

DATE: July 30, 1997

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: W.V. Board of Occupational Therapy

LEGISLATIVE RULE TITLE: 13 CSR1 Administrative Rules of the Board of Occupational Therapy

1. Authorizing statute(s) citation WVA Code 30-28-6

2. a. Date filed in State Register with Notice of Hearing

No hearing was held, public comment period only

b. What other notice, including advertising, did you give of the hearing?

N/A

c. Date of Hearing(s) N/A

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached 5 No comments received

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

8-1-97

f. Name and phone number(s) of agency person(s) to contact for additional information:

Board Office, Cathy Whalen, executive secretary 329-0480

Joseph Spillson 745-3930

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

No hearing held

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A



**WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY**

119 South Price St.
Kingwood, West Virginia 26537
(304) 329-0480

SUMMARY OF PROPOSED RULE

The purpose of this legislative rule amendment is to establish regulations to ensure the maintenance of competency and the improvement of professional skills in the practice of occupational therapy. It will be required for licensees of one full year of licensure status in the state of West Virginia or those who have not practiced or been professionally involved in the field of occupational therapy for two or more years to have to engage in professional development activities before renewal or issuing of a new license is granted. The regulations will establish the number of contact hours needed for licensure renewal, how those contact hours can be earned, and how the board of occupational therapy will enforce these rules.



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CIRCUMSTANCES WHICH REQUIRE THIS RULE

Senate Bill 358 directs the Board of Occupational Therapy to
"establish continuing education requirements as a prerequisite
to license renewal."

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Administrative Rules of the Board of Occupational Therapy

Type of Rule: Legislative Interpretive Procedural

Agency West Virginia Board of Occupational Therapy

Address 119 South Price Street

Kingwood, WV 26537

1. Effect of Proposed Rule N/A

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ N/A	\$	\$	\$	\$
PERSONAL SERVICES	N/A				
CURRENT EXPENSE	N/A				
REPAIRS & ALTERNATIONS	N/A				
EQUIPMENT	N/A				
OTHER	N/A				

2. Explanation of above estimates: N/A

3. Objectives of these rules: N/A

Rule Title: Administrative Rules of the Board of Occupational Therapy

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government. N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens. N/A

C. Economic Impact on Citizens/Public at Large. N/A

Date: 6-25-97

Signature of Agency Head or Authorized Representative

Larry Whalen

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TITLE 13
LEGISLATIVE RULES
BOARD OF OCCUPATIONAL THERAPY

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
ADMINISTRATIVE RULES OF THE BOARD
OF OCCUPATIONAL THERAPY

§13-1-1. General.

- 1.1. Scope. -- This rule relates to W. Va. Code §30-28-1 et seq.
- 1.2. Authority. -- W. Va. Code §30-28-6.
- 1.3. Filing Date. -- June 9, 1993.
- 1.4. Effective Date. -- June 9, 1993.

§13-1-2. Definitions.

As used in this rule:

- 2.1. "Association" means the West Virginia Occupational Therapy Association.
- 2.2. "NBCOT" means the National Board for Certification in Occupational Therapy.
- 2.3. "Board" means the West Virginia Board of Occupational Therapy.
- 2.4. "License" means a valid and current certificate of registration issued by the West Virginia Board of Occupational Therapy.
- 2.5. "Examination" means the certification examination administered by the NBCOT.
- 2.6. "Occupational Therapy" means the evaluation, treatment and aid in diagnosis of problems interfering with functional performance in persons impaired by physical illness or injury, emotional disorder, congenital or developmental disability or the aging process in order to achieve optimum functioning and for prevention and health maintenance. Specific occupational therapy services include, but are not limited to: activities of daily living (ADL); the design, fabrication and application of splints; sensory motor activities; the use of specifically designed crafts; guidance in the selection and use of adaptive equipment; therapeutic activities to enhance functional performance; prevocational evaluation and training; and consultation concerning the adaptation of physical environments for the handicapped. These services are provided to individuals or groups through medical, health, educational and social systems and for the maintenance of health through these systems.
- 2.7. "Occupational Therapist" means a person licensed to practice occupational therapy and whose license is in good standing.

- 2.8. "Occupational Therapy Assistant" means a person licensed to assist in the practice of occupational therapy under the general supervision of the licensed occupational therapist and whose license is in good standing.
- 2.9. "Occupational Therapy Aide" means a person who assists in the practice of occupational therapy, who works under the direct supervision of a licensed occupational therapist or licensed occupational therapy assistant and 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.
- 2.10. "General Supervision" means initial direction, periodic inspection of service delivery, periodic meetings to review the outcome of service delivery, and the personal and direct involvement of the supervisor in the certified occupational therapy assistant's professional experience which includes evaluation of his or her performance. The supervisor need not be present or on the premises at all times where the licensed certified occupational therapy assistant is performing the professional services.
- 2.11. "Direct Supervision" means the actual physical presence of a licensed supervisor and the specific delineation of tasks and responsibilities for personally reviewing and interpreting the results of any habilitative or rehabilitative procedures conducted by the limited permit holder, occupational therapy student, or aide. It is the responsibility of the licensed supervisor to ensure that the limited permit holder, occupational therapy student, or aide does not perform duties for which he is not trained. The supervising licensed occupational therapist or licensed occupational therapy assistant must be physically present when the limited permit holder, occupational therapy student, or aide is performing the patient/consumer service. An occupational therapist practicing under a limited permit must be supervised by a licensed occupational therapist.
- 2.12. "Active Practice" means engaging in occupational therapy.
- 2.13. "Educator" means a person engaged in the teaching of occupational therapy within an accredited and/or approved educational program of occupational therapy.
- 2.14. "Clinician" means a person who actively practices occupational therapy within a clinical setting.
- 2.15. "Consultant" means a person who conducts periodic meetings to review and to provide recommendations and resource information regarding methods of implementation of occupational therapy programs, evaluation of a program in its performance of occupational therapy services and recommendations for improved service.
- 2.16. "Limited Permit" means a time limited permit issued to a person upon determination by the Board that all requirements for licensure have been met except for the examination.
- 2.17. "In Collaboration With" means a formal working relationship in which there is regular consultation.
- 2.18. "Referral" means a documented order must be obtained from a licensed physician or surgeon, psychologist or psychiatrist, dentist, osteopathic physician or surgeon or chiroprapist or podiatrist prior to initiating occupational therapy treatment.

