a)(1) and 40.192(a)(1) (relating to continuing education for licensed physical therapist; and continuing education for certified physical therapy assistant).

Comments from the Independent Regulatory Review Commission

IRRC submitted comments on the proposed rulemaking to the Board on April 20, 2016. First, IRRC suggested that the Board clarify §§ 43.13(b)(3), 42.14(c)(3) and 42.15(d)(3) (relating to application for licensure; foreign-educated applicants; and application for temporary license) by adding the following statutory language to each section: "provided that the applicant does not practice occupational therapy prior to the commencement of such employment." The Board agrees that adding the statutory language clarifies licensees' obligation to obtain and maintain professional liability insurance; therefore, the Board incorporated the statutory language in the above-referenced provisions.

Second, IRRC asked the Board to explain its rationale to issue "regular" licenses (i.e., temporary and permanent licenses) to applicants who have not secured employment and do not have professional liability insurance instead of "provisional" licenses that are conditioned upon submission of appropriate proof of insurance. The act does not contain a provisional license classification for otherwise qualified applicants who have not yet secured employment and corresponding professional liability insurance. Instead, section 8(5)(iv)(B) of the act (63 P.S. § 1508(5)(iv)(B)) authorizes the Board to issue "regular" licenses to qualified applicants, and provides that it is sufficient that the applicants certify that they will be covered by an employer against professional liability once employed, provided they do not practice occupational therapy prior to beginning of employment. Given this prohibition against practice, a provisional status does not appear to be necessary. Moreover, the Board suggests that requiring a provisional license for applicants who qualify for temporary and permanent licenses, but who have not yet secured employment and corresponding professional liability insurance, would exceed the statutory authority of the act.

Third, IRRC suggested that the Board require some basic information in the renewal application such as insurance company name and policy number given the statutory requirement to obtain a certificate of insurance or a copy of the policy declaration page for initial licensure. To address IRRC's concern, the Board has revised § 42.16 (relating to biennial renewal; inactive status; failure to renew) to require applicants to certify maintenance of the required professional liability insurance, including the insurance company name and policy number, as applicable.

Fourth, IRRC asked the Board to explain why it is reasonable to apply the same standards for continued competency to occupational therapists and occupational therapy assistants. The HPLC expressed the same concern and as explained more fully above, the Board believes that equivalent continued competence requirements are necessary and appropriate because of the occupational therapy assistants' ability to practice without direct supervision. Additionally, requiring equivalent continued competency requirements is consistent with National certification requirements as well as the majority of other states.

Fifth, the Board's proposed regulations require occupational therapy assistants to complete a minimum of 24 contact hours in each biennial period, beginning with the July 1, 2015 – June 30, 2017 biennium. IRRC questioned how the Board intends to implement this regulation given the timing of the proposed regulation and the lack of notice to occupational therapy assistants. The Board has amended this provision to require completion of the required 24 contact hours for occupational therapy assistants beginning with the July 1, 2019 – June 30, 2021 biennium. While the act provides the Board with statutory authority to require continued competency for occupational therapy assistants, the statutory language does not mandate continued competency requirements. Thus, in balancing the importance of continued competency requirements with the importance of providing sufficient notice to occupational therapy assistants, the Board has determined that postponing the effective date to the 2019-2021 biennium is appropriate as it will provide reasonable notice to occupational therapy assistants. The Board has taken steps to notify licensees regarding the upcoming continued competency requirements for occupational therapy assistants by posting a notice on its website. Additionally, after the final-form regulation is published, the Board will notify all occupational therapy assistants of the new continued competency requirements via e-mail and by announcing it in a newsletter.

Finally, IRRC asked the Board to provide a detailed response explaining what issues led to the delay in promulgating the regulation and what alternative were considered to resolve those issues. Act 138 was enacted on July 5, 2012, effective in 60 days. In accordance with Executive Order 1996-1, less than two weeks later, on July 16, 2012, the Board sent a draft of the proposal to interested parties and stakeholders. At the Board's next public meeting on September 27, 2012 (the Board generally meets quarterly), the Board reviewed the stakeholder comments and adopted the proposed Annex. On February 21, 2013, the Board reviewed the Preamble and amendments to the Annex. At the June 6, 2013, Board meeting, the Board adopted additional amendments and voted to promulgate the regulation as proposed. Thereafter, it proceeded through department level review and ultimately was forwarded to the Governor's Office of Policy and Planning, the Office of

General Counsel, and the Governor’s Budget Office for review and approval in accordance with Executive Order 1996-1 on August 29, 2013. The Board responded to questions from the Governor’s Office of Policy and Planning relating to the proposed regulation in April of 2014. The Governor’s Budget Office completed its fiscal note on the regulation in August of 2014. However, due in part to the change in administration, the Board did not receive the required approvals from the Governor’s Office of Policy and Planning or the Office of General Counsel until December of 2015. After receiving the required approvals, the Board expeditiously prepared the proposed rulemaking for delivery and publication, which occurred in February of 2016. Much of the delay was beyond the Board’s control, and thus, the Board respectfully requests that the delay not be considered in evaluating the Board’s final regulations.

