

PROPOSED REGULATIONS

Title of Regulations: 18 VAC 85-80-10 et seq. Regulations for the Licensure of Occupational Therapists

Statutory Authority: § 54.1-2400 and § 54.1-2956.1 through § 54.1-2956.5 of the Code of Virginia

Effective Date:

Summary: These regulations establish requirements for educational training and examination for an Occupational Therapist to be eligible for licensure to assure safe delivery of occupational therapy to the citizens of the Commonwealth.

18 VAC 85-80-10. Definitions.

The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"ACOTE" means the Accreditation Council for Occupational Therapy Education.

"Active practice" means a minimum of 160 hours of professional practice as an occupational therapist within the 24-month period immediately preceding renewal or application for licensure, if previously licensed or certified in another jurisdiction. The active practice of occupational therapy may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

"Advisory board" means the Advisory Board of Occupational Therapy.

"Board" means the Virginia Board of Medicine.

"Contact hour" means 60 minutes of time spent in continued learning activity.

"NBCOT" means the National Board for Certification in Occupational Therapy, under which the national examination for certification is developed and implemented.

"National examination" means the examination prescribed by NBCOT for certification as an occupational therapist and approved for licensure in Virginia.

"Occupational therapy personnel" means ~~persons~~ appropriately trained individuals who provide occupational therapy services under the supervision of a licensed occupational therapist.

18 VAC 85-80-26. Fees.

A. The following fees have been established by the board:

1. The initial fee for the occupational therapist license shall be \$130.
2. The fee for reinstatement of the occupational therapist license which has been lapsed for two years or more shall be \$180.

3. The fee for active license renewal shall be \$135 and for inactive license renewal shall be \$70 and shall be due in the birth month of the licensed therapist in each even numbered year.
4. The additional fee for processing a late renewal application within one renewal cycle shall be \$50.
5. The fee for a letter of good standing or verification to another state for a license shall be \$10.
6. The fee for reinstatement of licensure pursuant to § 54.1-2921 of the Code of Virginia shall be \$2,000.
7. The fee for a returned check shall be \$25.
8. The fee for a duplicate license shall be \$5; and the fee for a duplicate wall certificate shall be \$15.

B. Unless otherwise provided, fees established by the board shall not be refundable.

18 VAC 85-80-40. Educational requirements.

- A. An applicant ~~for licensure~~ who has received his professional education in the United States, its possessions or territories, shall successfully complete all academic and fieldwork requirements of an accredited educational program as verified by the ACOTE.
- B. An applicant who has received his professional education outside the United States, its possessions or territories, shall successfully complete all academic and clinical fieldwork requirements of a program approved by a member association of the World Federation of Occupational Therapists as verified by the candidate's occupational therapy program director and as required by the NBCOT and submit proof of proficiency in the English language by passing the Test of English as a Foreign Language (TOEFL) with a score acceptable to the board. TOEFL may be waived upon evidence of English proficiency.
- C. An applicant who does not meet the educational requirements as prescribed in subsection A or B of this section but who ~~holds~~ has received certification by the NBCOT as an occupational therapist shall be eligible for licensure in Virginia and shall provide verification of his education, training and work experience which is acceptable to the board.

18 VAC 85-80-41. Practice by a graduate awaiting examination results.

A graduate of an accredited occupational therapy educational program may practice with the designated title of “Occupational Therapist, License Applicant” or O.T.L.-Applicant” until he has taken and received the results of the licensure examination from NBCOT or for one year from the date of graduation, whichever occurs sooner. The graduate shall use one of the designated titles on any identification or signature in the course of his practice.

18 VAC 85-80-60. Practice requirements.

An applicant who has been practicing occupational therapy in another jurisdiction and has met the requirements for licensure in Virginia shall provide evidence that he has engaged in the active practice of occupational therapy as defined in 18 VAC 85-80-10 ~~for a period of two years immediately preceding submission of his application.~~ If the applicant has not engaged in active practice as defined in 18 VAC 85-80-10, he shall serve a board-approved practice of 160 hours, which is to be completed within 60 consecutive days, under the supervision of a licensed occupational therapist.

18 VAC 85-80-70. Biennial renewal of licensure.

- A. An occupational therapist shall renew his ~~licensure~~ license biennially during his birth month in each even numbered year by:
1. Paying to the board the renewal fee prescribed in 18 VAC 85-80-120; and
 2. Indicating that he has been engaged in the active practice of occupational therapy ~~for at least 160 hours during each biennial renewal cycle~~ as defined in 18 VAC 85-80-10.
 3. Attesting to completion of continued competency requirements as prescribed in 18 VAC 85-80- 71.
- B. An occupational therapist whose ~~licensure~~ license has not been renewed by the first day of the month following the month in which renewal is required shall pay an additional fee as prescribed in 18 VAC 85-80-120.