2.19. "Proof of Current Licensure" means current certification number as assigned by the NBCOT, or a license number from another state, territory of the United States or the District of Columbia.

2.20. "Periodic Meetings To Review" means the supervising licensed occupational therapist consulting with the licensed occupational therapy assistant to review the outcome of service delivery. Frequency of meeting is determined by the type of setting and licensed occupational therapy assistant's competency level and no less than monthly.

2.21. "Continuing Professional Competence" means a growth in continuing professional competency and educational knowledge of current developments in the practice of occupational therapy and research.

2.22. "Informed Consumer" means any person upon whom occupational therapy services are performed and who has been informed as to the professional competence of the individual performing said services, i.e., a licensed occupational therapist, licensed occupational therapy assistant, occupational therapy aide, occupational therapy student or intern. Upon the consumer's request the license must be shown.

§13-1-3. Powers and Duties of the Board.

3.1. The Board shall meet a minimum of two (2) times a year with the first meeting to be held during the month of January in order to elect a Chairperson and Secretary/Treasurer.

3.2. In order for the business of the Board of Occupational Therapy to be legally conducted a majority of the members of the Board must be present to constitute a quorum.

3.3. The Board may reimburse its Board membership for all reasonable and necessary expenses actually incurred in the performance of their duties.

3.4. The Board may also pay its Board membership reasonable compensation not to exceed ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) per day for days spent in performing Board duties.

3.5. Board appointments are made in accordance with W. Va. Code §30-28-5.

§13-1-4. Duties of the Chairperson.

4.1. The Board shall elect a Chairperson from its membership.

4.2. The Chairperson shall designate the time and place of meetings on his or her own authority or at the direction of at least three (3) Board members.

4.3. The Chairperson shall preside at all meetings or, in the case of his or her inability to attend any meeting, the Secretary/Treasurer shall serve for the meeting.

4.4. The Chairperson shall exercise general supervision of the affairs of the Board and shall have the usual powers of the office and such other powers and duties as the Board directs.

4.5. The Chairperson shall prepare an agenda for each meeting.

§13-1-5. Duties of the Secretary/Treasurer.

- 5.1. The Board shall elect a Secretary/Treasurer from its membership.
- 5.2. The Secretary/Treasurer shall assist the Chairperson at his or her request, shall preside over all meetings in the absence of the Chairperson and shall assume the responsibilities of the Chairperson in cases of extended illness or long absences from Board meetings. In the event the Secretary/Treasurer assumes the functions of the Chairperson, another member of the Board will temporarily assume the responsibilities of the Secretary/Treasurer.
- 5.3. The Secretary/Treasurer shall keep the minutes of the proceedings of the Board's meetings and the records of the Board.
- 5.4. The Secretary/Treasurer shall be bonded and have custody of all fees received by the Board and is responsible for the transfer of the funds to the State Treasurer. The State Treasurer shall credit moneys to the account of the Board.
- 5.5. The Secretary/Treasurer, with the advice and consent of the Board, or pursuant to ratification by the Board, is authorized to spend moneys for the necessary expenses of the Board.
- 5.6. The Secretary/Treasurer shall prepare and submit upon Board approval an annual report to the Governor in accordance with W. Va. Code §30-28-6.
- 5.7. The Secretary/Treasurer is responsible for the preparation and submission of the annual budget to the Board.
- 5.8. The Secretary/Treasurer shall maintain an accurate list of licensees with current names, and addresses, and date of birth.
- 5.9. The Secretary/Treasurer shall maintain a list of accredited and approved occupational therapy educational programs and shall make this list available upon request.
- 5.10. The Secretary/Treasurer shall notify the members of the Board in writing two (2) weeks prior to a regular meeting regarding the time and place of the meeting. The Secretary/Treasurer shall notify members of special or emergency meetings by telephone and by publication in the West Virginia Register.

§13-1-6. Executive Director or Executive Secretary.

In an effort to assist the Board of Occupational Therapists with the day-to-day functions and operations, the Board may select a person to fill the position of Executive Director or Executive Secretary.

§13-1-7. Application for Licenses and Limited Permits.

- 7.1. The Board shall furnish any person requesting in writing an application for a license or limited permit the necessary forms, a copy of the regulations pertaining to the licensing of occupational therapists and any other information or questionnaires as the Board considers desirable.

7.2. The applicant shall complete the application forms to provide the information necessary to satisfy the Board that all requirements pertaining to the West Virginia Law are being fulfilled. The failure to provide all relevant information with regard to completing the application may be just cause for rejection of the application by the Board and cause the application to be returned to the applicant.

7.3. All applications shall be signed by the applicant. Applications for limited permit and licensure as an occupational therapy assistant shall be signed by the applicant's supervising practitioner. In the event the applicant is not employed, the application shall be signed by the applicant and sworn by him or her before a notary public.

7.4. The application shall be accompanied by a money order or certified check to cover appropriate fees.

7.5. If any person knowingly furnishes false information in an application the Board shall deny the applicant a license or if the applicant has already been licensed before the falsification of the information has been made known to the Board, the Board may suspend or revoke the license or limited permit. In addition, a person who knowingly gives false information in making application for an occupational therapy license or limited permit is subject to the penalties provided in W. Va. Code §30-28-17.

7.6. Each applicant for licensure shall be tested by the NBCOT by a written examination unless the applicant is eligible for an exemption as provided for in W. Va. Code §30-28-10.

~~7.7. Persons planning to sit for examination shall apply to the NBCOT at least thirty (30) days prior to the date of the examination on forms provided by the NBCOT. However, for prompt notification by the NBCOT regarding whether an applicant is eligible to take the examination, the application should be submitted at least seventy (70) days prior to the examination date.~~

§13-1-8. Examination Process.

