

Proposed Regulations

Title of Regulations: 18 VAC 85-80-10 et seq. (VR 465-08-01) 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.

PART I.

General Provisions.

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.

~~"AOTA" means the American Occupational Therapy Association, Inc.~~

"Board" means the Virginia Board of Medicine.

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

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

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

18 VAC 85-80-20. Public Participation Guidelines.

A separate board regulation, 18 VAC 85-10-10 et seq., Public Participation Guidelines, ~~which~~ provides for involvement of the public in the development of all regulations of the Virginia Board of Medicine, ~~is incorporated by reference in these regulations.~~

18 VAC 85-80-25. Current name and address.

Each licensee shall furnish the board his current name and address. All notices required by law or by this chapter given by the board to any such licensee shall be validly given when mailed to the latest address provided or served to the licensee. Any change of name or address shall be furnished to the board within 30 days of such change.

PART II.

Requirements of Licensure as an Occupational Therapist.

18 VAC 85-80-35. Application requirements.

An applicant for licensure shall submit the following on forms provided by the board:

1. A completed application and a fee as prescribed in 18 VAC 85-80-120.
2. Verification of professional education in occupational therapy as required in 18 VAC 85-80-40.
3. Verification of practice as required in 18 VAC 85-80-60 and as specified on the application form.
4. Documentation of passage of the national examination as required in 18 VAC 85-80-50.
5. If licensed or certified in any other jurisdiction, verification that there has been no disciplinary action taken or pending in that jurisdiction.

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 ~~approved~~ 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 ~~grade of not less than 560~~ 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 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 85-80-50. Examination requirements.

~~A.~~ An applicant for licensure to practice as an occupational therapist shall submit evidence to the board that he ~~holds a current and valid~~ has passed the certification examination for an occupational therapist and any other examination required for initial certification from the NBCOT.

~~B.~~ An applicant shall submit the application, credentials and prescribed fees as required by the board for licensure.

~~C.~~ An applicant who has received a degree from a duly accredited educational program in occupational therapy shall be allowed to practice as an occupational therapist for one year from the date of graduation or until he has taken and received a passing grade of the Certification Examination, whichever occurs sooner.

~~D.—An applicant who fails to successfully pass the examination within one year after graduation may practice occupational therapy under the supervision of a licensed occupational therapist until successful completion of the certification examination and the filing of the required application, credentials, and fee.~~

~~E.—An applicant who does not qualify by education for the NBCOT Certification Examination and who does not hold a valid certificate from the NBCOT but who is currently practicing occupational therapy may submit, for review and recommendation of the Advisory Board and the approval by the Board, evidence of his education, training, and experience along with a request to take the examination for licensure as an occupational therapist in Virginia. A person who does not take the certification examination may continue to practice occupational therapy under the supervision of an occupational therapist.~~

18 VAC 85-80-60. Practice requirements.

~~An applicant who has met educational and examination requirements but who has not practiced occupational therapy for a period of six years shall serve a board approved practice of 160 hours which is to be completed in two consecutive months under the supervision of a licensed occupational therapist.~~

An applicant who has been practicing occupational therapy in another jurisdiction and has met the requirements for licensure in Virginia but who has not 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 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.

PART III.

Renewal of Licensure; Reinstatement.

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

- A. An occupational therapist shall renew his licensure 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 ~~whether or not that~~ he has been professionally active ~~been engaged in the active practice of occupational therapy as defined in 18 VAC 85-80-10 for at least 160 hours during each biennial renewal cycle.~~
- B. An occupational therapist whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall ~~be dropped from the licensure roll.~~ C.
- ~~—An pay an additional late fee to cover administrative costs for processing a late application shall be imposed by the board as prescribed in 18 VAC 85-80-120.~~

18 VAC 85-80-80. Reinstatement.

- A. An occupational therapist who allows his licensure to lapse for a period of two years or more and chooses to resume his practice shall make a new application to the board, shall serve a board approved practice of 160 hours which is to be completed in two consecutive months under the supervision of a licensed occupational therapist, and ~~payment of~~ shall pay the fee for reinstatement of his licensure as prescribed in 18 VAC 85-80-120 ~~B of this chapter~~.

- ~~B. An occupational therapist who has allowed his licensure to lapse for six years or more, and who has been professionally inactive, 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.~~ B. An occupational therapist whose licensure 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 as prescribed in 18 VAC 85-80-120 ~~F of this chapter~~ pursuant to § 54.1.2921 of the Code of Virginia.