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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

**MICHIGAN BOARD OF OCCUPATIONAL THERAPIST'S
RULES COMMITTEE WORK GROUP
MEETING MINUTES
JULY 19, 2022**

The Michigan Board of Occupational Therapist Rules Committee Work Group met on July 19, 2022, meeting was held via Zoom.

CALL TO ORDER

Andria Ditschman, JD, Departmental Specialist, Boards and Committees Section, called the meeting to order at 3:00 p.m.

ATTENDANCE

Members Present: Donald Frega, OTRL
Cristian Labar, OTRL
Matthew Swan, OTRL
Mary Jo Vaughn, OTRL

Members Absent: None

Staff Present: Jon Campbell, Director, Investigations and Inspections Division
Andria Ditschman, JD, Departmental Specialist, Boards and Committees
Section
LeAnn Payne, Board Support, Boards and Committees Section
Stephanie Rosenthal, Manager, Complaint Intake Section
Kay Thelen, Analyst, Licensing Division

Public Present: Rex Crosley, MBCOT
Stephanie Birch, MIOTA

RULES DISCUSSION

Occupational Therapists – General Rules (A copy of the draft, pursuant to today's discussion, is attached).

R 338.1211 Definitions.

Added “direct contact” to the definition for supervision.

The rules committee agreed to the language as presented.

R 338.1221 Part 3

This rule was rescinded as it is already in the public health code.

The rules committee agreed with the changes.

R 338.1223 Application for occupational therapist license; requirements

Ditschman explained that references to the general rules were added to the licensure requirements.

The rules committee agreed to the language as presented.

R 338.1223a Application for license; occupational therapist with lapsed registration.

Ditschman explained this rule was rescinded and put in a table in R 338.1227.

The rules committee agreed to the language as presented.

R 338.1224 Examination; occupational therapist; adoption and approval; passing scores.

No changes were made.

R 338.1225 Graduate of non-accredited postsecondary institution; occupational therapist; equivalency of education; NBCOT examination

No changes were made except the reference to the general rules.

R 338.1226 Licensure by endorsement; occupational therapists; requirements

No changes were made except the reference to the general rules.

R 338.1227 Requirements for relicensure; occupational therapists

The language of the rule is placed in a table.

The committee agreed that the requirements are easier to understand in a table.

R338.1228 Supervised practice experience; occupation therapists; requirements

No changes were made.

R338.1229 Delegation of limited assessments, tasks, or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.

Ditschman stated she removed “selected” from Rule 29 as it was not necessary.

The rules committee agreed with the change.

The rules committee asked that he/she be changed in the document if possible. Ditschman stated she will change he/she to patient or client.

The rules committee agreed.

Discussion took place regarding “(e) Monitor an occupational therapy assistant’s practice and provision of assigned limited assessments, tasks, or interventions.”

Ditschman stated she would remove the words “and provision.”

The rules committee agreed.

Subdivision (h) has been rewritten.

The rules committee agreed to the language as presented.

Ditschman stated she would make the same changes to Part 4 for occupational assistants.

R 338.1229a

The rules committee added tasks that should not be delegated to an unlicensed individual including an assessment and evaluation.

Part 5. Telehealth

R 338.1241 Definitions

Labar questioned what would happen if the patient was 18 years or less, or incompetent and they could not give consent.

Ditschman stated she would add language “if less than 18 years of age or under the care of a legal guardian, a parent or legal guardian must provide informed consent for the patient.”

The rules committee agreed with the language.

Part 6 Continuing Education

Ditschman went over the changes.

The rules committee suggested that (i) be deleted as it was covered under other items in the table.

The rules committee agreed to the other language as presented.

The rules committee stated they were ready for the draft to go to the board for approval.

Ditschman will make the changes discussed and bring to the next board meeting.

ADJOURNMENT

Ditschman adjourned the meeting at 4:31 p.m.

Prepared by:
LeAnn Payne, Board Support
Bureau of Professional Licensing

August 3, 2022

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL THERAPISTS – GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the **director of the** department of licensing and regulatory affairs by sections 16145, 16148, **16174, 16186, 16201**, 16204, **16205**, 18307, 18309, and 18313 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, **333.16174, 333.16186, 333.16201**, 333.16204, **333.16205**, 333.18307, 333.18309, and 333.18313, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.1211, etc of the Michigan Administrative Code are amended as follows:

PART 1. DEFINITIONS

R 338.1211 Definitions.

Rule 11. (1) As used in these rules:

(a) "ACOTE" means Accreditation Council for Occupational Therapy Education.

(b) "AOTA" means American Occupational Therapy Association.

~~(a)~~**(c) "Board" means the board of occupational therapists.**

~~(b)~~**(d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.**

~~(e)~~**(e) "Department" means the department of licensing and regulatory affairs.**

(f) "Direct supervision" means that the occupational therapist is physically present with the individual being supervised or immediately available for direction and onsite supervision at the time the limited assessment, task, or intervention is performed, and that the occupational therapist has direct contact in the physical presence of the patient or client during each visit.

(g) "General supervision" means that the occupational therapist is not required to be physically present on site but shall be continuously available at the time the limited assessment, task, or intervention is performed. Continuously available includes availability by telecommunication or other electronic device.

(h) "NBCOT" means National Board for Certification in Occupational Therapy.

(i) "WFOT" means World Federation of Occupational Therapists.