The examination process will be in accordance with regulations set forth by NBCOT.

~~8.1. Examinations will be conducted twice yearly at a time and place determined by the NBCOT.~~

~~8.2. The NBCOT shall give public notice of the examination at least ninety (90) days prior to the date of the examination.~~

~~8.3. The NBCOT shall determine the cost of administering the examination and notify the applicant of the examination fee upon his or her application for examination. The fee is nonrefundable.~~

~~8.4. The Board approved examination is the certification examination of the NBCOT.~~

~~8.5. The NBCOT shall determine the passing grade of the examination.~~

~~8.6. The NBCOT will notify the applicant regarding the minimal score for passing as required by the NBCOT prior to the examination.~~

~~8.7. Following the testing of the applicant the Board shall accept the examination results as provided by the NBCOT which shall determine which applicants successfully passed the examination.~~

~~8.8. The NBCOT will mail the results of the examination to the applicant.~~

§13-1-9. Issuance of Licenses and Limited Permits.

9.1. The Board shall issue a license or limited permit to each applicant in a timely manner upon receipt of a properly completed application and payment of the appropriate fee if the applicant:

9.1.a. Is of good moral character;

9.1.b. Has completed four (4) years of high school education or its equivalent;

9.1.c. Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the Board as described in W. Va. Code §30-28-8;

9.1.d. Has successfully completed a period of supervised field work experience at a recognized educational institution where he or she met the academic requirements as described by the W. Va. Code §30-28-8;

9.1.e. Has passed an examination conducted by the NBCOT as provided in section 8 of this rule.

~~9.2. An applicant who has practiced as an occupational therapy assistant for four (4) years and has successfully completed the supervised field work experience of subsection 9.1.4 of this rule, and has passed the examination to be licensed as an occupational therapist is exempt from subsection 9.1.3 of this rule.~~

9.2. The Board shall issue a limited permit to persons within the following eligibility classifications:

9.2.a. To those persons who are occupational therapy assistants or who are graduates of occupational therapy programs recognized by the NBCOT which are located within the United States of America excluding those schools or programs offered within any of the several territories or possessions of the United States.

9.2.a.1. The limited permit for this classification is valid until the date on which the results of the next qualifying examination have been made public.

9.2.b. To those persons who are graduates of academic programs recognized by the Board which are located within either the territories and possessions of the United States or persons who graduated as occupational therapists or occupational therapy assistants from an occupational therapy curriculum of a foreign country and who meet the criterion established by the NBCOT.

9.2.b.1. ~~The limited permit for this classification is valid for one (1) year or until the date on which the results of the qualifying examination taken by the applicant during the limited permit period have been made public.~~ eligibility to sit for the certification exam is withdrawn or the results of the certification exam have been made public.

9.2.b.2. A limited permit within this classification becomes null and void if the holder fails to pass the ~~certification examination.~~ qualifying examinations.

9.3. The occupational therapist issued a limited permit must practice under the direct supervision of a licensed occupational therapist.

9.4. The occupational therapy assistant issued a limited permit must practice under the direct supervision of a licensed certified occupational therapy assistant with at least one (1) year experience or a licensed occupational therapist.

§13-1-10. Exemptions.

10.1. The Board shall waive the examination and grant a license to any person certified prior to July 1, 1978 as an occupational therapist or as a certified occupational therapy assistant by the American Occupational Therapy Association. The Board shall waive the examination and grant a license to any person so certified after the effective date of this rule, if the Board considers the requirements for the certification to be equivalent to the requirements for licensure in this rule.

10.2. The following persons are not required to obtain a license in accordance with the provisions of this rule:

10.2.a. Any person in the process of completing in association with an occupational therapist licensed under W. Va. Code §30-28-1 et seq. a period of supervised field work experience at a recognized educational institution or a training program approved by the educational institution where he or she has met the academic requirements.

10.2.b. Any person performing occupational therapy services in this State not licensed in West Virginia, but who performs the occupational therapy services for not more than ninety (90) consecutive days in a calendar year, if the person is licensed to practice occupational therapy under the law of another state which has licensure requirements equivalent to West Virginia ~~or~~ and if that person meets the requirements for certification as an occupational therapist (O.T.R.) or a certified occupational therapy assistant (C.O.T.A.) established by the NBCOT.

§13-1-11. Renewal.

11.1. A licensee shall apply to the Board for renewal of his or her license by December 31 of the current calendar year on forms provided by the Board.

11.2. Applications for late renewal of a license shall be accompanied by the late renewal fee and must be received by the Board before February 1 of the current licensing year.

11.3. The license renewal sent to the license holder will be accompanied by two (2) wallet-sized cards, one (1) of which is to be placed in the lower left hand corner with his or her license.

§13-1-12. Continuing Competency Requirements for Renewal of License.

12.1. When a licensee applies for the renewal of a license, that licensee shall be required to certify to the Board the licensee's involvement in continuing professional competency activities in occupational therapy theory and practice and to provide documentation to that effect upon the Board's request.

12.2. These regulations apply to all occupational therapists and occupational therapy assistants seeking to renew their licensure in West Virginia.

12.3. The objectives of these regulations are the:

12.3.a. Maintenance of professional competency;

12.3.b. Improvement of professional skills.

12.4. Unit Requirements.

12.4.a. Definition of Contact Hour.

12.4.a.1. "Contact hour" means 1 hour spent in a continuing education activity that meets the requirements of the Board and is approved as outlined in this chapter.

12.4.a.2. "Contact hour" excludes refreshment breaks, receptions, other social gatherings, and meals that do not include an acceptable educational activity.

12.4.b. Pursuant to WV Code (SB 358:30-1-7a), The West Virginia Board of Occupational Therapy sets forth that each licensee shall:

12.4.b.1. Certify a minimum of 12 contact hours of continuing competency activities obtained within the 1 year period preceding the application for renewal or reinstatement; and

12.4.b.2. Provide the necessary documentation to the Board upon its request.

12.4.c. Exceptions.

Licensees who have not been licensed for the entire 1 year period preceding license renewal shall be excused from meeting the continuing education requirements.