18 VAC 85-80-80. Reinstatement.

- A. An occupational therapist who allows his ~~licensure~~ license to lapse for a period of two years or more and chooses to resume his practice shall submit a reinstatement application to the board and information on any practice and licensure or certification in other jurisdictions during the period in

which the license was lapsed, and shall pay the fee for reinstatement of his licensure as prescribed in 18 VAC 85-80-120.

- B. An occupational therapist who has allowed his ~~licensure~~ license to lapse for two years but less than six years, and who has not engage in active practice as defined in 18 VAC 85-80-10, shall serve a board-approved practice of 160 hours to be completed in two consecutive months under the supervision of a licensed occupational therapist.
- C. An occupational therapist who has allowed his ~~licensure~~ license to lapse for six years or more, and who has not engaged in active practice, shall serve a board-approved practice of 320 hours to be completed in four consecutive months under the supervision of a licensed occupational therapist.
- D. An applicant for reinstatement shall meet the continuing competency requirements of 18 VAC 85-80-71 for the number of years the license has been lapsed, not to exceed four years.
- E. An occupational therapist whose ~~licensure~~ license has been revoked by the board and who wishes to be reinstated shall make a new application to the board and payment of the fee for reinstatement of his ~~licensure~~ license as prescribed in 18 VAC 85-80-120 pursuant to § 54.1.2921 of the Code of Virginia.

18 VAC 85-80-90. General responsibilities.

An occupational therapist renders his services of assessment, program planning, and therapeutic treatment upon request for such service. The practice of occupational therapy may include supervisory, administrative, educational or consultative activities or responsibilities for the delivery of such services.

18 VAC 85-80-100. Individual responsibilities.

- A. An occupational therapist provides assessment by determining the need for, the appropriate areas of, and the estimated extent and time of treatment. His responsibilities include an initial screening of the patient to determine need for services and the collection, evaluation and interpretation of data necessary for treatment.
- B. An occupational therapist provides program planning by identifying ~~the~~ treatment goals and the methods necessary to achieve those goals for the patient. The therapist analyzes the tasks and activities of the program, documents the progress, and coordinates the plan with other health, community or educational services, the family, and the patient. The services may include but are not

limited to education and training in activities of daily living (ADL); the design, fabrication, and application of orthoses (splints); guidance in the selection and use of adaptive equipment; therapeutic activities to enhance functional performance; pre-vocational evaluation and training; and consultation concerning the adaptation of physical environments for individuals who have disabilities.

- C. An occupational therapist provides the specific activities or therapeutic methods to improve or restore optimum functioning, to compensate for dysfunction, or to minimize disability of patients impaired by physical illness or injury, emotional, congenital or developmental disorders, or by the aging process.

18 VAC 85-80-110. Supervisory responsibilities.

A. Delegation to unlicensed occupational therapy personnel.

1. An occupational therapist shall be responsible for supervision of occupational therapy personnel who work under his direction.

2. An occupational therapist shall not delegate the initial assessment, evaluation or development of a treatment plan for a patient to unlicensed occupational therapy personnel nor shall he delegate any task requiring a clinical decision or the knowledge, skills, and judgment of a licensed occupational therapist.

3. Delegation shall only be made if, in the judgment of the occupational therapist, the task or procedures does not require the exercise of professional judgment, can be properly and safely performed by unlicensed occupational therapy personnel, and the delegation does not jeopardize the health or safety of the patient.

4. Delegated tasks or procedures shall be communicated on a patient-specific basis with clear, specific instructions for performance of activities, potential complications, and expected results.

- B. The occupational therapist providing clinical supervision shall meet with the occupational therapy personnel to review and evaluate treatment and progress of the individual patients at least once every fifth treatment session or 21 calendar days, whichever occurs first.
- C. An occupational therapist shall not provide clinical supervision for more than six occupational therapy personnel.

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D. An occupational therapist shall be responsible and accountable for the ~~direct treatment actions of persons providing~~ services provided by occupational therapy personnel under his clinical supervision.

~~18 VAC 85-80-120. Fees.~~

~~The following fees have been established by the board:~~

- ~~1. The initial fee for the occupational therapist licensure shall be \$130.~~
- ~~2. The fee for reinstatement of the occupational therapist licensure which has been lapsed for two years or more shall be \$180.~~
- ~~3. The fee for active licensure renewal shall be \$135 and for inactive licensure renewal shall be \$70 and shall be due in the birth month of the licensed therapist in each even numbered year.~~
- ~~4. The additional fee for processing a late renewal application within one renewal cycle shall be \$50.~~
- ~~5. The fee for a letter of good standing or verification to another state for a license shall be \$10.~~
- ~~6. The fee for reinstatement of licensure pursuant to § 54.1-2921 of the Code of Virginia shall be \$2,000.~~
- ~~7. The fee for a returned check shall be \$25.~~
- ~~8. The fee for a duplicate license shall be \$5; and the fee for a duplicate wall certificate shall be \$15.~~