(2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

PART 2. GENERAL PROVISIONS

R 338.1212 Grounds for disciplinary action.

Rule 12. The conduct included in section 16221 of the code, MCL 333.16221, is prohibited conduct, and may be grounds for disciplinary action against a licensee, registrant, or an applicant.

R 338.1215 Training standards for identifying victims of human trafficking; requirements.

Rule 15. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed under article 15 of 1978 PA 368 shall complete training in identifying victims of human trafficking that meets all the following standards:

(a) Training content shall cover all of the following:

(i) Understanding the types and venues of human trafficking in the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Identifying resources for reporting suspected victims of human trafficking.

(b) Acceptable providers or methods of training including any of the following:

(i) Training offered by a nationally recognized or state recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training in an educational program that has been approved by the advisory committee for initial license or registration, or by a college or university.

(iv) Reading an article related to the identification of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific article.

(c) Acceptable modalities of training including any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement shall include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of the article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to license renewal beginning with the first renewal cycle after the promulgate of this rule and for initial or licenses issued 5 or more years after the promulgation of this rule.

PART 3. OCCUPATIONAL THERAPISTS

R 338.1221 ~~License required; use of words, titles, or letters.~~ **Rescinded.**

~~Rule 21. Under section 18303 of the code, a person shall not use the following titles or similar words which indicate that the person is a licensed occupational therapist unless the person is granted an occupational therapist license under these rules:~~

- ~~(a) "Occupational therapist."~~
- ~~(b) "O.T."~~
- ~~(c) "Occupational therapist licensed."~~
- ~~(d) "O.T.L."~~
- ~~(e) "Occupational therapist registered."~~
- ~~(f) "O.T.R."~~
- ~~(g) "Occupational therapist registered licensed."~~
- ~~(h) "O.T.R.L."~~

R 338.1222 Educational program standards; occupational therapist; adoption by reference.

Rule 22. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapist educational programs in the documents entitled "2018 Accreditation Council for Occupational Therapy Education (ACOTE) Standards and Interpretive Guide," adopted by the ~~Accreditation Council for Occupational Therapy Education (ACOTE)~~, which were effective July 31, 2020. Copies of these standards are available at no cost from the ACOTE website at ~~<https://acoteonline.org/wp-content/uploads/2020/07/2018-ACOTE-Standards.pdf>~~ <https://acoteonline.org/wp-content/uploads/2020/10/2018-ACOTE-Standards.pdf>. Copies of the standards are also available for inspection and distribution at 10 cents per page from the Michigan Board of Occupational Therapists, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapists that is accredited by the ACOTE qualifies as an occupational therapist educational program approved by the board.

(3) The board approves and adopts by reference in these rules the standards in the document entitled "Minimum Standards for the Education of Occupational Therapists, Revised 2016" published by the ~~World Federation of Occupational Therapists (WFOT)~~. Copies of these standards are available at ~~10 cents per page~~ **no cost** on the ~~(WFOT)~~

website at <http://www.wfot.org>. The standards are also available for inspection at ~~east~~ from the department at the address listed in subrule (1) of this rule. **10 cents per page from the Michigan Board of Occupational Therapists, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.**

(4) Any educational program for occupational therapists that is approved by the WFOT qualifies as an occupational therapist educational program approved by the board.

(5) Any bachelor's level educational program for occupational therapists that was operating before December 31, 2006, and accredited by the ACOTE or approved by the WFOT qualifies as an occupational therapist educational program approved by the board.

R 338.1223 Application for occupational therapist license; requirements.

Rule 23. An applicant for an occupational therapist license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code; **R 338.7001 to R 338.7005; any other rules promulgated under the code; and section 16174 of the code, MCL 333.16174, and these rules;** an applicant ~~must~~ **shall** meet all of the following requirements:

(a) Graduate from an occupational therapist education program that is accredited by the ACOTE or approved by the WFOT, or their predecessor organizations, ~~and that~~ **meets** the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.

(b) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the occupational therapist licensure examination adopted in R 338.1224.

(c) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.

(d) Disclose each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.

(e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

~~R 338.1223a Application for license; occupational therapist with lapsed registration; requirements.~~ **Rescinded.**

~~Rule 23a. (1) An applicant for an occupational therapist license whose registration as an occupational therapist in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, before June 11, 2015. An applicant shall meet all of the following requirements:~~

~~(a) Maintain certification as an occupational therapist by the National Board for Certification in Occupational Therapy (NBCOT) after the registration lapsed.~~

- ~~—(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.~~
- ~~—(c) Complete a supervised practice experience that meets the requirements of R 338.1228. The duration of the experience must be as follows:

 - ~~—(i) If the applicant's registration has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.~~
 - ~~—(ii) If the applicant's registration has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.~~
 - ~~—(iii) If the applicant's registration has lapsed for 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.~~~~
- ~~—(2) An applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.~~
- ~~—(3) An applicant for licensure who was registered in this state as an occupational therapist before January 1, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of subrule (1) of this rule and R 338.1223.~~
- ~~—(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.~~
- ~~—(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may be renewed 1 time.~~

~~R 338.1223a Application for license; occupational therapist with lapsed registration; requirements.~~

~~—Rule 23a. (1) An applicant for an occupational therapist license whose registration as an occupational therapist in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, prior to June 11, 2015. An applicant shall meet all of the following requirements:~~

- ~~—(a) Maintain certification as an occupational therapist by the National Board for Certification in Occupational Therapy (NBCOT) after the registration lapsed.~~
- ~~—(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.~~
- ~~—(c) Complete a supervised practice experience that meets the requirements of R 338.1228. The duration of the experience shall be as follows:

 - ~~—(i) If the applicant's registration has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.~~
 - ~~—(ii) If the applicant's registration has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.~~
 - ~~—(iii) If the applicant's registration has lapsed for 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.~~~~

~~-(2) An applicant's license or registration shall be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.~~

~~-(3) An applicant for licensure who was registered in this state as an occupational therapist before January 1, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete R 338.1223.~~

~~-(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the board may grant an applicant a limited license to complete the supervised practice experience.~~

~~-(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may not be renewed.~~

R 338.1224 Examinations; occupational therapist; adoption and approval; passing scores.

