

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p>(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p> <p><b>RECEIVED</b></p> <p>OCT 28 2021</p> <p>Independent Regulatory Review Commission</p>
<p>(1) Agency  <b>Department of State, Bureau of Professional and Occupational Affairs, State Board of Occupational Therapy Education and Licensure</b></p>		
<p>(2) Agency Number: 16A                  Identification Number: 16A-6712</p>		<p>IRRC Number: 3271</p>
<p>(3) PA Code Cite: 49 Pa. Code §§ 42.1 and 42.13.</p>		
<p>(4) Short Title: <b>Educational Programs</b></p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: <b>Nicole L. VanOrder, Counsel, State Board of Occupational Therapy Education and Licensure, P.O. Box 69523, Harrisburg, PA 171056-9523 (phone 717-783-7200) (fax 787-0251) <a href="mailto:nivanor@pa.gov">nivanor@pa.gov</a>.</b></p> <p>Secondary Contact: <b>Jacqueline A. Wolfgang, Acting Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) <a href="mailto:jawolfgang@pa.gov">jawolfgang@pa.gov</a>.</b></p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input checked="" type="checkbox"/> <b>FINAL REGULATION</b></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><b>This rulemaking amends §§ 42.1 and 42.13 (relating to definitions; and application for licensure) of the regulations promulgated under the Occupational Therapy Practice Act, (act) (63 P.S. § 1501-1519) to clarify and codify existing procedures relating to occupational therapy educational program requirements. Specifically, the Board proposes amendments that will require applicants to successfully complete an educational program that is either accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) or another national programmatic accrediting agency recognized by the U.S. Department of Education and approved by the Board.</b></p>		
<p>(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p><b>Section 5(b) of the act, (63 P.S. § 1505(b)) authorizes the State Board of Occupational Therapy Education and Licensure (Board) to “adopt rules and regulations not inconsistent with law as it</b></p>		

deems necessary for the performance of its duties and the proper administration of this law.” Section 8(2) of the act (63 P.S. § 1508(2)) sets forth the requirements for licensure, which include completion of “the academic requirements of an approved educational program in occupational therapy recognized by the board with the advice and consultation of recognized national accrediting agencies and professional organizations including the American Occupational Therapy Association . . .”

(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.

**No. The regulation is not mandated.**

(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.

**The regulation is needed to clarify the Board’s existing regulations regarding educational program requirements. The Board’s existing regulations do not specify which programs are approved by the Board. In the United States, ACOTE is the only accreditation agency that accredits occupational therapy programs, and thus, by default, ACOTE approved educational programs are the only programs approved by the Board. Significantly, the amendments serve to codify the Board’s current practices and procedures and do not change the Board’s current educational program standards.**

**Applicants for licensure will benefit from this regulation because the amendments clarify current Board standards and requirements. Because of the lack of specificity in the Board’s existing regulations, the Board receives inquiries regarding educational requirements. The Board believes the regulation will not only clarify the Board’s educational requirements but will also clarify that this Commonwealth’s requirements for licensure are similar to those of other states. The regulation includes a provision that would allow the Board to consider other national programmatic accrediting agencies recognized by the U.S. Department of Education should other programs be developed.**

**Between 2015 and 2020, the Board received an average of 748 initial applications for occupational therapy (OT) license and 332 applications for OTA licenses. All future applicants will benefit from adding this clarification to the regulations.**

(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 standards governing licensure for OTs and OTAs.**