12.4.d. Time Frame.

12.4.d.1. A license to practice occupational therapy is valid for a 1 year period.

12.4.d.2. Carryover of 6 contact hours from one educational period to another will be allowed.

12.5. Approval of Continuing Education Programs.

12.5.a. It is the responsibility of the licensee to assure that the selected courses meet their individual needs to maintain knowledge of theory and practice in accordance with continuing competency options as outlined in W. Va. Code §13-1-12.

12.5.b. Licensees shall obtain a certificate of completion from providers of continuing education specifying the following information:

- 12.5.b.1. Dates of completion;
- 12.5.b.2. Title and location of course;
- 12.5.b.3. Name of participant;
- 12.5.b.4. Name of provider;
- 12.5.b.5. Number of contact hours; and
- 12.5.b.6. Signature of provider.

12.6. Documentation of Continuing Education.

12.6.a. At the time of licensure renewal, all licensees who have completed the continuing education requirement shall sign the licensure renewal form attesting to completion of the required contact hours.

12.6.b. A licensee is subject to and shall be prepared for a continuing education audit by the Board.

12.6.c. A licensee shall retain continuing education supporting documents for a period of 2 years after the date of renewal for inspection by the Board.

12.6.d. The Board shall audit the continuing education records of the number of licensees that time and resources allow.

12.6.e. Licensees to be audited shall receive notification of audit. The licensee being audited shall submit to the Board a response to the requirement for audit along with official acknowledgment of successful completion of continuing competency requirements, such as certificates of completion awarded by the approved providers.

12.6.f. Submission of any false statement regarding continuing education may result in formal disciplinary action by the Board.

12.6.g. Failure to substantiate contact hours upon request of the Board may result in suspension or revocation of licensure.

12.7. Approved Continuing Competency Options.

12.7.a. License holders may accrue continuing competency points by their involvement in various types of programs which are recognized by the Board as contributing to the development of professionals and updating competency in occupational therapy theory and practice.

12.7.b. The Board requires official acknowledgment of successful completion of continuing competency requirements, such as copies of certificates of completion awarded by the providers of educational courses.

12.7.c. Required Activities.

12.7.c.1. The total of 12 contact hours per renewal period may be accumulated through participating in the activities listed in this regulation.

12.7.c.2. The board suggests that licensees accumulate points from a broad scope and variety of activities.

12.7.c.3. Workshops, Seminars, Conferences.

12.7.c.3.A. Credit is obtained by attendance at workshops, seminars, and conferences.

12.7.c.3.B. A licensee may earn 1 hour of continuing competency credit per hour of attendance at an approved workshop, seminar, or conference.

12.7.c.4. University, College, or Vocational Technical Adult Education Courses.

12.7.c.4.A. Credit is obtained by successful completion of university, college, or vocational technical adult education courses related to the practice of occupational therapy.

12.7.c.4.B. A licensee may earn 3 hours of continuing competency credit per university, college, or vocational technical adult education credit hour earned.

12.7.c.5. Educational Telecommunication Network Courses.

12.7.c.5.A. Credit is obtained by providing an outline/abstract of content from the course sponsor.

12.7.c.5.B. A licensee may earn 1 hour of continuing competency credit per hour of education by telecommunication network courses.

12.7.c.6. Videotaped Presentations of Educational Courses, Seminars, Workshops, and Conferences

12.7.c.6.A. Credit is obtained by providing an outline/abstract of content from the course sponsor.

12.7.c.6.B. A licensee may earn 1 hour of continuing competency credit per hour of education by videotaped presentations of educational courses, seminars, workshops, or conferences.

12.7.c.7. In-service Training.

12.7.c.7.A. Credit is obtained by providing an outline/abstract of content from the in-service sponsor.

12.7.c.7.B. A licensee may earn 1 hour of continuing competency credit per hour of education by in-service training.

12.7.c.8. Presentations by licensees of Occupational Therapy Education Programs, Workshops, Seminars, In-service Trainings, Conferences, or Guest Lectures within appropriate curriculums.

12.7.c.8.A. Credit is obtained by making presentations which relate to the practice of occupational therapy to health or education professionals or students, or both.

12.7.c.8.B. Consideration of preparatory work allows credit to be earned at a rate of twice the amount of actual presentation time. For example, a 1 hour presentation would qualify for 2 hours of continuing competency credit.

12.7.c.8.C. Subsequent presentations of the same content are not eligible for continuing competency credit.

12.7.c.8.D. A licensee may earn up to 3 contact hours for the review of proposals for conferences, workshops, seminars, or educational programs. .5 contact hour for each proposal reviewed and accepted.

12.7.c.9. Publications Published or Accepted for Publication.

12.7.c.9.A. A licensee may earn up to a maximum of 10 hours of continuing competency credit for authorship/editorship or co-authorship/co-editorship of a book relating to occupational therapy.

12.7.c.9.B. A licensee may earn up to a maximum of 5 hours of continuing competency credit for authorship/editorship or review of a chapter in a book or journal article appearing in a professional journal.

12.7.c.9.C. A licensee may earn up to a maximum of 3 hours of continuing competency credit for authorship of an article, book review, or abstract in a weekly periodical or professional newsletter.

12.7.c.9.D. A licensee may earn up to 6 hours of continuing competency credit through the development of alternate media such as videotapes, slide presentations, etc., that would be promoted for public or professional viewing.

12.7.c.10. Research Projects.

A licensee may earn up to a maximum of 6 hours of continuing competency credit per research project for work as project director, research assistant, principal, or co-investigator of a research project.

12.7.c.11. Quality Assurance/Program Evaluation Studies Completed and Published in a Journal or Newsletter.

A licensee may earn up to a maximum of 4 hours of continuing competency credit per study for quality assurance/program evaluation studies completed and published in a journal or newsletter.

12.7.c.12. Papers and Proposals for Conference Presentations.

A licensee may earn up to 2 hours of continuing competency credit for each accepted paper or proposal for conference presentation.

12.7.c.13. Formal Self-Study.