Rule 24. (1) The board approves and adopts the certification examination for occupational therapists that was developed, administered, and scored by the NBCOT as the licensure examination for occupational therapists in this state. The board shall adopt the passing score recommended by the NBCOT for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

R 338.1225 Graduate of non-accredited postsecondary institution; occupational therapist; equivalency of education; NBCOT examination.

Rule 25. An applicant for an occupational therapist license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code; **R 338.7001 to R 338.7005; any other rules promulgated under the code; and section 16174 of the code, MCL 333.16174;** ~~and these rules;~~ an applicant shall meet all of the following requirements:

(a) Establish to the board that the applicant completed an occupational therapist educational program that is substantially equivalent to an occupational therapist program that is accredited by the ACOTE or approved by the WFOT as provided in R 338.1222.

(b) Have documentation sent directly to the department from the NBCOT verifying the applicant passed the NBCOT certification examination for occupational therapists adopted in R 338.1224 within 3 years preceding the application for licensure and not more than 2 years after the application for licensure.

(c) ~~Effective January 1, 2021, within~~ **Within** 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in

this state that is developed and administered by the department or an entity approved by the department.

(d) Discloses each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.

(e) Satisfies the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.1226 Licensure by endorsement; occupational therapist; requirements.

Rule 26. (1) An applicant for an occupational therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department. ~~In addition to meeting the requirements of the code section 16174 of the code, MCL 333.16174, and these rules, an~~ An applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant **meets all the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and** section 16174 of the code, MCL 333.16174, **and** satisfies the **following** requirements of ~~this rule~~, as applicable.

(2) If an applicant is actively registered or licensed as an occupational therapist in another state ~~of the United States~~ for 5 years or more and is in good standing within 30 days prior to filing an application for an occupational therapist license in this state, then the applicant shall comply with both of the following:

(a) Have previously taken and passed the NBCOT certification examination for occupational therapists with a score adopted by the board under R 338.1224(1) or the predecessor examination that was administered by the ~~American Occupational Therapy Association (AOTA)~~.

(b) Within 3 years preceding the application for endorsement and not more than 2 years after the application for endorsement, the applicant must pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department with a minimum converted score of 75.

(3) If an applicant is actively registered or licensed as an occupational therapist in another state ~~of the United States~~ for less than 5 years and is in good standing within 30 days prior to filing an application for an occupational therapist license in this state, then the applicant shall comply with all of the following:

(a) Graduate from an occupational therapist education program that is accredited by the ACOTE, or approved by the WFOT, or their predecessor organizations, ~~and that~~ **meets** the standards adopted by the board in R 338.1222.

(b) Meet the requirements of subrule (2)(a) and (b) of this rule.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, ~~an applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If~~

applicable, verification shall include the record of any disciplinary action taken or pending against the applicant. **applicant shall meet both of the following requirements:**

(5) Discloses each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.

(6) Satisfies the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.1227 Requirements for relicensure; occupational therapist.

Rule 27. ~~(1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant meets all of the following requirements:~~

~~—(a) Submits the required fee and a completed application on a form provided by the department.~~

~~—(b) Establishes that he or she is of good moral character.~~

~~(c) Submits proof of having completed the continuing education required in R 338.1252 within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held and the license must not be issued until the continuing education requirements have been met.~~

~~(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant meets all of the following requirements:~~

~~—(a) Submits the required fee and a completed application on a form provided by the department.~~

~~—(b) Establishes that he or she is of good moral character.~~

~~—(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.~~

~~(d) Submits proof of having completed the continuing education required in R 338.1252 within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held and the license must not be issued until the continuing education requirements have been met.~~

~~(e) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, passes the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.~~

~~(f) Either of the following:~~

~~—(i) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, takes and passes the NBCOT certification examination for occupational therapists, with a score adopted by the board under R~~

338.1224(1), and completes supervised practice experience pursuant to subrule (3) of this rule.

—(ii) Presents evidence to the department that he or she was actively registered or licensed as an occupational therapist in another state during the 3-year period and in good standing within 30 days, prior to filing the application for relicensure.

