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**IDAPA 22
TITLE 01
CHAPTER 09**

**22.01.09 - RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS
AND OCCUPATIONAL THERAPY ASSISTANTS**

000. LEGAL AUTHORITY.

Pursuant to Section 54-3714(2), Idaho Code, the Idaho State Board of Medicine is authorized to promulgate rules to govern the licensure of persons practicing occupational therapy in Idaho. (7-1-93)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 22.01.09, "Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants". (7-1-93)

002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES.

Written interpretations of these rules in the form of explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules and review of comments submitted in the rulemaking process in the adoption of these rules are available for review and copying at cost from the Board of Medicine, 1755 Westgate Drive, Suite 140, Box 83720, Boise, Idaho 83720-0058. (4-2-03)

003. ADMINISTRATIVE APPEAL.

All contested cases shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and IDAPA 22.01.07, "Rules of Practice and Procedure of the Board of Medicine". (4-2-03)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into this rule. (4-2-03)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The central office of the Board of Medicine is in Boise, Idaho. (4-2-03)

01. Address. The Board's mailing address, unless otherwise indicated will be Idaho State Board of Medicine, Statehouse Mail, Boise, Idaho 83720. The Board's street address is 1755 Westgate Drive, Suite 140, Boise, Idaho 83704. (4-2-03)

02. Telephone. The telephone number of the Board is (208) 327-7000. (4-2-03)

03. FAX. The Board's facsimile (FAX) number is 327-7005. (4-2-03)

04. Office Hours. The Board's office hours for filing documents are 8 a.m. to 5 p.m. MST. (4-2-03)

006. PUBLIC RECORD ACT COMPLIANCE.

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (4-2-03)

007. FILING OF DOCUMENTS -- NUMBER OF COPIES.

All documents in rulemaking or contested case proceedings must be filed with the office of the Board. The original and ten (10) copies of all documents must be filed with the office of the Board. (4-2-03)

008. -- 009. (RESERVED).

010. DEFINITIONS.

01. Association. The Idaho Occupational Therapy Association. (1-5-88)

02. Board. The Idaho State Board of Medicine. (1-5-88)

- 03. Licensure Board.** The Occupational Therapy Licensure Board. (1-5-88)
- 04. Occupational Therapy.** The use of purposeful, goal-oriented activity with individuals who are limited by physical injury or illness, psychological dysfunction, developmental or learning disabilities or deficits, poverty or cultural difficulties or the aging process in order to achieve optimum functional performance, independence, prevent further disability and maintain health. The practice of occupational therapy encompasses the evaluation, consultation and treatment of individuals whose abilities to cope with the tasks of daily living are threatened or impaired by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities or deficits, poverty or cultural difficulties or the aging process and includes a treatment program through the use of specific techniques which enhance functional performance and includes the evaluation or assessment of the patient or clients self-care, work and leisure skills, cognition, perception; sensory and motor performance; play skills; vocational and prevocational capacities; need for adaptive equipment; application of selected prosthetic or orthotic devices; and the administration of standardized and non-standardized assessments. (1-5-88)
- 05. Occupational Therapist.** A person licensed to practice occupational therapy. (4-2-03)
- 06. Occupational Therapy Assistant.** A person licensed to assist in the practice of occupational therapy, who works under the supervision of an occupational therapist. (4-2-03)
- a. Occupational Therapy Assistant Supervision.** The occupational therapist shall be responsible for the supervision of the occupational therapy assistant. The supervising and consulting therapist need not be physically present or on the premises at all times the occupational therapy assistant is performing the service. The mode and extent of the communication between the supervising or consulting occupational therapist and the occupational therapy assistant shall be determined by the competency of the assistant, the treatment setting and the diagnostic category of the client. (7-1-99)
- 07. Graduate Occupational Therapist.** A person who holds a certificate of graduation from an approved occupational therapy curriculum, has submitted a completed application for licensure by examination, and may practice occupational therapy in association with and under the supervision of an occupational therapist and under authority of a Limited Permit. (4-2-03)
- a. Graduate OT Supervision.** Supervision of a “Graduate Occupational Therapist” shall require the supervising licensed occupational therapist to review and countersign all patient documentation. (7-1-99)
- 08. Graduate Occupational Therapy Assistant.** A person who holds a certificate of graduation from an approved occupational therapy assistant curriculum, has submitted a completed application for licensure by examination and is performing the duties of occupational therapy assistant in association with and under the supervision of an occupational therapy and under the authority of a Limited Permit. (4-2-03)
- a. Graduate OTA Supervision.** Supervision of a “Graduate Occupational Therapy Assistant” shall require the supervising licensed occupational therapist to review and countersign all patient documentation. (7-1-99)
- 09. Occupational Therapy Aide.** An unlicensed person who aids a licensed occupational therapist or occupational therapy assistant in the practice of occupational therapy, whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy. (7-1-99)
- a. Supervision.** Supervision of an occupational therapy aide shall require supervision by a person licensed to practice as an occupational therapist or as an occupational therapy assistant and shall be consistent with Section 033 of these rules. (4-2-03)
- 011. -- 019. (RESERVED).**
- 020. GENERAL QUALIFICATIONS FOR LICENSURE:**
- 01. Applicant.** An applicant must be of good moral character. The Board may refuse licensure if it