12.7.c.13.A. A licensee may earn continuing competency credit for completion of formal study packages related to the practice of occupational therapy by maintaining a certificate of completion provided by the self-study sponsor.

12.7.c.13.B. A licensee may earn credit for completion of the American Occupational Therapy Association self-study series by maintaining a certification of completion provided by the self-study sponsors.

12.7.c.13.C. A licensee may earn 9 contact hours for completion of each self-study course.

12.7.c.14. Informal Self-Study.

12.7.c.14.A. A licensee may earn continuing competency credit for completion of a combination of other activities/independent learning projects. These projects may include, but at not limited to, a combination of reading, observing other therapists, viewing videotape quality assurance/peer review studies, and related professional activities which enhance knowledge and skill in a specific area.

12.7.c.14.B. Credit is earned by maintaining a report of professional self-study. A licensee may earn 5 contact hours for each of these activities not to exceed 3 contact hours in a renewal period. A licensee will maintain a detailed log of activity including type, subject, and source of self-study.

12.7.c.15. Clinical Instruction/Supervision of Occupational Therapy Students and Occupational Therapy Assistant Students.

12.7.c.15.A. A licensee may earn continuing competency credit for participation as a clinical instructor for fieldwork level 1 and 2 students.

12.7.c.15.B. Only one therapist shall be awarded contact hours per student. The therapist who does the majority of actual supervision should be eligible.

12.7.c.15.C. A licensee may earn 1 contact hour per student for clinical instruction/supervision of level 1 occupational therapist student and occupational therapy assistant students. Total contact hours earned in this category shall not exceed 3 hours.

12.7.c.15.D. A licensee may earn 4 contact hours per student for clinical instruction/supervision of level 2 occupational therapist or occupational therapy assistant students. Total contact hours earned in this category shall not exceed 8 hours.

12.8. Recency of Education

12.8.a. When an applicant has chosen not to practice for any period of time, they are still obligated to maintain competency in occupational therapy knowledge, theory, and practice skills.

12.8.b. When an applicant applies for a license, reinstatement, or renewal and meets all requirements for licensure, reinstatement, or renewal, but has not been a practicing clinician within a period of 2 years, the Board shall request verification of the applicant's effort toward maintaining and updating occupational therapy continuing competency.

12.8.c. If the applicant has completed fewer continuing competency contact hours than are required by these regulations, that is earning 24 hours within the 2 years preceding application, the Board shall have sole discretion to determine the sufficiency of these efforts of the applicant and to decide whether additional continuing competency hours are required before granting the applicant a license.

§13-1-13. Responsibilities of the Licensee or Limited Permit Holder.

13.1. It is the responsibility of each licensee or limited permit holder engaged in the practice of occupational therapy to be familiar with the requirements of the law regulating those activities in West Virginia and with the rules of the Board.

13.2. It is the responsibility of each person engaged in occupational therapy to apply for licensure within thirty (30) days of employment in West Virginia or for renewal of license within thirty (30) days, to complete the forms properly and to pay the fees required (and to be available for examination at the times and places designated by the Board). Any information or reminders which the Board may issue are courtesies and shall not diminish the responsibilities of the person engaged in the practice of occupational therapy.

13.3. Any occupational therapist licensed under the terms of W. Va. Code §30-28-6 may use the words "Occupational Therapist Registered," "Licensed Occupational Therapist," or "Occupational Therapist" or he or she may use the letters "O.T.R.," "L.O.T.," "O.T.," "L/OTR," or "OTR/L" in connection with his or her/her name or place of business.

13.4. Any Occupational therapy assistant licensed under the requirements of this rule may use the words "Certified Occupational Therapy Assistant," "Licensed Occupational Therapy Assistant," or "Occupational Therapy Assistant" or he or she may use the letters "C.O.T.A.," "L.O.T.A.," or "O.T.A.," "L/COTA," or "COTA/L" in connection with his or her name or place of business.

13.5. Any occupational therapist holding a limited permit may use the words "Occupational Therapist" or "Limited Permit Occupational Therapist" or he or she may use the letters "O.T.," "L.P.O.T.," or "O.T./L.P." in connection with his or her name or place of business.

13.6. Any occupational therapy assistant holding a limited permit may use the words "Occupational Therapy Assistant" or "Limited Permit Occupational Therapy Assistant" or he or she may use the letters "O.T.A.," "L.P.O.T.A.," or "O.T.A./L.P." in connection with his or her name or place of business.

§13-1-14. Display of License or Limited Permit.

14.1. Each licensee in this State shall prominently display at his or her principal place of employment his or her license or limited permit to practice occupational therapy and have in his or her possession his or her wallet-sized card.

14.2. A licensee shall exhibit the current licensure and/or renewal registration card when requested by the following:

14.2.a. A Board member;

14.2.b. An employee of the West Virginia Department of Health and Human Services;

14.2.c. Any person upon whom the licensee performs occupational therapy; or

14.2.d. An employer in whose employ the licensee practices or intends to practice occupational therapy.

14.3. An employer, Board member or employee of the Occupational Therapy Program shall not accept a photocopy or other facsimile of a license or wallet-sized registration card as adequate evidence that a person is licensed to practice occupational therapy. Where, for convenience or security, a photocopy or facsimile is displayed, the original document shall be readily available for review.

§13-1-15. Duplicate License.

15.1. In requesting a name change, the licensee must return the current license to the Board with the required fee prior to issuance of a corrected license.

15.2. In requesting a duplicate license due to loss of license, the licensee must complete a notarized statement substantiating the loss and submit it to the Board with the required fee prior to issuance of a duplicate license.

§13-1-16. Notice of Change of Address, Change of Name.

On forms provided by the Board a licensee or holder of a limited permit shall notify the Board of any change of name or change of mailing address within thirty (30) days of the changed name or address.

§13-1-17. Fees Shall Be Collected and Determined by the Board for the Following (All Fees Are Non-Refundable):

17.1. Initial license fee:

17.1.a. Registered Occupational Therapist a fee not to exceed two hundred dollars (\$200); and

17.1.b. Certified Occupational Therapy Assistant a fee not to exceed one hundred and fifty dollars (\$150).

