

<h1>Regulatory Analysis Form</h1> <p>(Completed by Promulgating Agency)</p> <p><i>(All Comments submitted on this regulation will appear on IRRC's website)</i></p>		<p>INDEPENDENT REGULATORY REVIEW COMMISSION</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>RECEIVED</p> <p>OCT -18 2020</p> <p>Independent Regulatory Review Commission</p> </div> <p>IRRC Number: 3271</p>
<p>(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Board of Occupational Therapy Education and Licensure</p>		
<p>(2) Agency Number: 16A Identification Number: 16A-6712</p>		
<p>(3) PA Code Cite: 49 Pa. Code §§ 42.1 and 42.13.</p>		
<p>(4) Short Title: Educational Programs</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: 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) nivanor@pa.gov.</p> <p>Secondary Contact: 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) jawolfgang@pa.gov.</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <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>This proposed rulemaking amends § 42.1 (relating to definitions) and § 42.13 (relating to application for licensure) of the regulations promulgated under the Occupational Therapy Practice Act, (act), the act of June 15, 1982 (P.L. 502, No. 140), <i>as amended</i>, 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.</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 State Board of Occupational Therapy</p>		

Education and Licensure (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 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 . . .” 63 P.S. § 1508(2).

(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 proposed 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 the proposed regulations 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 proposed regulations 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 proposed regulations include 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.

In 2019 (from January 1, 2019 through December 31, 2019), there were 699 initial applications for occupational therapy (OT) licenses and 266 applications for occupational therapy assistant (OTA) licenses. This is the only historic data currently available; and based upon this data, approximately 1,000 applicants would be benefit from this rulemaking which clarifies the Board’s requirements for licensure.

(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 also include language similar to the proposed 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.

(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 proposed regulation to interested parties, including AOTA, the Pennsylvania Occupational Therapy Association (POTA), ACOTE and NBCOT. AOTA, POTA, ACOTE and NBCOT all support the proposed regulations. 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 proposed 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 proposed 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 proposed 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 proposed 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 as proposed, 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. 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 1,041,905 businesses in Pennsylvania; of which 1,037,737 are small businesses. Of the 1,037,737 small businesses, 225,847 are small employers (those with fewer than 500 employees) and the remaining 811,890 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 2016, 26% of occupational therapists in Pennsylvania were employed by hospitals, 24% were employed in offices of health care practitioners other than physicians 10% were employed in elementary and secondary schools, 9% were employed in nursing care facilities, and 8% were engaged in home healthcare services.

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 apply 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 or paperwork requirements relating to these amendments because applicants are already required to meet these requirements.

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

Because no 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 the proposed regulations.

(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 the proposed 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 proposed 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 proposed 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.

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

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

Program	FY -3 17-18 Actual	FY -2 18-19 Actual	FY -1 19-20 Projected	Current FY 20-21 Projected
State Board of Occupational Therapy Education and Licensure	\$ 388,859.43	\$439,103.81	\$458,000.00 (estimated – FY expenses close in October 2020)	\$452,000.00 (estimated)

(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 the proposed regulations provide 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: **Thirty days after publication in the *Pennsylvania Bulletin*.**
- B. The date or dates on which any public meetings or hearings will be held: **No public hearings are scheduled. The Board discusses its regulatory proposals at regulatory scheduled public board meetings. See item (30) for dates.**
- C. The expected date of delivery of the final-form regulation: **Spring 2021**
- D. The expected effective date of the final-form regulation: **Upon publication as final.**
- E. The expected date by which compliance with the final-form regulation will be required: **Upon publication as final.**
- 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 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. During 2020, the Board will meet on the following dates: September 3, 2020, December 10, 2020.

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

Effective date

This proposed rulemaking will be effective upon final-form publication in the Pennsylvania Bulletin.

Statutory Authority

Section 5(b) of the Occupational Therapy Practice Act (act), the act of June 15, 1982 (P.L. 502, No.140), *as amended*, (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 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 . . .” 63 P.S. § 1508(2).

Background and Need for the Amendments

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 (relating to definitions).” 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, the Board’s proposed regulations serve to codify the Board’s current practices and procedures and do not change the Board’s current educational program standards. In drafting the proposed regulations, 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.

In accordance with the requirements of Executive Order 1996-1 (February 6, 1996), the Board sent an exposure draft of the proposed regulation to interested parties, including AOTA, POTA, ACOTE and the National Board for Certification in Occupational Therapy (NBCOT). AOTA, POTA, ACOTE and NBCOT all support the proposed regulations. 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 proposed 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.