(1) An applicant for relicensure as an occupational therapist, who has let his or her license or registration from this state lapse, under section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

(a) For an occupational therapist who has let his or her registration or license from this state lapse:	Registered in this state before January 1, 2009, with lapsed registration, who did not apply for licensure prior to June 11, 2015	Licensed lapsed less than 3 years	Licensed lapsed 3 years or more
(i) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√	√
(ii) Establish that the applicant is of good moral character as defined in, and determined under 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√		√
(iv) Submit proof of having completed the continuing education required under R 338.1252, which was earned within the 3-year period immediately before the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held, and the license may not be issued until the continuing education requirements are met.	√	√	√
(v) Maintain certification as an occupational therapist by NBCOT after the registration lapsed and graduate from an occupational therapist education program that is accredited by ACOTE or approved by WFOT, or their predecessor organizations that meets the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.	√		

<p>(vi) Complete a 1-time training in identifying victims of human trafficking that meets the standards in R 338.17111.</p>	<p>√</p>	<p>√</p>	<p>√</p>
<p>(vii) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.</p>	<p>√</p>	<p>√</p>	<p>√</p>
<p>(viii) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.</p>	<p>√</p>		<p>√</p>
<p>(ix) Meet either (a) or (b): (A) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, take and pass the NBCOT certification examination for occupational therapists, with a score adopted by the board under R 338.1224(1), and complete supervised practice experience pursuant to subrule (3) of this rule. (B) Present evidence to the department that he or she was actively registered or licensed as an occupational therapist in another state during the 3-year period and in good standing within 30 days, prior to filing the application for relicensure.</p>	<p>√</p>		<p>√</p>
<p>(x) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which include verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</p>	<p>√</p>	<p>√</p>	<p>√</p>

(3) An applicant who **has had a lapsed registration or license for 3 years or more and meets the requirements of** is required under subrule ~~(2)(f)(i)~~**(1)(a)(ix)(A)** of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228. The applicant must have a limited license from the department while he or she participates in the supervised practice experience. The duration of the experience must be as follows:

(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant's license has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.

~~(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, pursuant to section 16174 of the code, MCL 333.16174, an applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.~~

~~(5)~~(4) For purposes of meeting the requirements of subrule (3) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.

~~(6)~~(5) A limited license granted under subrule ~~(5)~~(4) of this rule is valid for 1 year and may be renewed 1 time.

R 338.1228 Supervised practice experience; occupational therapist; requirements.

Rule 28. (1) The supervised practice experience required for relicensure under R 338.1227 must comply with both of the following:

(a) The supervised practice experience must be obtained under the supervision of a licensed occupational therapist having 3 or more years clinical experience and no past or pending disciplinary actions.

(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.

(2) The supervised practice experience must consist of, at a minimum, professional and clinical instruction in all of the following areas:

- (a) Referral process.
- (b) Screening process.
- (c) Evaluations.
- (d) Intervention plans.
- (e) Intervention strategies.
- (f) Discontinuation; referral for other services.

R 338.1229 Delegation of limited assessments, tasks or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.

Rule 29. (1) An occupational therapist who delegates the performance of **selected limited assessments**, tasks, or interventions to an occupational therapy assistant as permitted under section 16215 of the code, MCL 333.16215, shall supervise the occupational therapy assistant consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule. As used in this rule, "**limited assessment**" means those parts of an evaluation that an occupational therapy assistant is

qualified by education and training to perform while under the supervision of an occupational therapist.

(2) **Before** an occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant, **he or she** shall ~~ensure~~ **evaluate** the qualifications of the occupational therapy assistant ~~under the occupational therapist's supervision~~, including verification of the occupational therapy assistant's training, education, and licensure.

(3) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall determine and provide the appropriate level of supervision required for the occupational therapy assistant's performance of the delegated limited assessment, task, or intervention. The appropriate level of supervision must be determined based on the occupational therapy assistant's education, training, and experience. ~~and includes 1 of the following:~~ **The level of supervision must be either general supervision or direct supervision.**

(a) "General supervision" means that the occupational therapist is not required to be physically present on site but shall be continuously available at the time the limited assessment, task, or intervention is performed. ~~Continuously available includes availability by telecommunication or other electronic device.~~

~~(b) "Direct supervision" means that the occupational therapist is physically present with the occupational therapy assistant or immediately available for direction and onsite supervision at the time the limited assessment, task, or intervention is performed, and that the occupational therapist has direct contact in the physical presence of the patient or client during each visit.~~

(4) An occupational therapist who delegates limited assessments, tasks, or interventions under this rule shall also comply with all of the following:

(a) Initiate and direct the evaluation of the **patient or client** before delegating limited assessments.

(b) Complete the evaluation **of the patient or client** before delegating tasks or interventions to be performed by an occupational therapy assistant.

~~(c) Supervise an occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated.~~

(d) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that ~~have been~~ **will be** delegated.

(e) **Monitor** an occupational therapy assistant's **practice and provision of** assigned limited assessments, tasks, or interventions.

(f) Maintain a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated pursuant to section 16215 of the code, MCL 333.16215.

(g) Meet using live, synchronous contact at least once per month with the occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated to **accomplish all of the following:**

(i) ~~evaluate~~ **Evaluate** the occupational therapy assistant's performance,;

(ii) ~~review~~ **Review the patient or client or patient** records,;

(iii) ~~and educate~~ **Educate** the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development.

(h) The occupational therapist shall maintain documentation of the meeting, **which shall be signed by both the occupational therapist and occupational therapist assistant** ~~that has been signed by both the occupational therapist and the occupational therapy assistant.~~ Compliance with this subdivision shall not be used as a substitute for the ongoing supervision required under this subrule and subrule (3) of this rule.

(5) An occupational therapist shall not delegate the performance of either of the following to an occupational therapy assistant:

(a) The sole development of a treatment plan.

(b) The sole evaluation and interpretation of evaluation results.