Amendments to the Final-form Rulemaking

Based on the comments received from the public, the HPLC and IRRC, the following amendments have been made to the final-form rulemaking. First, §§ 42.13(b)(3), 42.14(c)(3) and 42.15(d)(3) have all been amended to include the statutory provision permitting an applicant to provide a certification statement that the applicant will be covered by an employer against professional liability upon the commencement of employment, “provided that the applicant does not practice occupational therapy prior to the commencement of such employment.” In the final-form rulemaking, the Board substituted the word “beginning” for the word “commencement” as used in the act because the Legislative Reference Bureau’s *Pennsylvania Code & Bulletin Style Manual* prefers the use of the word “beginning.” The Board also amended § 42.14(b) by replacing the word “he” with “the applicant.”

The Board amended § 42.16(c)(1) (relating to biennial renewal; inactive status; failure to renew) to require that an applicant for renewal provide the applicant’s professional liability insurance company name and policy number, as applicable, on the biennial renewal application, as suggested by IRRC. The Board further amended § 42.16(b) to include “other official documents” to the list of forms and documents that will be forwarded to the last mailing address of record. Additionally, the Board amended § 42.16 (b) to include forms and documents distributed by the Department of State. The Board made the amendments to § 42.16(b) for clarification and to ensure that licensees understand that the Board and the Department of State may send documents other than forms and literature to the last mailing address of record.

In addition, at the suggestion of the Legislative Reference Bureau, the Board reconsidered the proposed amendment to the first sentence in § 42.52 (relating to definitions). The Board determined that the proposed amendment is unnecessary because the definitions in § 42.52 apply to terms used in §§ 42.51 and 42.53—42.58, and not throughout the entire chapter.

The Board further amended § 42.53 (relating to continued competency requirements) to clarify that the continued competency requirements for occupational therapy assistants will begin with the July 1, 2019 to June 30, 2021 biennium, to allow time

to provide adequate notice to licensees. Finally, the Board made some minor amendments to correct typographical errors in the proposed rulemaking as published in the *Pennsylvania Bulletin*.

Fiscal Impact and Paperwork Requirements

To implement the statutory requirements of Act 138 of 2012 and this regulation, the Board must amend its applications for initial licensure, biennial renewal and reactivation. There may be other costs associated with increased prosecutions if occupational therapists fail to obtain and maintain professional liability insurance or occupational therapy assistants fail to complete the continued competency requirements. The Board determined that it has sufficient funds to absorb these costs without a fee increase at this time. Occupational therapists who wish to become licensed or maintain their licenses must either obtain professional liability insurance, self-insure or have their employer provide such coverage. It is estimated that the annual premium for the required professional liability insurance ranges from \$85 to \$230 annually. They will also be subject to increased paperwork requirements because occupational therapists will be required to provide documentary proof that they have obtained the required insurance upon initial licensure and upon reactivation of an inactive license. Occupational therapy assistants will incur costs associated with completing the required continued competency contact hours, which the Board estimates a cost of approximately \$300 annually. However, the Board's regulations provide for low and no cost ways to obtain continued competency contact hours. Therefore, the costs of continued competency may be less or even negated if occupational therapy assistants choose the lower cost or free continued competency options. Occupational therapy assistants will also be subject to additional paperwork requirements because they will be required to maintain a professional continued competency portfolio and make it available to the Board.

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, published at 46 Pa. B. 888 (February 20, 2016) and a copy of a Regulatory Analysis Form to 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.

In compliance with section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Board also provided IRRC, SCP/PLC, and HPLC with copies of comments received as well as other documents when requested. In preparing the final-form regulation, the Board considered the comments received from IRRC, the HPLC, and the public.