finds the applicant has engaged in conduct prohibited by Section 54-3712, Idaho Code; provided, the Board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. (1-5-88)

02. Education. Each applicant shall provide evidence of successful completion of the academic requirements of a program in occupational therapy accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, or an accrediting agency recognized by the United States Secretary of Education, the Council for Higher Education Accreditation, or both. (4-2-03)

03. Experience. Each applicant shall submit evidence of having successfully completed a period of supervised fieldwork experience acceptable to the board, which fieldwork shall be: (4-2-03)

a. For an occupational therapist, a minimum of six (6) months of supervised fieldwork experience; or (4-2-03)

b. For an occupational therapy assistant, a minimum of (2) months of supervised fieldwork experience. (4-2-03)

04. Examination. Each applicant shall either pass an examination required by the Board or shall be entitled to apply for licensure by endorsement or limited permit. (1-5-88)

a. The written examination shall be the examination conducted by the National Board for Certification in Occupational Therapy, Inc. (NBCOT) and the passing score shall be the passing score established by the NBCOT. (4-2-03)

b. An applicant for licensure by examination who fails to pass the examination must submit a new application as in Subsection 021.01. (4-30-93)

c. An applicant for licensure by examination who has failed to pass the examination on two (2) separate occasions will be denied eligibility to reapply; however his or her application may be considered on an individual basis if he or she submits proof of additional training. (1-5-88)

d. An applicant may obtain his examination scores and may review his papers in accordance with Section 54-3707(3), Idaho Code. (4-2-03)

05. Application Expiration. An application upon which the applicant takes no further action will be held for no longer than one (1) year. (1-5-88)

021. APPLICATION FOR LICENSURE.

01. Licensure By Examination. Each applicant for licensure by examination shall submit a completed written application to the Board, on forms prescribed by the Board, together with the application fee. The application shall be verified and under oath and shall require the following information: (7-1-99)

a. A certificate of graduation from an approved occupational therapy curriculum; or an approved occupational therapy assistant's curriculum accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, or an accrediting agency recognized by the United States Secretary of Education, the Council for Higher Education Accreditation, or both; (4-2-03)

b. The disclosure of any criminal conviction or charges against the applicant other than minor traffic offenses; (1-5-88)

c. The disclosure of any disciplinary action against the applicant by any state professional regulatory agency or professional organization; (1-5-88)

d. The disclosure of the issuance or denial of registration or licensure by any state or district regulatory body; (4-2-03)

e. Not less than two (2) certificates of recommendation from persons having personal knowledge of the applicant's character; (1-5-88)

f. Two (2) unmounted photographs of the applicant, no larger than three by four inch (3" x 4") (head and shoulders), taken not more than one (1) year prior to the date of the application; (1-5-88)

g. Such other information as deemed necessary for the Board to identify and evaluate the applicant's credentials; and (1-5-88)

h. A copy of the application to write the qualifying exam and the date the examination is scheduled. (1-5-88)