17.2. Limited Permit fee (Limited Permit fee will be applied to permanent license fee):

17.2.a. Occupational Therapist a fee not to exceed one hundred and fifty dollars (\$150); and

17.2.b. Occupational Therapy Assistant a fee not to exceed one hundred dollars (\$100).

17.3. Application packet fee, not to exceed fifteen dollars (\$15).

17.4. Renewal fee:

17.4.a. Registered Occupational Therapist a fee not to exceed seventy-five dollars (\$75); and

17.4.b. Certified Occupational Therapy Assistant a fee not to exceed sixty dollars (\$60).

17.5. Late renewal fees, not to exceed fifty dollars (\$50).

17.6. Other fees for services shall not exceed the actual cost of the services.

§13-1-18. Suspension, Revocation and Refusal to Renew License or Limited Permit.

18.1. After providing adequate notice and an opportunity for a hearing, the Board may deny, suspend, revoke or refuse to renew or impose probationary conditions upon any licensee or limited permit holder who is guilty of unprofessional conduct which may impair his or her ability to practice occupational therapy or which endangers or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes, but is not limited to:

18.1.a. Obtaining a license or limited permit by fraud, misrepresentation or concealment of material facts;

18.1.b. Being convicted of a felony or other crime involving moral turpitude that relates to the licensee's or permittee's ability to practice occupational therapy or immoral conduct while engaged in the practice of occupational therapy. Conduct rising to the level of immoral would be conduct that would lead, upon trial in any criminal court, state or federal, to the conviction of the accused;

18.1.c. Violating any lawful order, rule or regulation rendered or adopted by the Board;

18.1.d. Engaging in the practice of occupational therapy while an intoxicated condition or under the influence of narcotics or any other drugs which impair consciousness, judgement or behavior;

18.1.e. Willful falsification, destruction or theft of property or records relating to the practice of occupational therapy or the health of the patient;

18.1.f. Failure to exercise due regard for the safety of life or health of the patient;

18.1.g. Unauthorized disclosure of information relating to a patient or his records;

18.1.h. Discrimination in the practice of occupational therapy against any person for reason of race, religion, creed, color or national origin; or

18.1.i. Violating any provision of W. Va. Code §30-28-1 et seq.

18.2. The denial, refusal to renew, suspension, revocation or imposition of probationary condition upon licensee or limited permit may be ordered by the Board in a decision made after a hearing in the manner

provided under Section 18 of this rule. One (1) year from the date of the revocation of a license or limited permit, the former licensee may apply to the Board for r

§13-1-19. Hearing Procedures.

19.1. Hearings on any suspension, revocation or denial of an application for a license that is ordered by the Board and that is contested by the applicant or licensee shall be conducted according to W. Va. Code §30-28-14.

19.2. The applicant or licensee may be represented by counsel at the hearing; the Board shall be represented by the Attorney General or his or her assistants.

19.3. The technical rules of evidence may be dispensed with, with respect to hearings conducted by the Board; however, each party has the right to cross-examine any or all witnesses.

19.4. Any concurring or dissenting opinions of the Board members shall be in writing and accompany the Board's final order.

§13-1-20. Procedures For Judicial Review.

20.1. Any person adversely affected by a decision of the Board rendered after a hearing has the right to pursue judicial review as provided by W. Va. Code §29A-5-4.

20.2. The Board shall conduct hearings, shall employ a certified stenographer to record testimony of the hearings and shall keep the transcribed copy of the hearings in the permanent record.



**WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY**

119 South Price St.
Kingwood, West Virginia 26537
(304) 329-0480

AMENDMENTS AND REASONS FOR AMENDMENTS TO THE PROPOSED RULES

Amendments made to the proposed rules requiring continuing education for license renewal. These amendments were made in response to West Virginia Occupational Therapy licensees.

12.4.d.2. Carry over of 6 contact hours from one educational period to another will be accepted.

REASON: Some state license renewal is every two years and requires 24 contact hours. This is an advantage to the licensee because some courses are 2-3 days long, even up to 2 weeks long in which 16 or more contact hours can be earned. The licensee may have attended a continuing educational course, written several papers, attended a seminar and several in-services within a year's time. It was believed that allowance should be made and credit given for this extra work.

12.7.c.8.D A licensee may earn up to 3 contact hours for the review of proposals for conferences, workshops, seminars or educational programs. .5 contact hours for every proposal reviewed and accepted.

REASON: Further clarifies earning of contact hours for specific activity.

12.7.c.12. The word "accepted" was added to read...credit for each accepted paper or proposal.

REASON: Done for clarification



**WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY**

119 South Price St.
Kingwood, West Virginia 26537
(304) 329-0480

Mary Linda Jordan
91325 Amos Road
Scio, OH 43988

July 30, 1997

Dear Ms. Jordan,

Thank you for your comments regarding the proposed rule changes for Occupational Therapy licensure and renewal in West Virginia.

The board has amended the proposed changes to permit the carryover of 6 of the 12 contact hours from one annual renewal period to the next. The board wished to extend credit to licensees in this manner but not allow that the total number of annual credits be carried over to subsequent years. This would prevent a situation where a licensee could theoretically accrue enough contact hours in one year to cover one or more subsequent years and not participate in continuing education activities over an extended period of time. Given the pace of change the board felt this would assure recency of continuing competency efforts.

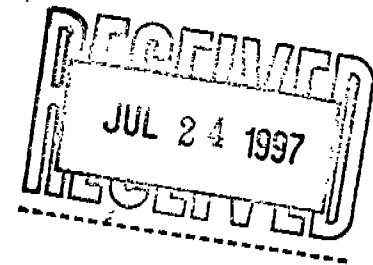
The board does not anticipate a change in the renewal period at present. Given the pace of change in health care, regulatory issues and rapid turnover of therapists in the state annual renewals seem to allow closer scrutiny over practitioners of Occupational Therapy.

Thank you for your comments. The board welcomes further inquiry if we can clarify any issues.