On _____, 2018, the Board delivered final-form rulemaking to the HPLC, the SCP/PLC and IRRC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), the final-form rulemaking was (deemed) approved by the HPLC and the SCP/PLC on _____, 2018. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on _____, 2018, and approved the final-form rulemaking.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law.
- (3) This final-form rulemaking does not include any amendments that would enlarge the scope of proposed rulemaking published at 46 Pa. B. 888 (February 20, 2016).
- (4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the Occupational Therapy Practice Act.

Order

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board at 49 Pa. Code §§ 42.13—42.16, and 42.51—42.58 are amended, and §§ 42.61—42.63 are added to read as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall submit this order and Annex A to IRRC, the HPLC and the SCP/PLC as required by law.
- (d) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (e) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

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

* * * * *

LICENSURE

* * * * *

§ 42.13. Application for licensure.

(a) To apply for licensure, an applicant shall pay the required fee and submit evidence satisfactory to the Board on forms provided by the Board that the applicant meets the following criteria:

* * * * *

(4) Has passed the licensure examination or has qualified for a waiver of the licensure examination under § 42.12 (relating to waiver of licensure examination).

(b) In addition to the requirements in subsection (a), an applicant for an occupational therapist license shall submit one of the following:

(1) Proof that the applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

(2) A letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability in the amount specified in § 42.61(a)

upon the issuance of the applicant's license to practice occupational therapy in this Commonwealth.

(3) A certification from the applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment as an occupational therapist,
PROVIDED THAT THE APPLICANT DOES NOT PRACTICE
OCCUPATIONAL THERAPY PRIOR TO THE BEGINNING OF SUCH
EMPLOYMENT.

§ 42.14. Foreign-educated applicants.

* * * * *

(b) The foreign-educated applicant may be licensed by the Board, if ~~he~~ THE APPLICANT has complied with subsection (a) and has met one of the following criteria:

- (1) Passed the licensure examination.
- (2) Qualified for a waiver of the licensure examination under § 42.12 (relating to waiver of licensure examination).

(c) In addition to the requirements in subsections (a) and (b), a foreign-educated applicant for an occupational therapist license shall submit one of the following:

- (1) Proof that the foreign-educated applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).
- (2) A letter from the foreign-educated applicant's insurance carrier indicating that the applicant will be covered against professional liability in the amount

specified in § 42.61(a) upon the issuance of the applicant's license to practice occupational therapy in this Commonwealth.

(3) A certification from the foreign-educated applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment as an occupational therapist, PROVIDED THAT THE APPLICANT DOES NOT PRACTICE OCCUPATIONAL THERAPY PRIOR TO THE BEGINNING OF SUCH EMPLOYMENT.

§ 42.15. Application for temporary license.

* * * * *

(c) The Board may also issue a temporary license to an applicant who:

* * * * *

(4) Certifies that the applicant will perform services for not longer than a 6 consecutive month period in a calendar year, in association with an occupational therapist licensed under the act.

(d) In addition to the requirements in subsections (a) or (c), an applicant for a temporary license as an occupational therapist shall submit one of the following:

(1) Proof that the applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

(2) A letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability in the amount specified in § 42.61(a) upon the issuance of the applicant's temporary license.

(3) A certification from the applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment, PROVIDED THAT THE APPLICANT DOES NOT PRACTICE OCCUPATIONAL THERAPY PRIOR TO THE BEGINNING OF SUCH EMPLOYMENT.

§ 42.16. Biennial renewal; inactive status; failure to renew.

* * * * *

(b) Biennial renewal forms ~~and~~, other forms and literature, AND OTHER OFFICIAL DOCUMENTS to be distributed by the Board OR THE DEPARTMENT OF STATE will be ~~forwarded~~ SENT to the last mailing address OF RECORD. ~~given to the Board by the licensee.~~ [Whenever the licensee changes his mailing address of record, he shall notify the Board, in writing, within 10 days after making the address change.] The licensee has the responsibility to notify the Board of changes to the mailing address of record in writing within 10 days after making the address change.

(c) [To retain the right to engage in practice, the licensee shall renew his license in the manner prescribed by the Board and pay the required fee prior to the expiration of the next biennium.] To retain the right to engage in practice, the licensee shall renew the licensee's license biennially as follows:

(1) An occupational therapist shall complete the biennial renewal application, pay the required fee, and certify completion of the continued competence requirement as specified in § 42.53 (relating to continued competence requirement) and CERTIFY maintenance of the required professional liability insurance

coverage as specified in § 42.61 (relating to professional liability insurance requirement) WHICH SHALL INCLUDE THE INSURANCE COMPANY NAME AND POLICY NUMBER, AS APPLICABLE.