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

**This regulation will not adversely affect Pennsylvania's ability to compete with other states. All surrounding states also have regulations requiring an accredited occupational therapy program, through ACOTE, the only current accrediting agency for this profession. New Hampshire, New Jersey, and Vermont include language similar to the language in § 42.13(a)(2)(ii) allowing for accreditation by another nationally recognized agency or ACOTE's successor should such entity form in the future. Delaware's language differs slightly but reaches the same result. Delaware allows the National Board for Certification in Occupational Therapy (NBCOT), which is the national organization that provides initial certification for occupational therapy professionals in the United States, to determine if the applicant's education is acceptable. NBCOT currently requires ACOTE accreditation for certification. However, if NBCOT adopts different licensure standards for educational programs, Delaware would follow those standards. Connecticut, Maine, Maryland, Massachusetts, New York, Ohio, Rhode Island, and West Virginia require accreditation through ACOTE. As such, this final-form rulemaking does not adversely affect Pennsylvania's ability to compete, but rather, it facilitates licensure because it clarifies licensure standards.**

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

**No. The regulation does not affect any other regulations of the agency 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 the requirements of Executive Order 1996-1 (February 6, 1996), the Board sent an exposure draft of the regulation to interested parties, including AOTA, the Pennsylvania Occupational Therapy Association (POTA), ACOTE and NBCOT. AOTA, POTA, ACOTE and NBCOT all support the regulation. Specifically, AOTA, which is the national professional association representing the interests of more than 213,000 occupational therapists, occupational therapy assistants, and students of occupational therapy, including approximately 3,900 members**

**in this Commonwealth stated that “AOTA supports the Board’s proposed amendments which would repeal the definition of ‘Equivalent Program’ in § 42.1 and insert in § 42.13 a requirement that an applicant for licensure as an OT or OTA successfully complete an education programs for OTs or OTAs that is accredited by . . . ACOTE, recognized by the Board, or accredited by an accrediting agency recognized by the U.S. Department of Education. We fully support this revision to the Board’s regulations as it will not require the Board to change its regulations if the entry level degree for OTs or OTAs changes in the future and it makes the licensing requirements clear for individuals seeking licensure in the state.” POTA commented, “[t]hat this is forward thinking and allows the licensure board some options to determine which programs that they want to recognize, within the parameters of a nationally accredited program.”**

**The Board spent significant time discussing this regulation during six public board meetings, with representatives from NBCOT, POTA, and occupational therapy programs from two Pennsylvania educational institutions attending one or more meetings.**

**More specifically, a draft of the rulemaking was presented to the Board at its regularly scheduled public meeting on June 7, 2018, and on September 6, 2018, the Board voted to release an “exposure draft” of the proposal to the Board’s list of interested parties and stakeholders requesting input. Following a discussion regarding the comments received on the first exposure draft, the Board decided at its June 6, 2019 meeting to send a second exposure draft to allow for additional comments and provide additional clarification regarding the annex. The annex was again distributed to all interested parties on July 22, 2019. In response to this second exposure draft, the Board received supportive comments from ACOTE, NBCOT and POTA in support of the revisions, which were discussed by the Board on September 5, 2019 and December 5, 2019. On December 5, 2019, the Board voted to publish the rulemaking, without further modifications.**

**(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?**

**This rulemaking will positively impact approximately 1,000 initial applicants per year. Small businesses will only be impacted by this rulemaking to the extent that they might benefit from an easier application process for their existing or potential employees.**

**According to the Small Business Administration (SBA), there are approximately 1,079,103 businesses in Pennsylvania; of which 1,074,787 are small businesses. Of the 1,074,787 small businesses, 225,751 are small employers (those with fewer than 500 employees) and the remaining 849,036 are non-employers. Thus, the vast majority, approximately 99.6% of businesses in Pennsylvania are considered small businesses. According to the Pennsylvania Department of Labor and Industry, in 2019, 26% of occupational therapists in Pennsylvania were employed by hospitals, 26% were employed in offices of health care practitioners other than physicians 12% were employed in elementary and secondary schools, 9% were engaged in home healthcare services, and 8% were employed in nursing care facilities.**

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

standards at 13 CFR 121.201 for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where occupational therapists and occupational therapy assistants work, offices of other health care practitioners include the following 3 types of businesses: offices of physicians for which a small business is one with \$12.0 million or less in average annual receipts; offices of physical, occupational and speech therapists and audiologists (with a small business threshold of \$8.0 million or less in average annual receipts); and all other miscellaneous health practitioners (with a small business threshold of \$8.0 million or less in average annual receipts). For general medical and surgical hospitals, a small business is one with \$41.5 million or less in average annual receipts, while nursing care facilities (skilled nursing facilities) are defined as a small business if they have \$30.0 million or less in average annual receipts. Elementary and secondary schools are considered a small business if they have \$12.0 million or less in average annual receipts. Home health care services are considered small businesses if they have \$16.5 million or less in average annual receipts.