Respectfully,

Evelyn M. Dales, OTR/L
Evelyn M. Dales, OTR/L
Secretary/Treasurer

CW



July 22, 1997

To Whom It May Concern:

I am writing to comment upon the purposed changes regarding the continuing education requirements for license renewal. My concern is the twelve hour requirement for each year, with no carry over provision.

There are many workshops of clinical value that are offered and that exceed the twelve hour requirement. (ie. NDT certification, myofascial release training and national and state conference attendance.) These workshops are expensive, and usually exhaust the continuing education funds traditionally supplied by employers for employees to meet licensure requirements. In states where there is a two year renewal cycle (such as Ohio), an employer is willing to approve the longer, more expensive courses or conference attendance because it meets the Continuing Education requirements for two years. However, if half of the credit (and so half of the cost) is "wasted" because of a one year renewal cycle, or no carry-over provision, then employers are less likely to approve the longer, more expensive workshops and conferences. This would result in the opposite effect of what the regulation intends with therapists choosing shorter, less intensive educational experiences.

Please consider either some type of carry-over provision, a two year renewal cycle or a two year Continuing Education cycle, to avoid this problem.

Thank you for the opportunity to express my opinion regarding this matter.

Sincerely

Linda Jordan, OTR/L

Linda Jordan, OTR/L

LJ:sc

(⊕ requirement for 2yrs could be 20-24 hrs)



**WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY**

119 South Price St.
Kingwood, West Virginia 26537
(304) 329-0480

John Whalen
1224 Chestnut Street
Connellsville, PA 15425

July 30, 1997

Dear Mr. Whalen,

Thank you for your comments regarding the proposed rule changes for Occupational Therapy licensure and renewal in West Virginia.

The board has amended the proposed rule changes to permit the carryover of 6 of the 12 contact hours from one annual renewal period to the next. The board wished to extend credit to licensees in this manner but not allow that the total number of annual credits be carried over to subsequent years. This would prevent a situation where a licensee could theoretically accrue enough contact hours in one year to cover one or more subsequent years and not participate in continuing education activities over an extended period of time. Given the pace of change the board felt this would assure recency of continuing competency efforts.

Thank you for your comments. The board welcomes further inquiry if we can clarify any issues.

Respectfully,
Evelyn M. Dales, OTR/L

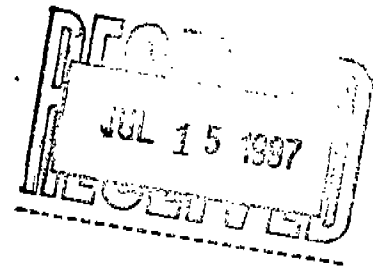
Evelyn M. Dales, OTR/L
Secretary/Treasurer

CW

TO: West Virginia Board of Occupational Therapy
119 South Price Street
Kingwood, WV 26537

DATE: July 15, 1997

FROM: John Whalen, COTA/L *JW*
1224 Chestnut Street
Connellsville, PA 15425



RE: Proposed Rule Changes

My comment is regarding Continuing Competency Requirements 12.4.d.2.
"Carryover of points is not allowed from one education period to
another."

I feel that at the time a licensee meets the minimum requirement of
12 contact hours in a given renewal period, excess contact hours should
carry over to the next immediate renewal period. No more than 6 (six)
excess contact hours may be carried over from one period to the next.

Many therapists take courses that are 3-5 days and have 20 plus contact
hours. I feel we should be given credit for extended length programs.

Thank you!



**WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY**
119 South Price St.
Kingwood, West Virginia 26537
(304) 329-0480

Elizabeth B. Devereaux, OTR/L
304 Wood Lomond Court
Huntington, WV 25705-3254

July 30, 1997

Dear Ms. Devereaux,

Thank you for your comments regarding the proposed rules requiring continuing education for license renewal.

The intent of section 12.7.c.9 is to grant contact hours for time spent in the various activities stated in this section. The board believes that when a licensee (person) engages in such activities they are broadening their knowledge base in occupational therapy theory and practice. The board acknowledges there is a difference in the knowledge and skill needed for development and preparation for a juried presentation or research article as opposed to an article written for weekly publication or reviewing an article. It is beyond the intent of the proposed rules and the resources of the board to sit as a review committee to determine the scholarship and merit of each prepared presentation or research article and then assign contact hours. To accommodate for these differences the board has made a broad generalization that a high quality presentation or article would take more time as opposed to reviewing such items. Therefore a greater number of contact hours can be earned for authorship as compared to the review process.

Regarding the comment on lack of contact hours for review of proposals for conferences, the board will amend the proposed rule to grant 3 contact hours for above said activity.

In the comment regarding the granting of extra contact hours if a research article is published, the board believes that the research and preparation process is where the knowledge is gained not in its publication.

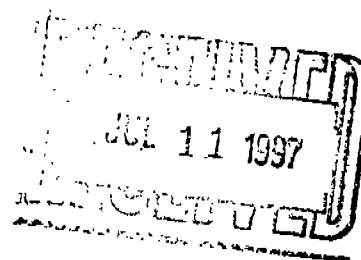
In regards to clarification of 12.7.c.12., it will be amended to read...credit for each accepted paper or proposal...

As to your fourth issue regarding the earning of contact hours for service in WVOTA and/or AOTA, most of what you cited is covered in the proposed rules. Activities in the authorship or review of papers, articles, books, educational courses, video tape presentations, self study programs, or research projects can earn contact hours. These activities are frequently performed by members of WVOTA of AOTA.

Respectfully,

Joseph Spillson
Joseph Spillson, OTR/L
WVBOT

CW



MEMORANDUM:

TO: West Virginia Board of Occupational Therapy
FROM: Elizabeth B. Devereaux
DATE: July 9, 1997
SUBJECT: WVBOT Continuing Education Requirements

Thank you for the opportunity to comment on the Proposed rule changes to the Administrative Rules of the Board of Occupational Therapy, specifically in regard to the establishment of continuing education requirements as a prerequisite to license renewal. My comments fall into four general areas.