02. Licensure By Endorsement. An applicant may be eligible for licensure without examination if he or she meets all of the other qualifications prescribed in Section 54-3708, Idaho Code, and also holds a current valid license or registration from some other state, territory or district of the United States, or certified by the National Board for Certification in Occupational Therapy providing they meet Idaho standards and are equivalent to the requirements for licensure pursuant to these rules. (7-1-99)

a. Each applicant for licensure by endorsement shall submit a completed written application to the Board on forms prescribed by the Board, together with the application fee. The application shall be verified, under oath, and contain the specific information in Subsection 021.01, above. (1-5-88)

b. Proof of such licensure or registration shall be verified in a manner acceptable to the Board. (1-5-88)

03. Limited Permit. The Board may issue a Limited Permit to a graduate occupational therapist or graduate occupational therapy assistant who meets the requirements set forth by Sections 54-3706(1) and 54-3706(2), Idaho Code, who has not yet passed the examination as required in Subsection 020.04.a. (4-2-03)

a. A Limited Permit shall only allow a person to practice occupational therapy in association with and under the supervision of a licensed occupational therapist. (1-5-88)

b. A Limited Permit shall be valid only until the person is granted or denied a license under Section 54-3709, Idaho Code, or until the results of the examination are available to the Board, whichever occurs first; provided however, a Limited Permit shall not be effective for more than six (6) months from the date of issue. (1-5-88)

c. A Limited Permit may only be renewed once. (1-5-88)

04. Personal Interview. The Board may, at its discretion, require the applicant to appear for a personal interview. (1-5-88)

05. Occupational Therapists Practicing In Idaho On Effective Date Of These Rules. All persons practicing occupational therapy in Idaho and holding American Occupational Therapy Certification Board (AOTCB) registration on January 5, 1988, shall qualify for license by endorsement, providing completed application is submitted within the six (6) months following January 5, 1988. (4-2-03)

022. LICENSE EXPIRATION AND RENEWAL.

All licenses to practice as an occupational therapist or occupational therapy assistant shall expire on June 30 following issuance or renewal and shall become invalid after that date unless renewed. The Board may condition the issuance of such license for the full term upon the occurrence of events specified by the Board and the Board may extend such certification for an intermediate period of time. (4-2-03)

01. Annual Renewal. Each license shall be renewed annually before July 1 by submitting a completed request for renewal accompanied by payment of the renewal fee to the Board. Licenses not renewed by the expiration date shall be canceled. (4-2-03)

02. Reinstatement. Licenses canceled for nonpayment of yearly renewal fees may be reinstated by filing a completed request for renewal with the Board and paying reinstatement fees. (1-5-88)

03. Reapply. A person whose license has been canceled or has lapsed for a period of more than five (5) years shall be required to reapply as a new applicant by examination. (1-5-88)

04. Continuing Education. A summary of continuing education activities during the preceding year may be submitted with the renewal application to document this effort by the therapist. Appropriate continuing professional education activities include but are not limited to, the following: (1-5-88)

- a. Reading of professional books and journals. (1-5-88)
- b. Attending or presenting at conferences, seminars or inservice programs. (1-5-88)
- c. Supervision of clinical students. (1-5-88)
- d. Holding state or national office in professional organizations. (1-5-88)
- e. Formal course work in occupational therapy related subjects. (4-2-03)
- f. Presentation of occupational therapy related information to allied professional or community groups. (4-2-03)
- g. Conduct of occupational therapy related research or grant supported activity. (4-2-03)
- h. Publication of an original article, review or report of clinical experience in an appropriate professional publication. (1-5-88)

023. -- 029. (RESERVED).