Description of the Proposed Amendments

The Board proposes to amend § 42.1 (relating to definitions) by deleting the definition of “equivalent programs.” As more fully discussed below, the Board’s proposed amendments are more specific than the existing regulations because the amendments set forth the educational programs recognized by the Board. Because the Board proposes to delete the reference to “equivalent programs” in § 42.13(a)(2), and this term is not used anywhere else in the regulations, there is no reason to provide a definition for this term.

The Board proposes to amend § 42.13(a)(2) (relating to application for licensure) by requiring applicants to successfully complete an educational program that is either accredited by ACOTE or another national programmatic accrediting agency recognized by the U.S. Department of Education and approved by the Board. Currently, and historically, there has been only one accreditation agency for educational programs in occupational therapy—ACOTE. Thus, the Board has historically approved educational programs that are ACOTE accredited. Although the Board is not aware of any other national accrediting agencies that accredit occupational therapy programs, the Board proposes a provision that would allow the Board to review and consider other national accrediting agencies in the event other agencies begin accrediting occupational therapy programs. The Board also proposes amendments to § 42.13(a)(3) to clarify the existing fieldwork experience requirements to reflect the proposed amendments made in paragraph (2).

The proposed amendments are consistent with the Board’s current practice and procedures and do not change the Board’s existing educational program requirements, but rather, serve to clarify and codify those requirements.

Fiscal Impact and Paperwork Requirements

The Board does not anticipate any fiscal impact or paperwork requirements relating to these amendments because applicants are already required to meet these requirements.

Sunset Date

The Board continuously monitors the cost effectiveness of the Board’s 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 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 Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Regulatory Counsel, State Board of Occupational Therapy Education and Licensure, P.O. Box 69523, Harrisburg, PA 17106-5923 or RA-STRegulatoryCounsel@pa.gov within 30 days following publication of this proposed rulemaking in the Pennsylvania Bulletin. Reference No. 16A-6712 (Educational Programs) when submitting comments.

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 U.S. 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 8, 2020

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

Re: Proposed Regulation
State Board of Occupational Therapy Education and Licensure
16A-6712: EDUCATIONAL PROGRAMS

Dear Chairman Bedwick:

Enclosed is a copy of a proposed rulemaking package of the State Board of Occupational Therapy Education and Licensure pertaining to 16A-6712: 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,

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

Licensure
KLH/NLV:aaw
Enclosure

cc: K. Kalonji Johnson, Acting Commissioner of Professional and Occupational Affairs
Kraig R. Kiehl, 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, Board 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-6712
SUBJECT: Educational Programs
AGENCY: DEPARTMENT OF STATE
 Bureau of Professional and Occupational Affairs
 State Board of Occupational Therapy Education and Licensure Program

TYPE OF REGULATION

X Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

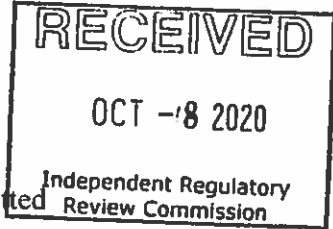
120-day Emergency Certification of the Governor

Delivery of Disapproved Regulation

a. With Revisions

b.

Without Revisions



FILING OF REGULATION

DATE

SIGNATURE

DESIGNATION

Senate

HOUSE COMMITTEE ON PROFESSIONAL LICENSURE

MAJORITY CHAIR Robert M. Tomlinson

MINORITY CHAIR Lisa M. Boscola

House

**SENATE COMMITTEE ON CONSUMER PROTECTION &
PROFESSIONAL LICENSURE**

MAJORITY CHAIR David Hickernell

MINORITY CHAIR Harry A. Readshaw

10/8/20 *Emily L. ...*
10/9/20 *Susan ...*

INDEPENDENT REGULATORY REVIEW COMMISSION

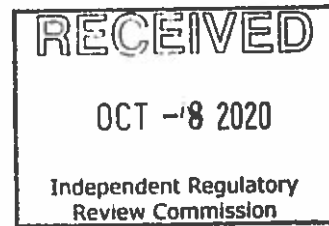
ATTORNEY GENERAL (for Final Omitted only)

LEGISLATIVE REFERENCE BUREAU (for Proposed only)

Worthington, Amber

From: Bulletin <bulletin@palrb.us>
Sent: Thursday, October 8, 2020 9:59 AM
To: Worthington, Amber
Subject: [External] Read: Proposed Rulemaking – 16A-6712 Education Programs; 16A-5429 Injectables...; 16A-7103 Schedule of Civil Penalties
Attachments: [External] Read: Proposed Rulemaking – 16A-6712 Education Programs; 16A-5429 Injectables...; 16A-7103 Schedule of Civil Penalties