Based upon the above thresholds, the majority of OTs and OTAs likely work in small businesses. As indicated above, this rulemaking will have a positive impact on approximately 1,000 applicants annually, and potentially on small businesses because the rulemaking adds clarity to the application process.

(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.

**Only new applicants are required to comply with this regulation. Based upon the available historic data, the anticipated number of impacted applicants is approximately 1,000, annually.**

(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 Board does not anticipate any fiscal impact relating to these amendments because applicants are already required to meet these requirements. The regulation will have a positive impact because it clarifies existing regulatory standards regarding licensure qualifications.**

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

**Because no negative fiscal impact is anticipated, the benefits to the regulated community of greater clarity regarding their licensing requirements necessarily outweighs the costs.**

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

**There should be no additional costs associated with compliance to the regulated community because applicants already comply with this regulation.**

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

**There are no costs or savings to local governments associated with compliance with this rulemaking.**

(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.

**There are no costs or savings to state governments associated with the implementation of the rulemaking. The Board's current procedures are consistent with the rulemaking. There may be a minimal cost savings due to the additional clarity provided to applicants, which may reduce the number of inquiries requiring responses.**

(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.

**There are no additional legal, accounting or consulting procedures or additional reporting, recordkeeping or other paperwork requirements required of the regulated community. The Board may have a slight reduction in the number of inquiries requiring responses, which may reduce the inquiry response time required by board and legal staff in responding to inquiries.**

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

**No forms are required for implementation of this regulation, as the regulation provides clarification of the already existing application process with regard to educational 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.**

N/A

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

	<b>Current FY Year</b>	<b>FY +1 Year</b>	<b>FY +2 Year</b>	<b>FY +3 Year</b>	<b>FY +4 Year</b>	<b>FY +5 Year</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Savings</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>COSTS:</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Costs</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>REVENUE LOSSES:</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>State Government</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Revenue Losses</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

<b>Program</b>	<b>FY -3 18-19 Actual</b>	<b>FY -2 19-20 Actual</b>	<b>FY -1 20-21 Projected</b>	<b>Current FY 21-22 Projected</b>
<b>State Board of Occupational Therapy Education and Licensure</b>	\$449,730.83	\$465,777,81	\$435,000.00	\$480,000.00

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

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

**The regulation should have no adverse impact on small business.**

(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.

**The Board has not identified any special groups that require special provisions.**

(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 have been considered. The Board believes that this regulation provides the least burdensome acceptable means of clarifying the educational requirements for licensure.**

(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.

**Because there is no anticipated adverse impact on small business, a regulatory flexibility analysis was not conducted.**

(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.**

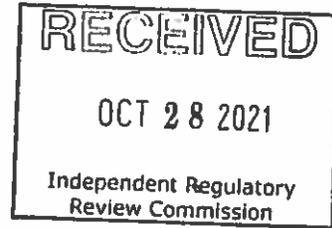
(29) Include a schedule for review of the regulation including:

- |   |   |
|---|---|
| A. The length of the public comment period:   | <b>Thirty days after publication in the Pennsylvania Bulletin.</b>  |
| B. The date or dates on which any public meetings or hearings will be held:                   | <b>No public hearings are scheduled. The Board discusses its regulatory proposals at regulatory scheduled public board meetings. See item (30) for dates.</b> |
| C. The expected date of delivery of the final-form regulation:                                | <b>Fall 2021</b>  |
| D. The expected effective date of the final-form regulation:                                  | <b>Upon publication as final.</b>   |
| E. The expected date by which compliance with the final-form regulation will be required:     | <b>Upon publication as final.</b>   |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <b>N/A</b>  |