030. INACTIVE STATUS.

The Board shall grant inactive status to a licensee who makes application for inactive status; or who does not practice as an Occupational Therapist or Occupational Therapy Assistant in Idaho. (1-5-88)

031. REINSTATEMENT TO FULL LICENSURE FROM INACTIVE STATUS.

An individual desiring reinstatement to full active licensure to practice as an Occupational Therapist or Occupational Therapy Assistant shall submit a completed written application to the Board, on the forms prescribed by the Board together with the license and reinstatement fees. The application shall be verified and under oath (Subsection 021.01, above). The Board may request such other information deemed necessary to identify and evaluate the applicant's proficiency. (1-5-88)

032. DENIAL OR REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE.

01. Disciplinary Authority. A new application may be denied or renewal refused, and every person licensed pursuant to Title 54, Chapter 37, Idaho Code and these rules is subject to discipline, pursuant to the procedures and powers established by and set forth in Section 54-3712, Idaho Code, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and IDAPA 22.01.07, "Rules of Practice and Procedure of the Board of Medicine". (4-2-03)

02. Grounds For Discipline. In addition to the grounds set forth in Section 54-3712, Idaho Code, applicants may be denied or refused licensure and licensees are subject to discipline upon the following grounds, including but not limited to: (4-2-03)

- a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts; (1-5-88)
- b. Being guilty of unprofessional conduct or violating the Code of Ethics governing said licensees,

including the provision of health care which fails to meet the standard of health care provided by other qualified licensees in the same community or similar communities, taking into account the licensee's training, experience and the degree of expertise to which he holds himself out to the public; (1-5-88)

- c.** Being convicted of a felony by a court or competent jurisdiction; (1-5-88)
- d.** The unauthorized practice of medicine; (1-5-88)
- e.** Violating any provisions of this act or any of the rules promulgated by the Board under the authority of the act; or (1-5-88)
- f.** Failure to properly supervise the activities of occupational therapy assistants or occupational therapy aides. (4-2-03)

033. OCCUPATIONAL THERAPY AIDE.

01. Evaluation Of Patient/Client Before Task Assignment. The occupational therapist shall evaluate each patient/client before tasks are assigned to an occupational therapy aide. Only the occupational therapist or the occupational therapy assistant shall determine, assign, and modify those tasks that can be safely and effectively performed by an occupational therapy aide. (7-1-99)

02. What Aids Cannot Do. The occupational therapist and occupational therapy assistant shall not assign or permit aides to: (7-1-99)

- a.** Interpret referrals or prescriptions for occupational therapy services; (7-1-99)
- b.** Interpret or analyze evaluation data; (7-1-99)
- c.** Develop, plan, or modify treatment plans; (7-1-99)
- d.** Act independently without the supervision of an occupational therapist or occupational therapy assistant; (7-1-99)
- e.** Perform or document services represented as occupational therapy unless the occupational therapy aide is under the supervision of an occupational therapist or occupational therapy assistant. All documentation must be countersigned by the occupational therapist. (7-1-99)

03. Professional Supervision Of An Occupational Therapy Aide. Professional supervision of an occupational therapy aide shall be provided by a licensed occupational therapist or occupational therapy assistant and shall include: (4-2-03)

- a.** Documented training by the occupational therapist or occupational therapy assistant of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client. (4-2-03)
- b.** Face to face meetings between the occupational therapy aide and the occupational therapist or an occupational therapy assistant under the direction of the occupational therapist occurring at such intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two (2) weeks: (7-1-99)
- c.** The occupational therapist or occupational therapy assistant shall observe the occupational therapy aide perform on the client the specific techniques for which the aide was trained at intervals as determined by the occupational therapist to meet the client's need, but shall occur at least once a month. (4-2-03)
- d.** Meetings and client contacts will be documented in the client's record. (7-1-99)

034. -- 040. (RESERVED).