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Worthington, Amber

From: Bulletin <bulletin@palrb.us>
Sent: Thursday, October 8, 2020 10:20 AM
To: Tomlinson, Senator Robert; boscola@pasenate.com; jerry.livingston@pasenate.com; jmsmeltz@pasen.gov; Blauch, Tammy
Cc: Martin, Megan; Vincent Deliberato; Duane Searle; A.J. Mendelsohn; Wolfgang, Jacqueline; Worthington, Amber
Subject: [External] Delivery of Proposed Rulemaking – 16A-6712 Education Programs; 16A-5429 Injectables...; 16A-7103 Schedule of Civil Penalties
Attachments: 16A-6712 Boscola.pdf; 16A-6712 Tomlinson.pdf; 16A-5429 Boscola.pdf; 16A-5429 Tomlinson.pdf; 16A-7103 Tomlinson.pdf; 16A-7103 Boscola.pdf

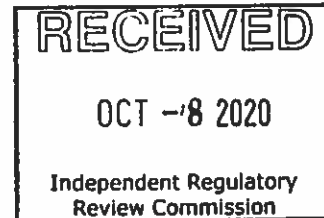
ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

We have attached Proposed Rulemakings 16A-6712, 16A-5429 & 16A-7103.

Please confirm receipt of this email by replying to all.

Thank you.

The Pennsylvania Code & Bulletin Office

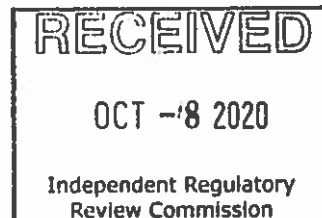


Worthington, Amber

From: Martin, Megan <Mtmartin@os.pasen.gov>
To: Worthington, Amber
Sent: Thursday, October 8, 2020 10:36 AM
Subject: Read: Proposed Rulemaking – 16A-6712 Education Programs; 16A-5429 Injectables...; 16A-7103 Schedule of Civil Penalties

Your message

To:
Subject: Proposed Rulemaking – 16A-6712 Education Programs; 16A-5429 Injectables...; 16A-7103 Schedule of Civil Penalties
Sent: Thursday, October 8, 2020 2:35:46 PM (UTC+00:00) Monrovia, Reykjavik
was read on Thursday, October 8, 2020 2:35:32 PM (UTC+00:00) Monrovia, Reykjavik.



Worthington, Amber

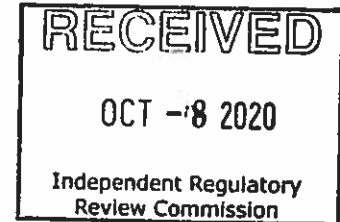
From: Livingston, Jerry <Jerry.Livingston@pasenate.com>
Sent: Thursday, October 8, 2020 9:34 AM
To: Worthington, Amber
Subject: RE: Proposed Rulemaking – 16A-6712 Education Programs; 16A-5429 Injectables...; 16A-7103 Schedule of Civil Penalties

Received, thank you.
-JJ

J.J. Livingston

**Executive Director
Senate Consumer Protection & Professional Licensure Committee**

Senator Lisa M. Boscola, Democratic Chair
458 Main Capitol Building
Harrisburg, PA 17120
(717) 787-4236
Jerry.Livingston@pasenate.com



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From: Worthington, Amber <agontz@pa.gov>
Sent: Thursday, October 8, 2020 9:32 AM
To: Bulletin <bulletin@palrb.us>; Livingston, Jerry <Jerry.Livingston@pasenate.com>; Blauch, Tammy <tblauch@pasen.gov>; jmsmeltz@pasen.gov; Martin, Megan <mtmartin@os.pasen.gov>
Cc: Wolfgang, Jacqueline <jawolfgang@pa.gov>
Subject: Proposed Rulemaking – 16A-6712 Education Programs; 16A-5429 Injectables...; 16A-7103 Schedule of Civil Penalties

■ EXTERNAL EMAIL ■

Pursuant to SR 318, authorizing the Legislative Reference Bureau to transmit regulations to the appropriate committees for consideration, we are submitting Proposed Rulemakings – 16A-6712 Education Programs; 16A-5429 Injectable Medications, Biologicals and Immunizations; & 16A-7103 Schedule of Civil Penalties to the Senate Committee on Consumer Protection & Professional Licensure.

Please provide written (email) confirmation that this rulemaking was received by each of Committee chairs office's.

Amber Worthington, PLS | *Supervising Legal Assistant*
Department of State | Counsel Division Legal Office | Clerical Supervisor 2
2601 North Third Street, P.O. Box 69523
Harrisburg, PA 17106-9523
Phone: 717.783.7200 | Fax: 717.787-0251
www.dos.pa.gov

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