(6) An occupational therapist shall not supervise more than 4 occupational therapy assistants who are providing services to patients at the same time.

R 338.1229a Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

Rule 29a. (1) An occupational therapist who delegates the performance of selected tasks to an unlicensed individual as permitted under section 16215 of the code, MCL 333.16215, shall supervise the unlicensed individual consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule. As used in this rule, “unlicensed individual” means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or any other health professional license and who may be able to perform the tasks identified in this rule.

(2) An occupational therapist who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual. ~~As used in this subrule, “direct supervision” means that the occupational therapist is physically present with the unlicensed individual or immediately available for direction and onsite supervision when patients or clients are present at the time the task is performed, and that the occupational therapist has direct contact with the patient or client during each visit.~~

(3) An occupational therapist who delegates tasks under subrule (2) of this rule shall also comply with all of the following:

(a) ~~Before delegating a task the occupational therapist shall~~ **Ensure** evaluate the qualifications of the unlicensed individual under the occupational therapist’s direct supervision, including verification of the unlicensed individual’s training and education.

(b) Examine and evaluate the **patient or client** before delegating tasks to be performed by an unlicensed individual.

~~(c) Supervise an unlicensed individual to whom tasks have been delegated.~~

(d) Provide predetermined procedures and protocols for tasks that ~~have been~~ **will be** delegated.

(e) Under section 16213 of the code, MCL 333.16213, maintain a record of the ~~names of the~~ unlicensed individuals to whom tasks have been delegated.

(f) **Monitor an unlicensed individual’s practice and provision of assigned tasks.**

(4) An occupational therapist shall not supervise more than 3 unlicensed individuals who are providing services to patients or clients at the same time.

(5) An occupational therapist shall not delegate ~~the performance of an~~ **any of the following to an unlicensed individual:**

(a) An occupational therapy intervention ~~to an unlicensed individual.~~

(b) **What about the activities that are given to the OTA?**

(6) Under section 16171 of the code, MCL 333.16171, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an ACOTE accredited or WFOT approved occupational therapist educational program or an ACOTE accredited occupational therapy assistant educational program approved by the board.

PART 4. OCCUPATIONAL THERAPY ASSISTANTS

R 338.1231 ~~License required; occupational therapy assistant; use of words, titles, or letters.~~ **Rescinded.**

~~Rule 31. Under section 18303 of the code, a person shall not use the following titles or similar words which indicate that the person is a licensed occupational therapy assistant unless the person is granted an occupational therapy assistant license under these rules:~~

- ~~-(a) "Certified occupational therapy assistant."~~
- ~~-(b) "C.O.T.A."~~
- ~~-(c) "Certified occupational therapy assistant licensed."~~
- ~~-(d) "C.O.T.A.L."~~
- ~~-(e) "Occupational therapy assistant."~~
- ~~-(f) "O.T.A."~~
- ~~-(g) "Occupational therapy assistant licensed."~~
- ~~-(h) "O.T.A.L."~~

R 338.1232 Educational program standards; occupational therapy assistant; adoption by reference.

Rule 32. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapy assistant educational programs in the document entitled "2018 Accreditation Council for Occupational Therapy Education (ACOTE) Standards and Interpretive Guide," adopted by the ACOTE, which were effective July 31, 2020.

Copies of these standards are available at no cost from the ACOTE website at

~~<https://acoteonline.org/wp-content/uploads/2020/07/2018-ACOTE-Standards.pdf>~~

<https://acoteonline.org/wp-content/uploads/2020/10/2018-ACOTE-Standards.pdf>.

Copies of the standards are also available for inspection and distribution at 10 cents per page from the Michigan Board of Occupational Therapists, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapy assistants that is accredited by the ACOTE qualifies as an occupational therapy assistant educational program approved by the board.

R 338.1233 Application for occupational therapy assistant license; requirements.

Rule 33. An applicant for an occupational therapy assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code; **R 338.7001 to R 338.7005; any other rules promulgated under the code; and section 16174 of the code, MCL 333.16174, and these rules;** an applicant shall meet all of the following requirements:

(a) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.

(b) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass ~~an~~ **the** occupational therapy assistant licensure examination ~~that is approved by the board~~ **adopted in R 338.1234.**

(c) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.

(d) Disclose each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.

(e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

~~R 338.1233a Application for license; occupational therapy assistant with lapsed registration; requirements. Rescinded.~~

~~—Rule 33a. (1) An applicant for an occupational therapy assistant license whose registration as an occupational therapy assistant in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, before June 11, 2015. An applicant shall meet all of the following requirements:~~

~~—(a) Maintain certification as an occupational therapy assistant by the NBCOT after the registration lapsed.~~

~~—(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.~~

~~—(c) Complete a supervised practice experience that meets the requirements of R 338. 1237. The duration of the experience must be as follows:~~

~~—(i) If the applicant's registration has lapsed for 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.~~

~~—(ii) If the applicant's registration has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.~~

~~—(iii) If the applicant's registration has lapsed for 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.~~

~~—(2) An applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.~~

~~—(3) An applicant for licensure who was registered in this state as an occupational therapy assistant prior to January 13, 2009, whose registration had lapsed, and who did~~

not apply for licensure prior to June 11, 2015, shall complete the requirements of R 338.1233.

~~-(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.~~

~~-(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may be renewed 1 time.~~

R 338.1234 Examinations; occupational therapy assistant; adoption and approval; passing scores.

