



Economic Impact Analysis Virginia Department of Planning and Budget

18 VAC 85-80 – Regulations Governing the Practice of Occupational Therapy Department of Health Professions November 12, 2004

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.G of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the Proposed Regulation

The Board of Medicine (board) proposes to require that "a person who holds himself out to be or advertises that he is an occupational therapy assistant or uses the designation "O.T.A." or any variation thereof shall have obtained initial certification by NBCOT as a certified occupational therapy assistant."

Estimated Economic Impact

Pursuant to House Bill 309 of the 2004 General Assembly (Chapter 61 of the Acts of the Assembly), Section § 54.1-2956.1 of the Code of Virginia mandates that the board "designate in regulation those credentialing organizations from which a person may obtain initial certification as an occupational therapy assistant in order to hold himself out to be or advertise that he is an occupational therapy assistant or use the designation "O.T.A." or any variation thereof." The board proposes to require that such persons obtain the Certified Occupational Therapy Assistant credential from the National Board for Certification in Occupational Therapy (NBCOT).

In development of a proposed regulation, the board considered the recommendation of the Advisory Board on Occupational Therapy and the Study of the Appropriate Level of Regulation of Occupational Therapy Assistants in Senate Document 7 (2001). In the study of occupational therapy assistants, conducted by the Board of Health Professions in response to SJR 153 of the 2000 General Assembly, the only credentialing organization found for occupational therapists or occupational therapy assistants was the National Board for Certification in Occupational Therapy (NBCOT). NBCOT offers an examination and certification for assistants that entitle them to use of the title Certified Occupational Therapy Assistant or COTA. According to the SJR 153 study, there are 170 accredited occupational therapy assistant programs in the U.S. with four located in Virginia – Community Hospital of Roanoke Valley, J. Sargeant Reynolds Community College, Southwest Virginia Community College, and Tidewater Community College. Occupational therapy assistants complete a supervised clinical internship during their academic preparation, and the majority of the occupational therapy assistant graduates elect to take the national examination from NBCOT so they can use the recognized credential of COTA.

Individuals who do not claim to be an “occupational therapy assistant” may continue to assist in the provision of occupational therapy services under the supervision of an occupational therapist. In other words, certification as an occupational therapy assistant is not required for an individual to work performing occupational therapy services. The individual is just barred from referring to himself as an occupational therapy assistant. For employers who are aware of NBCOT certification, the proposed amendment will not produce much effect. If these employers value NBCOT certification, they will inquire whether the job applicant has the certification with or without the new requirement. For those employers that are not familiar with NBCOT, the proposed requirement that only those with NBCOT certification can legally claim to be an occupational therapy assistant or use the designation "O.T.A." or any variation thereof may help in distinguishing the qualifications of applicants. These employers may value knowing that NBCOT certified individuals have passed an examination on occupational therapy assistant work that non-NBCOT certified individuals have not. According to the Virginia Occupational Therapy Association, most employers are already aware of NBCOT certification. Since most employers are already aware of NBCOT certification, the proposed amendment will not have a large impact. To the extent that the proposed title restriction allows those few employers who

were not previously aware of the certification make better informed hiring decisions, the proposed amendment may have a small positive impact.

Businesses and Entities Affected

The proposed amendments affect individuals working as occupational therapy assistants, their employers, and their patients. Since occupational therapy assistants are not regulated or registered in Virginia, the Department of Health Professions does not have an estimate of the number of entities affected. In 2003, nationwide 920 persons took the NBCOT examination.¹

Localities Particularly Affected

The proposed regulations affect all Virginia localities.

Projected Impact on Employment

The proposed amendments will not significantly affect employment levels.

Effects on the Use and Value of Private Property

The proposed amendments may encourage a small number of individuals to pursue NBCOT certification who would not have otherwise. This would produce a small increase in the value of NBCOT.

¹ Source: Department of Health Professions