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

**The Board regularly evaluates the effectiveness of its regulations. Additionally, the Board regularly reviews requests by licensees and members of the public to amend its regulations causing the Board to evaluate the regulations' impact and necessity. The Board reviews all regulatory proposals at regularly scheduled meetings. The Board will meet on the following dates: December 10, 2021, March 3, 2022, June 2, 2022, September 1, 2022, and December 8, 2022.**

CDL-1



FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU

(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.

BY: (DEPUTY ATTORNEY GENERAL)

State Board of Occupational Therapy Education and Licensure

(AGENCY)

BY: [Signature]

DOCUMENT/FISCAL NOTE NO. 16A-6712

DATE OF APPROVAL

DATE OF ADOPTION:

October 15, 2021 DATE OF APPROVAL

BY: [Signature] Kerri Hample, ODT, OTR/L

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

TITLE: Chairperson (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

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

PROPOSED RULEMAKING COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF STATE BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE 49 PA. CODE CHAPTER 42 §§ 42.1 and 42.13 EDUCATIONAL PROGRAMS

The State Board of Occupational Therapy Education and Licensure (Board) proposes to amend §§ 42.1 and 42.13 (relating to definitions; and application for licensure) to read as set forth in Annex A.

*Effective date*

The amendments will be effective upon publication of the final-form rulemaking in the Pennsylvania Bulletin.

*Statutory Authority*

Section 5(b) of the Occupational Therapy Practice Act (act) (63 P.S. § 1505(b)) authorizes the Board to “adopt rules and regulations not inconsistent with law as it deems necessary for the performance of its duties and the proper administration of this law.” Section 8(2) of the act (63 P.S. § 1508(2)) sets forth the requirements for licensure, which include completion of “the academic requirements of an approved educational program in occupational therapy recognized by the board with the advice and consultation of recognized national accrediting agencies and professional organizations including the American Occupational Therapy Association . . . .”

*Background and Purpose*

Under the Board’s existing regulations at § 42.13(a)(2), an applicant must meet “the academic requirements of an educational program in occupational therapy approved by the Board, or an equivalent program as defined in § 42.1.” Regarding educational programs, the Board’s existing regulations do not specify which programs are “approved by the Board.” In the United States, the Accreditation Council for Occupational Therapy Education (ACOTE) is the only accreditation agency that accredits occupational therapy programs, and thus, ACOTE approved educational programs are the only programs approved by the Board. Significantly, this regulation serves to codify the Board’s current practices and procedures and do not change the Board’s current educational program standards. In drafting this regulation, as required by section 8(2) of the act, the Board consulted with the American Occupational Therapy Association (AOTA) through the Pennsylvania Occupational Therapy Association (POTA) as well as the only national accrediting agency that currently accredits occupational therapy programs, ACOTE.

*Comments to the Proposed Rulemaking*

The Board published a notice of proposed rulemaking at 50 Pa.B. 5848 (October 24, 2020), for thirty days of public comment. The Board did not receive any public comments relating to the proposed rulemaking. IRRC reviewed the proposed regulation and informed the Board that it had no objections, comments, or recommendation to offer on the proposed regulation. The Board did not receive any comments from the House Professional Licensure Committee (HPLC) or the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.12).

*Fiscal Impact and Paperwork Requirements*

There are no fiscal impacts or paperwork requirements associated with this regulation.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 8, 2020, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the HPLC and the SCP/PLC. A copy of this material is available to the public upon request.

On October 28, 2021, the Board delivered final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on \_\_\_\_\_, the final-form rulemaking was deemed approved by the HPLC and by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, and announced, because it had no comments on proposed rulemaking and the Board did not amend the rulemaking, IRRC was deemed to have approved the final-form rulemaking under section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)).