Rule 34. (1) Under R 338.1233(b), the board approves and adopts the certification examination for occupational therapy assistants that was developed, administered, and scored by the NBCOT as the licensure examination for occupational therapy assistants in this state. The board adopts the passing score recommended by the NBCOT for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

R 338.1234a Graduate of non-accredited postsecondary institution; occupational therapy assistant; equivalency of education; NBCOT examination.

Rule 34a. (1) An applicant for an occupational therapy assistant license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code; **R 338.7001 to R 338.7005; any other rules promulgated under the code; and section 16174 of the code, MCL 333.16174;** ~~and these rules,~~ an applicant shall meet all of the following requirements:

(a) Establish to the board that the applicant completed an occupational therapy assistant educational program that is substantially equivalent to an occupational therapist assistant program that is accredited by the ACOTE as provided in R 338.1232.

(b) Have documentation sent directly to the department from the NBCOT verifying the applicant passed the NBCOT certification examination for occupational therapy assistants adopted in R 338.1234 within 3 years preceding the application for licensure and not more than 2 years after the application for licensure.

(c) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.

(d) Discloses each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.

(e) Satisfies the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary

proceedings are not pending against the applicant and sanctions are not in force at the time of application.

~~(2) This rule is effective on January 1, 2021.~~

R 338.1235 Licensure by endorsement of occupational therapy assistant; requirements.

Rule 35. (1) An applicant for an occupational therapy assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department. ~~In addition to meeting the requirements of the code and these rules, an~~ **An applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies all the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and satisfies the following requirements of this rule, as applicable.**

(2) If an applicant is actively registered or licensed in another state ~~of the United States~~ for 5 years or more and is in good standing as an occupational therapy assistant within 30 days prior to filing an application for ~~a~~ an occupational therapy assistant license in this state, then the applicant shall comply with both of the following:

(a) Have previously taken and passed the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).

(b) Within 3 years preceding the application for endorsement and not more than 2 years after the application for endorsement, the applicant shall pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) If an applicant is actively registered or licensed as an occupational therapist assistant in another state of the United States for less than 5 years and is in good standing within 30 days prior to filing an application for an occupational therapy assistant license in this state, then the applicant shall comply with all of the following:

(a) Graduate from an occupational therapy assistant education program that is accredited by the ACOTE, or its predecessor organization that meets the standards adopted by the board in R 338.1232.

(b) Meet the requirements of subrule (2) of this rule.

(4) ~~In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.~~ **applicant shall meet both of the following requirements:**

(5) Discloses each license, registration, or certification in a health profession or specialty issued by any other state, the United States military, the federal government, or another country on the application form.

(6) Satisfies the requirements of section 16174(2) of the code, MCL 333.16174, which includes verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.1236 Requirements for relicensure; occupational therapy assistant.

Rule 36. ~~(1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant meets all of the following requirements:~~

~~—(a) Submits the required fee and a completed application on a form provided by the department.~~

~~—(b) Establishes that he or she is of good moral character.~~

~~—(c) Submits proof of having completed the continuing education required in R 338.1252 within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held and the license must not be issued until the continuing education requirements have been met.~~

~~—(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant meets all of the following requirements:~~

~~—(a) Submits the required fee and a completed application on a form provided by the department.~~

~~—(b) Establishes that he or she is of good moral character.~~

~~—(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174.~~

~~—(d) Submits proof of having completed the continuing education required in R 338.1252 within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held and the license must not be issued until the continuing education requirements have been met.~~

~~—(e) Within 3 years preceding the application for relicensure and not more than 2 years after the application for licensure, passes the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.~~

~~—(f) Either of the following:~~

~~—(i) Within 3 years preceding the application for relicensure and not more than 2 years after the application for licensure, takes and passes the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1) and completes supervised practice experience pursuant to subrule (3) of this rule.~~

~~—(ii) Presents evidence to the department that he or she was actively registered or licensed as an occupational therapy assistant in another state during the 3-year period and was in good standing within 30 days prior to filing the application for relicensure.~~

(1) An applicant for relicensure as an occupational therapy assistant, who has let his or her license or registration from this state lapse, section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

(a) For an occupational therapy assistant who has let his or her registration or license from this state lapse:	Registered in this state before January 1, 2009, with lapsed registration, who did not apply for licensure prior to June 11, 2015	Licensed lapsed less than 3 years	Licensed lapsed 3 years or more
(i) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√	√
(ii) Establish that the applicant is of good moral character as defined in and determined under 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(iii) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√		√
(iv) Submit proof of having completed the continuing education required under R 338.1252, which was earned within the 3-year period immediately before the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The application must be held, and the license may not be issued until the continuing education requirements are met.	√	√	√
(v) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.	√		
(vi) Complete a 1-time training in identifying victims of human trafficking that meets the standards in R 338.17111.	√	√	√
(vii) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(viii) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department or an entity approved by the department.	√		√

<p>(ix) Meet either (a) or (b): (A) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, the applicant shall take and pass the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1) and after passing the examination complete supervised practice experience pursuant to subrule (3) of this rule. (B) Present evidence to the department that he or she was actively registered or licensed as an occupational therapy assistant in another state during the 3-year period and in good standing within 30 days, prior to filing the application for relicensure.</p>	<p>Does registered OTA have to meet requirements of 1233a(1)? ✓</p>		<p>✓</p>
<p>(x) An applicant who is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (A) Disclose each license, registration, or certification on the application form. (B) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, which include verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>

(3) An applicant who has a lapsed registration or license for 3 years or more and meets the requirements of and is required under subdivision (2)(f)(i) subrule (1)(a)(ix)(A) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1237. The duration of the experience must be as follows:

(a) If the applicant’s license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant’s license has lapsed for 7 years or more but 15 years or less, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant’s license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, pursuant to section 16174 of the code, MCL 333.16174, an applicant’s license or registration must be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

~~(5)~~(4) For purposes of meeting the requirements of subrule (3) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.