The first issue deals with **juried presentations/workshops** and **publications**. (particularly professional journal articles), versus **non-juried**.

• **Presentations/Workshops** : There is usually considerable difference in depth of knowledge, quality of proposal, and preparation for **juried presentations/workshops** such as for AOTA's Annual Conference, which has a pretty rigorous review and selection process, and that of the Great Southern Conference, which has a different aim. The Great Southern wants to encourage new presenters as well as the more experienced, so that anyone who submits a proposal may present that workshop, etc. Proposals for the WVOTA State Conference may fall somewhere in between, depending on the number submitted and the time available on the program.

• **Publications** : Not every " professional " publication is **juried**. There are a number of journals, particularly in the rehabilitation field these days, that deal with " professional " issues , but use no, or very little, selection/editing processes for articles submitted. *The American Journal of Occupational Therapy (AJOT)* offers a number of opportunities for the free expression of ideas in a public forum (such as The Issue Is, Letters to the Editor, etc.), and submissions to these areas are copyedited, though not all areas of the journal require reviews. However, all articles submitted have rigorous review. For *The Occupational Therapy Journal of Research*, the evaluation of manuscripts includes a blind review process, and specific criteria for selection such as relevance to the profession, scientific merit, timeliness, and scholarly excellence.

The second issue deals with **Reviews** and **Editorship** as in **12.7.c.9.B**. Again, there is substantial difference in the type and amount of knowledge, effort, and time

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P. J. O'Sullivan
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between **Authorship** and the first two. Certainly, one must be able to write fairly well to review a journal article or chapter of a book, but generally these are given very little editorial scrutiny. **Editing** is shared with the editors on the publishing company staff, who are most often non-occupational therapists, but very skilled and helpful.

Some provision should be made for **Reviewers** of proposals for conferences, etc., such as the AOTA's Annual Conference/SIS Practice Conference, a detailed process that requires a level of consideration and judgment which is often time-consuming. The number of proposals sent by AOTA for review is another consideration. Over the years, I have received various numbers at any one time, from three to 12.

The third issue deals with **12.7.c.10. Research Projects**. Many research projects started may be completed, but some of those are never published. Since one of the aims of research is to get the results of the studies into the public domain, it would be helpful to add some additional credit for the publication of research results.

The fourth issue deals with state and national service to the WVOTA and/or AOTA. Many of these positions require a great deal of time, but provide an extraordinary opportunity for learning. AOTA makes every effort to keep the state and national volunteers up-to-date on health care/ treatment/management, strategic planning, etc., issues. Some credit for all this learning would be well justified.

One other comment re: **12.7.c.12. Papers and Proposals for Conference Presentations**. This does not say whether the proposal needs to be accepted for credit to be granted, so it needs clarification.

I do appreciate how difficult it is to develop this kind of a comprehensive program, and certainly commend your efforts. Please accept my comments as suggestions for consideration. Thank you.



**WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY**
119 South Price St.
Kingwood, West Virginia 26537
(304) 329-0480

Mary Hager, OTR/L
5310 Edgebrook Road
Cross Lanes, WV 25313

July 30, 1997

Dear Ms. Hager,

Thank you for your comments regarding the proposed rules requiring continuing education for license renewal.

There will be no pre-approval or review process for the granting or setting of contact hours. A professional association that sponsors conferences and educational events, or a educational organization will not have to submit for review the content of its presentation in order for a licensee to earn contact hours. The licensee will be responsible for determining if the continuing educational activities they participate in meet the criteria for earning contact hours. If the licensee does have questions, they may contact the board office.

Respectfully,

Joseph Spilison
Joseph Spilison, OTR/L
WVBOT

CW

5310 Edgebrook Rd.
Cross Lanes, W.V. 25313

July 12, 1997

Topic: Public Comment

Dear WVBOT:

I have been the conference chairperson for the West Virginia Occupational Therapy Association since 1994 and have been active in securing approval of contact hours from the Ohio Licensure Board, Division of Occupational Therapy.

I would appreciate knowing the format you intend to use for associations such as ours who are requesting approval of contact hours. Will there be a formal application and if so, how many days in advance of a conference or program do I need to send it to you? Will there be a fee to review the application, and if there is, how much? Or will you grant automatic approval of AOTA, Great Southern and WVOTA sponsored conferences and programs as I understand other states have done?

Again, please let me know if I can be of help in the area of contact hours. Please write back as soon as possible since the Fourth West Virginia Occupational Therapy Conference will be Sept. 27, 1997.

Sincerely,



Mary Hager



**WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY**

119 South Price St.
Kingwood, West Virginia 26537
(304) 329-0480

Mariani Restrepo Potes, OTR/L
4023 Greystone Drive
Morgantown, WV 26505

July 30, 1997

Dear Ms. Potes,

Thank you for your comments regarding the proposed rules requiring continuing education for license renewal.

The board acknowledges there is limited opportunity for West Virginia OT licensees to attend continuing education courses because most of them are offered in large urban areas. Most employers offer continuing education funds to cover expenses of travel, lodging, and tuition, you may wish to check with your employer about this. Also, the proposed rules grant contact hours for self study courses, professional journal review, college courses related to the profession or in-services.

Respectfully,

Joseph Spillson (OT/L)
Joseph Spillson, OTR/L
WVBOT

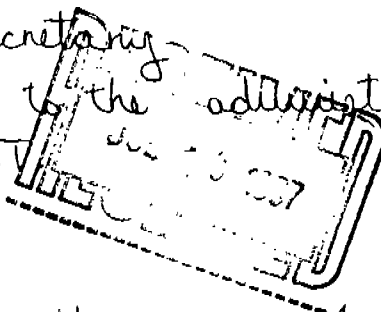
CW

Monrovia July 14/97

TO: WV BOT

attention: Erchyn Dales secretary

RE: proposed rule changes to the administrative rules
of the Board of O.T.



Even when agreeing to the proposed changes, one can not avoid to think of the difficulties in time, expenses, travel.

It will be nice if ~~more~~ courses were opened in the mean areas or within the state.

Mariana Restrepo Potes