(2) An occupational therapy assistant shall complete the biennial renewal application, pay the required fee and certify completion of the continued competence requirement as specified in § 42.53.

(d) [When a license is renewed beyond June 30 of an odd numbered year, a penalty fee of \$5 for each month or part of a month that the licensee has engaged in practice beyond the renewal date will be charged in addition to the renewal fee.] As set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), a licensee who has engaged in practice beyond the renewal date without renewing the license will be charged a fee of \$5 for each month or partial month of practice during which the license was not renewed, in addition to the biennial renewal fee.

* * * * *

(g) A licensee who is applying to return to active status is required to pay fees which are due [, submit a] and submit:

(1) A sworn statement stating the period of time during which [he] the licensee was not engaged in practice in this Commonwealth [, submit a].

(2) A resume of professional activities since the most recent licensure [, and submit a].

(3) A letter of good standing from another state or territory where [he] the licensee is currently licensed or registered to practice, if applicable.

(4) Proof of professional liability insurance coverage as set forth in § 42.61 if applying to reactivate an occupational therapist license.

(h) The applicant for licensure renewal will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not engage in practice in this Commonwealth.

(i) [If the applicant] An applicant who has failed to renew [his] a license and has not practiced for longer than 4 years[, the applicant] shall pass the licensure examination or qualify for a waiver of examination under § 42.12 (relating to waiver of licensure examination) before [his] the license is renewed. In addition, the Board may require the applicant to do one or more of the following:

* * * * *

(k) A licensee who has engaged in practice during a period in which [he was not licensed] the licensee's license was not active may be subject to criminal prosecution under section 16(c) of the act (63 P.S. § 1516(c)).

* * * * *

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 ensure continued competency to achieve the legislative purpose in section 2 of the act (63 P.S. § 1502) to ensure the highest degree of professional care and conduct on the part of [occupational therapists] licensees.

§ 42.52. **Definitions.**

The following words and terms, when used in [§§ 42.51 and 42.53—42.58] ~~in this chapter~~ have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Continued competency—The multidimensional process by which [an occupational therapist] a licensee 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.

* * * * *

Mentor—A person who holds a current license, certificate, or registration in a health-related or education field, or who is otherwise exempt by statute from the requirement to hold a license, certificate or registration, who is engaged in a one-on-one or group teaching/coaching relationship with [an occupational therapist] a licensee for the stated purpose of imparting specific knowledge and skills that will advance the [occupational therapist] licensee's competency in occupational therapy.

Mentorship—Participation in a formalized, one-on-one or group teaching/learning relationship for the purposes of building [an occupational therapist's] a licensee's competency in occupational therapy.

* * * * *

Professional continued competence portfolio—A document that evidences the [occupational therapist's] licensee's completion of the continued competency requirement in § 42.53 (relating to continued competency requirements).

Protégé—[An occupational therapist] A licensee who is engaged in a one-on-one or group relationship with a mentor, as defined in this section, 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 July 1, 2013 – June 30, 2015 biennium, an occupational therapist shall complete a minimum of 24 contact hours in each biennial period in acceptable continued competency activities listed in § 42.55 (relating to acceptable continued competency activities) as a condition of licensure renewal. Beginning with the July 1, 2015 – June 30, 2017 ~~JULY 1, 2019—JUNE 30, 2021~~, biennium, an occupational therapy assistant shall complete a minimum of 24 contact hours in each biennial period in acceptable continued competency activities listed in § 42.55 as a condition of licensure renewal.

(b) [An occupational therapist] A licensee is exempt from complying with subsection (a) for the first biennial renewal period following initial licensure.

(c) [An occupational therapist] A licensee 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) As a condition of reinstatement, [an occupational therapist] a licensee ~~whose~~ 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.

§ 42.54. **Education program providers.**

(a) *General.* Educational courses offered by preapproved and Board-approved providers will be accepted as satisfying the continued competency requirement. It is the responsibility of the [occupational therapist] licensee to ascertain the approval status of the provider before undertaking a course.

* * * * *

(e) *Individual course approval.*

(1) [An occupational therapist] A licensee may request approval of contact hours for educational courses 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:

* * * * *

§ 42.55. **Acceptable continued competency activities.**

* * * * *

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

* * * * *

(3) Fieldwork supervision.

(i) [An occupational therapist] A licensee may earn:

* * * * *

(4) Professional writing.