~~(6)~~(5) A limited license granted under subrule ~~(5)~~(4) of this rule is valid for 1 year and may be renewed 1 time.

R 338.1237 Supervised practice experience; occupational therapy assistant; requirements.

Rule 37. (1) The supervised practice experience required for relicensure under R 338.1236 shall comply with all of the following:

(a) The supervised practice experience must be obtained under the supervision of a licensed occupational therapist having 3 or more years clinical experience and no past or pending disciplinary actions.

(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.

(2) The supervised practice experience must consist of, at a minimum, professional and clinical instruction in all of the following areas:

- (a) Referral process.
- (b) Screening process.
- (c) Evaluations.
- (d) Intervention plans.
- (e) Intervention strategies.
- (f) Discontinuation; referral for other services.

(3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license counts toward the experience requirement.

PART 5. TELEHEALTH

R 338.1241 Definitions.

Rule 41. As used in this part:

(a) **“Telehealth” means the use of electronic information and telecommunication technologies to support or promote long-distance clinical health care, patient and professional health-related education, public health, or health administration. Telehealth may include, but is not limited to, telemedicine.**

(b) **“Telehealth service” means a health care service that is provided through telehealth.**

(c) **“Telemedicine” means the use of electronic media to link patients with health care professionals in different locations. To be considered telemedicine, the telemedicine services must be provided by a health care professional who is licensed, registered, or otherwise authorized to engage in his or her health care profession in the state where the patient is located.**

R 338.1243 Consent; scope of practice; standard of care.

Rule 43. (1) The licensee shall obtain informed consent for treatment before providing a telehealth service under section 16284 of the code, MCL 333.16284. Informed consent requires all of the following:

(a) The licensee shall ensure that the patient understands he or she will be treated remotely using telehealth.

(b) At the inception of care, any licensee who has contact with the patient shall identify himself or herself to the patient as an occupational therapist, occupational therapy assistant or unlicensed individual.

(c) The licensee shall ensure that the patient is mentally capable of giving informed consent for diagnosis, care, or treatment.

(d) The licensee shall explain the alternatives, capabilities, and limitations of telemedicine and that the patient may decline to receive telehealth services.

(2) If the patient is less than 18 years of age, a parent or legal guardian must provide informed consent for the patient.

(3) The licensee shall keep proof of consent for a telehealth service in the patient's up-to-date medical record and satisfy section 16213 of the code, MCL 333.16213.

(4) A licensee who provides telehealth services shall comply with all of the following:

(a) Act within the scope of his or her practice.

(b) Exercise the same standard of care applicable to a traditional, in-person health care service.

(c) Verify that telemedicine is appropriate to evaluate, diagnose, and treat the patient based on his or her unique presentation.

(5) The licensee shall be able to examine the patient via a health insurance portability and accountability act (HIPAA) of 1996, Public Law 104-191 compliant, secure interactive audio or video, or both, telecommunications system, or through the use of store and forward online messaging.

(6) Telehealth must be secure and compliant with federal and state security and privacy regulations.

PART 56. CONTINUING EDUCATION

R 338.1251 License renewal; occupational therapist; occupational therapy assistant; requirements.

Rule 51. (1) ~~This part applies to applications for renewal of licensure that are filed for the renewal cycle beginning 1 year or more after the effective date of these rules. This rule applies to an application for the renewal of an occupational therapist license, occupational therapy assistant license, and special retired volunteer license under sections 16201 and 16184 of the code, MCL 333.16201 and 333.16184.~~

(2) An applicant for license renewal who has been licensed for the 2-year licensing period immediately preceding the expiration date of the license shall accumulate not less than 20 continuing education contact hours that are approved by the board pursuant to R 338.1252 during the 2-year licensing period immediately preceding an application for renewal.

~~(3)~~(2) Submission of an application for renewal constitutes the applicant’s certification of compliance with the requirements of this rule.

~~(4)~~(3) A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

~~(5)~~(4) The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule.

~~(6)~~(5) A request for a waiver under section 16205 of the code, MCL 333.16205 must be received by the department ~~before the expiration date of the license.~~ **for the board’s consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license. The public notice for the board meetings can be found at: <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/dental>.**

~~(7) The requirements of this part do not apply to an applicant during an initial licensure cycle.~~

R 338.1252 Acceptable continuing education; occupational therapist; occupational therapy assistant; requirements.

Rule 52. (1) The 20 hours of continuing education required pursuant to R 338.1251 for the renewal of a license must comply with the following:

(a) Not more than 10 credit hours may be earned during a 24-hour period for on-line or electronic media, such as videos, internet web-based seminars, video conferences, on-line continuing education programs, and on-line journal articles that are asynchronous and not interactive.