041. FEES.

Actual fees shall be set to reflect costs of Board administration. (1-5-88)

01. Fees. Necessary fees shall accompany applications. Fees shall not be refundable. In those situations where the processing of an application requires extraordinary expenses, the Board will charge the applicant with reasonable fees to cover all or part of the extraordinary expenses. (4-2-03)

02. Initial Licensure. The fee for initial licensure of occupational therapists shall be one hundred ten dollars (\$110) and the fee for occupational therapy assistants shall be eighty dollars (\$80). (4-2-03)

03. Limited Permit. The fee for a limited permit shall be twenty-five dollars (\$25) for occupational therapists and for occupational therapy assistants. (4-2-03)

04. Renewal Fee. The annual renewal fee shall be sixty-five dollars (\$65) for occupational therapists and forty-five dollars (\$45) for occupational therapy assistants. The failure of any licensee to renew his or her license shall not deprive such person of the right to renewal, except as provided for in Sections 54-3710 and 54-3712, Idaho Code. (4-2-03)

05. Reinstatement Fee. The reinstatement fee for a lapsed license shall be the annual renewal fee for each year not licensed plus a fee of thirty-five dollars (\$35). (1-5-88)

06. Inactive Fee. The fee for inactive licensure shall be forty-five dollars (\$45) for occupational therapists and occupational therapy assistants. (4-2-03)

07. Inactive To Active License Fee. An inactive license may be converted to an active license by application to the Board and payment of required fees. (4-2-03)

a. The fee for converting an inactive to an active license shall be a fee of thirty-five dollars (\$35) and the annual renewal fee for each year not actively licensed minus inactive fees previously paid. (4-2-03)

b. Before the license will be converted the applicant must account for the time during which an inactive license was held. The Board may, in its discretion, require a personal interview. (4-2-03)

042. -- 049. (RESERVED).

050. EFFECTIVE DATE.

These rules shall be effective January 5, 1988. Fee increases shall be effective April 2, 1993. (7-1-93)

051. -- 999. (RESERVED)

APPENDIX A

OCCUPATIONAL THERAPY CODE OF ETHICS

PREAMBLE

All Occupational Therapists, Occupational Therapy Assistants, Graduate Occupational Therapists, Graduate Occupational Therapy Assistants, and Occupational Therapy Aides are responsible for maintaining and promoting the ethical practice of occupational therapy. Occupational therapy personnel shall act in the best interest of the patient/client at every level of practice. This Code of Ethics, modeled in principle and the spirit of the Code of Ethics of the American Occupational Therapy Association, sets forth principals for the ethical practice of occupational therapy for occupational therapy personnel. This Code of Ethics shall be binding on all Occupational Therapists, Occupational Therapy Assistants, Graduate Occupational Therapists, Graduate Occupational Therapist Assistants, and Occupational Therapy Aides.

Principle 1.

Occupational therapy personnel shall demonstrate, a concern for the well-being of the recipients of their services. (beneficence).

Principle 2.

Occupational therapy personnel shall take reasonable precautions to avoid imposing or inflicting harm upon the recipient of services or to his or her property. (nonmaleficence)

Principle 3.

Occupational therapy personnel shall respect the recipient and/or their surrogate(s) as well as the recipient's rights. (autonomy, privacy, confidentiality)

Principle 4.

Occupational therapy personnel shall achieve and continually maintain high standards of competence. (duties)

Principle 5.

Occupational therapy personnel shall comply with laws and policies guiding the profession of occupational therapy. (justice)

Principle 6.

Occupational therapy personnel shall provide accurate information about occupational therapy services. (veracity)

Principle 7.

Occupational therapy personnel shall treat colleagues and other professionals with fairness, discretion, and integrity. (fidelity)

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