(i) [An occupational therapist] A licensee ~~ay~~ MAY earn the following contact hours, up to a maximum aggregate of 15 per biennium, for professional writing:

* * * * *

(5) Editing.

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

* * * * *

(6) Presentation and instruction.

(i) [An occupational therapist] A licensee may earn 2 contact hours, up to a maximum aggregate of 12 per biennium, for each 60-minute oral or poster presentation or instruction related to occupational therapy.

* * * * *

(7) Unpaid Service.

(i) [An occupational therapist] A licensee may earn:

* * * * *

§ 42.56. Waivers of continued competency requirements; extension of time to complete.

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

(b) [An occupational therapist] A licensee seeking a waiver or extension of time 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.

(c) The request for a waiver or extension of time shall be filed with the Board 60 days before the end of the biennium in which the contact hours are being accrued unless the [occupational therapist] licensee proves to the satisfaction of the Board that it was impracticable to do so.

§ 42.57. Documentation and reporting of continued competency activities.

* * * * *

(b) [An occupational therapist] A licensee shall:

* * * * *

(2) Verify completion of the required contact hours of continued competency activities when the license is renewed. [An occupational therapist] A licensee 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.

* * * * *

§ 42.58. Disciplinary action.

[An occupational therapist] A licensee 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).

PROFESSIONAL LIABILITY INSURANCE

§ 42.61. Professional liability insurance requirement.

(a) Effective July 1, 2013, an occupational therapist shall obtain and maintain professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made.

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) An occupational therapist who does not maintain the professional liability insurance required in subsection (a) may not practice occupational therapy in this Commonwealth.

§ 42.62. Notifications.

(a) An occupational therapist shall notify the Board within 30 days of a failure to maintain the required professional liability insurance.

(b) An occupational therapist whose license was issued in reliance on a letter or certificate as permitted under section 8(5)(iv)(A) and (B) of the act (63 P.S. § 1508(5)(iv)(A) and (B)) AND in accordance with §§ 42.13(b) (2) or (3), 42.14(c)(2) or (3).

or 42.15(d)(2) or (3) (relating to application for licensure; foreign-educated applicants; and application for temporary license) shall provide the Board with proof of professional liability insurance coverage as set forth in § 42.61 (relating to professional liability insurance requirement) within 30 days after the date of issuance of the license or beginning of employment, as applicable.

(c) Failure to notify the Board within 30 days as required in subsection (a) or (b) constitutes unprofessional conduct and subjects the occupational therapist to disciplinary action under section 16(a)(2) of the act (63 P.S. § 1516(a)(2)).

§ 42.63. Automatic suspension.

(a) An occupational therapist's license shall be automatically suspended during any period in which the occupational therapist fails to maintain professional liability insurance.

(b) A license that has been automatically suspended under subsection (a) will be reinstated only upon receipt of a copy of documentation demonstrating that the occupational therapist has the required professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

* * * * *



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 9, 2018

The Honorable George D. Bedwick, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Final Regulation
State Board of Occupational Therapy Education and Licensure
16A-6711

Dear Chairman Bedwick:

Enclosed is a copy of a final rulemaking package of the State Board of Occupational Therapy Education and Licensure pertaining to General Revisions.

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 "Kerri L. Hample".

Kerri L. Hample, OTD, OTR/L Chairperson
State Board of Occupational Therapy Education and
Licensure

KLH:JAW:jlt

Enclosure

cc: Ian J. Harlow, Commissioner of
Professional and Occupational Affairs
Kalonji Johnson, Director of Policy, Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Jacqueline A. Wolfgang, 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-6711
SUBJECT: General Revisions
AGENCY: DEPARTMENT OF STATE
 Bureau of Professional and Occupational Affairs
 State Board of Occupational Therapy Education and Licensure

TYPE OF REGULATION

- Proposed Regulation
- X 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 Disapproved Regulation
 - a. With Revisions
 - b. Without Revisions

RECEIVED
IRRC
2018 FEB -9 A 10:48

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON PROFESSIONAL LICENSURE</i>
2/9/18		MAJORITY CHAIR <u>Mark T. Mustio</u>
2/9/18		MINORITY CHAIR <u>Harry Readshaw</u>
		<i>SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE</i>
2/9/18		MAJORITY CHAIR <u>Robert Tomlinson</u>
2/9/18		MINORITY CHAIR <u>Lisa Boscola</u>
2/9/18		
		<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
		<i>ATTORNEY GENERAL (for Final Omitted only)</i>
		<i>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</i>