(b) **Except for the 1-time training in human trafficking which may be used to comply with the requirement for the 1-time training and continuing education requirements,** ~~An~~ an applicant may not earn credit for a continuing education program or activity that is identical or substantially similar to a program or activity the applicant has already earned credit for during that renewal period.

(c) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education must be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to the practice of occupational therapy.

(2) One-half of the required continuing education contact hours must be completed by live, synchronous, and interactive courses and programs, **in-person or virtual, that provide for the opportunity for direct interaction during the course or program, between faculty and participants, including, but not limited to, lectures, symposia, live teleconferences, and workshops.** The remaining continuing education contact hours may be completed in any other format.

(3) The following are acceptable continuing education activities:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
(a)	Completion of an approved continuing education program or activity related to the	The number of hours approved by the sponsor or the approving

<p>practice of occupational therapy. A continuing education program or activity is approved if it is approved or offered for continuing education credit by any of the following:</p> <p>NBCOT.</p> <p>International Association for Continuing Education and Training (IACET) authorized providers.</p> <p>Another state or provincial board of occupational therapy.</p> <p>Michigan Occupational Therapy Association (MIOTA).</p> <p>An occupational therapy education program approved by the board in R 338.1222.</p> <p>Employer provided work place training.</p> <p>Third party presentation that contributes to professional growth, development, and competency of occupational therapy practitioners.</p> <ul style="list-style-type: none"> • AOTA. • International Association for Continuing Education and Training authorized providers. • Michigan Occupational Therapy Association. • NBCOT. • Another state or provincial board of occupational therapy. • An occupational therapy education program approved by the board in R 338.1222. • Employer-provided work-place training. • Third party presentation that contributes to professional growth, development, and competency of occupational therapy practitioners. <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit,</p>	<p>organization may be earned in each renewal period.</p> <p>If the activity was not approved for a set number of hours, then 1 hour of continuing education for each 60 minutes of participation may be earned.</p> <p>Credit in this category may be earned without limitation.</p>
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	and the date on which the program was held or activity completed.	
(b)	<p>Completion of academic courses related to the practice of occupational therapy offered in an occupational therapy education program approved by the board pursuant to R 338.1222.</p> <p>If audited, an applicant shall submit an official transcript that reflects completion of the academic course and number of semester or quarter credit hours earned.</p>	<p>Five hours of continuing education may be earned for each semester credit hour earned.</p> <p>Three hours of continuing education may be earned for each quarter credit hour earned.</p> <p>Credit in this category may be earned without limitation.</p>
(c)	<p>Initial publication of a chapter or an article related to the practice of occupational therapy in either of the following:</p> <ul style="list-style-type: none"> • A peer-reviewed textbook. • A professional health care textbook. • A peer-reviewed journal or periodical. • A Practicepractice area related article in a lay publication (community newspaper andor newsletter). • A Non-peernon-peer reviewed professional publication (such as <i>OT Practice</i>, <i>SIS Quarterly</i> and <i>Advance</i>). <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author of the publication or a publication acceptance letter.</p>	<p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p> <p>10Ten hours of continuing education can may be earned for a publishing a peer-reviewed textbook, professional healthcare textbook, or a peer-reviewed journal or periodical.</p> <p>2Two hours of continuing education may be earned for publishing a practice related article in a lay publication.</p> <p>5Five hours of continuing education may be earned for publishing a non-peer reviewed professional publication.</p>
(d)	<p>Independent reading of peer reviewed articles or viewing or listening to media related to the practice of occupational therapy that does not include a self-assessment component.</p> <p>If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities that includes a description of the activity.</p>	<p>One hour of continuing education may be earned for each 60 minutes of participation.</p> <p>A maximum of 5 hours of continuing education may be earned in each renewal period.</p>
(e)	Initial presentation of an academic or	Three hours of continuing

	<p>continuing education program that is not a part of the applicant's regular job description.</p> <p>If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>education may be earned for each 60 minutes of presentation.</p> <p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p>
(f)	<p>Fieldwork supervision that is not part of the applicant's primary job description.</p> <p>If audited, an applicant shall submit a copy of a letter of verification or certificate from school including dates of fieldwork and name of fieldwork student.</p>	<p>Level I: One hour of continuing education, for all supervision activities, may be earned per student.</p> <p>Level II: One hour of continuing education may be earned for each week of supervision per student supervised.</p> <p>A maximum of 12 hours of continuing education may be earned in each renewal period.</p>
(g)	<p>Participating on a state or national board, or board of a local chapter, or association, or committee, or volunteering if the activity enhances the participant's knowledge and understanding of the field of occupational therapy. related to the field of occupational therapy. A state or national board, or board of a local chapter or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the field of occupational therapy.</p> <p>If audited, an applicant shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the board.</p>	<p>A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p> <p>Attendance at a meeting equals 1 credit hour of continuing education.</p> <p>Attendance at a volunteering activity equals 1 credit hour of continuing education.</p>
(h)	<p>Primary or co-primary investigator in research activities or outcome studies, or externally funded service training projects associated with grants or post-graduation studies related to the field of occupational therapy.</p>	<p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p>
(i)	<p>Completion of competency assessment or knowledge skills assessment activities, or</p>	<p>A maximum of 10 hours of continuing education may be</p>

<p>both, either online or in-person by an approved provider or employer.</p> <p>If audited, an applicant shall submit documentation to include a certificate of completion or similar document including name, activity, date, sponsoring organization, location and time attended.</p>	<p>earned in each renewal period.</p>
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