*Additional Information*

Further information may be obtained by contacting Christina Townley, Acting Board Administrator, State Board of Occupational Therapy Education and Licensure, P.O. Box 2649, Harrisburg, PA 17105-2649. Please reference No. 16A-6712 (Educational Programs), when requesting information.

*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 50 Pa.B. 5848 (October 24, 2020).
- (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 §§ 42.1 and 42.13 are amended 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 certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

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

**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**

**GENERAL PROVISIONS**

**§ 42.1 Definitions.**

\* \* \* \* \*

*Commissioner*--The Commissioner of Professional and Occupational Affairs.

**[Equivalent program—A masters or certificate program in occupational therapy approved by the Board.]**

*Licensee*--An individual who has been licensed under the act as an occupational therapist or an occupational therapy assistant.

\* \* \* \* \*

**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:

- (1) Is of good moral character.
- (2) **[Has met the academic requirements of an educational program in occupational therapy approved by the Board, or an equivalent**

**program as defined in § 42.1 (relating to definitions).] Has successfully completed an educational program for occupational therapists or occupational therapy assistants that is either:**

**(i) Accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) or predecessor organizations.**

**(ii) Approved by the Board and accredited by a national programmatic accrediting agency recognized by the United States Department of Education.**

**(3) Has successfully completed a period of supervised fieldwork experience [at a recognized educational institute or a training program approved by the educational institution where the academic requirements were met] as a part of an accredited educational program as required by paragraph (2) as follows:**

**(i) For an occupational therapist, a minimum of 6 months of supervised fieldwork.**

**(ii) For an occupational therapy assistant, a minimum of 2 months of supervised fieldwork.**

**(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).**

\* \* \* \* \*



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

October 28, 2021

The Honorable George D. Bedwick, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Occupational Therapy Education and Licensure  
16A-6712: Educational Programs

Dear Chairman Bedwick:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Kerri L. Hample".

Kerri Hample, O.T.D., O.T.R./L., Chairperson  
State Board of Occupational Therapy Education and  
Licensure

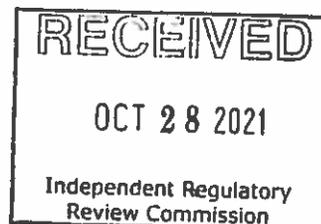
KH/nlv:bmz  
Enclosure

cc: K. Kalonji Johnson, Commissioner of Professional and Occupational Affairs  
Pamela Iovino, Deputy Secretary of Regulatory Programs  
Marc Farrell, Deputy Director of Policy, Department of State  
Cynthia Montgomery, Deputy Chief Counsel, Department of State  
Jacqueline A. Wolfgang, Regulatory Unit Counsel, Department of State  
Nicole L. VanOrder, Counsel, State Board of Occupational Therapy Education and  
Licensure  
State Board of Occupational Therapy Education and Licensure

## Worthington, Amber

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**From:** Smeltz, Jennifer <jmsmeltz@pasen.gov>  
**Sent:** Thursday, October 28, 2021 8:34 AM  
**To:** Worthington, Amber; Blauch, Tammy  
**Subject:** RE: DELIVERY 16A-6712 & 16A-6326



Received.

*Jen Smeltz  
Executive Director  
Consumer Protection and Professional Licensure Committee  
Office of Senator Robert M. Tomlinson  
Phone: (717) 787-5072*

---

**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Thursday, October 28, 2021 8:20 AM  
**To:** Smeltz, Jennifer <jmsmeltz@pasen.gov>; Blauch, Tammy <tblauch@pasen.gov>  
**Subject:** DELIVERY 16A-6712 & 16A-6326  
**Importance:** High

Ⓞ CAUTION : External Email Ⓞ

The State Board of Psychology and State Board of Occupational Therapy Education and Licensure are delivering the following final rulemakings today **Thursday, October 28, 2021**:

- State Board of Psychology: 16A-6326 Licensure by Endorsement
- State Board of Occupational Therapy Education and Licensure: 16A-6712 Educational Programs

**PLEASE provide a written (email) CONFIRMATION of receipt of this notice.**

Amber A. Worthington, PLS | Legal Assistant Supervisor  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
Office Phone 717.783.7200 | Fax: 717.787.0251  
[agontz@pa.gov](mailto:agontz@pa.gov) | [www.dos.pa.gov](http://www.dos.pa.gov)

(preferred pronouns: they, them, theirs)

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**From:** [Livingston, Jerry](#)  
**To:** [Worthington, Amber](#); [Vazquez, Enid](#)  
**Subject:** Re: DELIVERY 16A-6712 & 16A-6326  
**Date:** Thursday, October 28, 2021 8:51:44 AM

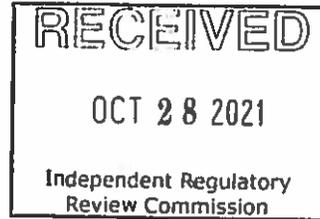
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Received. Thank you!

J.J. Livingston

Executive Director  
Office of Senator Lisa Boscola

Phone 717-787-4236  
[Jerry.Livingston@pasenate.com](mailto:Jerry.Livingston@pasenate.com)



Sent via mobile device. Please excuse any typing or grammatical errors.

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**From:** Worthington, Amber <[agontz@pa.gov](mailto:agontz@pa.gov)>  
**Sent:** Thursday, October 28, 2021 8:20:06 AM  
**To:** Livingston, Jerry <[Jerry.Livingston@pasenate.com](mailto:Jerry.Livingston@pasenate.com)>; Vazquez, Enid <[enid.vazquez@pasenate.com](mailto:enid.vazquez@pasenate.com)>  
**Subject:** DELIVERY 16A-6712 & 16A-6326

■ EXTERNAL EMAIL ■

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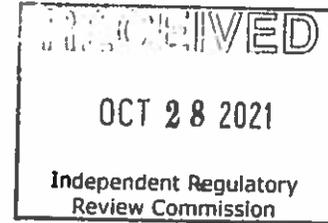
Amber A. Worthington, PLS | Legal Assistant Supervisor  
Office of Chief Counsel | Department of State  
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## Worthington, Amber

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**From:** Nicole Sidle <Nsidle@pahousegop.com>  
**Sent:** Thursday, October 28, 2021 8:52 AM  
**To:** Worthington, Amber; Emily Hackman  
**Subject:** RE: DELIVERY 16A-6712 & 16A-6326



Received.

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**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Thursday, October 28, 2021 8:20 AM  
**To:** Nicole Sidle <Nsidle@pahousegop.com>; Emily Hackman <Eepler@pahousegop.com>  
**Subject:** DELIVERY 16A-6712 & 16A-6326  
**Importance:** High

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## Worthington, Amber

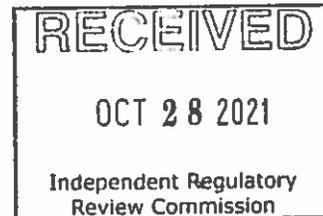
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**From:** Wilson, Marlene <MWilson@pahouse.net>  
**Sent:** Thursday, October 28, 2021 10:48 AM  
**To:** Worthington, Amber  
**Subject:** RE: DELIVERY 16A-6712 & 16A-6326

Received. Thank you.



*Marlene Wilson, Esquire  
Senior Committee Executive Director  
House Professional Licensure Committee  
Rep. Jake Wheatley, Jr., Chairman  
Phone: (717) 787-4032  
Internal Phone: 6253  
Email - [mwilson@pahouse.net](mailto:mwilson@pahouse.net)*



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**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Thursday, October 28, 2021 8:20 AM  
**To:** Wilson, Marlene <MWilson@pahouse.net>  
**Subject:** DELIVERY 16A-6712 & 16A-6326  
**Importance:** High

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