

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: West Virginia Board of Occupational Therapy TITLE NUMBER: 13

CITE AUTHORITY West Virginia Code 30-28-6

AMENDMENT TO AN EXISTING RULE: YES XX NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Administrative Rules of the
Board of Occupational Therapy

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Paul A. Ochs, SECRET./TREAS. ELECT 9/4/92 ^{TO BE FILED 9/18/92}

Paul A. Ochs, Secretary/Treasurer
744-3022 Office Elect

Carol B. Parrish CAROL B. PARRISH 9/4/92

Carol B. Parrish, President
768-5116 Home, 766-4866 Office

5.30

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1992 SEP 11 AM 9:22

OFFICE OF WEST VIRGINIA
STATE BOARD OF OCCUPATIONAL THERAPY

West Virginia Board of Occupational Therapy
Post Office Box 8750
South Charleston, West Virginia 25303

September 8, 1992

ADMINISTRATIVE RULES OF THE BOARD OF OCCUPATIONAL THERAPY

PROPOSED RULE CHANGES

Circumstances Requiring Rule Changes

Proposed rule changes are primarily housekeeping in nature and reduce technical abstraction as a matter of practicality, to clarify rules and regulations for board, licensees, and consumers. Additionally, proposed changes will continue to enable board to be self sufficient with regard to expenses.

SUMMARY OF PROPOSED RULE

Proposed rule changes include:

- Bringing rules into current compliance with practice act, i.e. reducing reciprocity from 180 days to 90 days;
- Making technical details current, e.g. what organization issues certification for Occupational Therapists and Occupational Therapy Assistants ... now a function of the American Occupational Therapy Certification Board not the American Occupational Therapy Association;
- Clarifying technical terms to increase understanding and compliance, e.g. limited (vs. temporary) permit;
- Increasing efficiency by eliminating extraneous information gathering by Board, e.g. elimination of references as part of proof of current licensure when other state licensing boards are contacted directly already;
- Increasing Board's ability to identify and inform (regarding practice act) O.T.'s and O.T.A.'s practicing prior to completion of certification and by requiring application for a limited permit and after taking the certification exam by requiring prompt application for license;
- Changing fees in accordance with the practice act to allow the continued self sufficiency of Board with regard to meeting expenses, also allows credit of limited permit fee to permanent license fee to encourage fairness/compliance;
- Inserting a Code reference which was apparently mistakenly omitted when the rules were originally formulated.

Respectfully Submitted,

Paul A. Ochs Secretary/Treasurer Elect 9/8/92 744-3022
Paul A. Ochs, Secretary/Treasurer Elect

Carol B. Parrish, ondc President 768-5116, 768-4866
Carol B. Parrish, President

West Virginia Board of Occupational Therapy
Post Office Box 8750
South Charleston, West Virginia 25303

September 8, 1992

ATTACHMENT

2.d. Persons Who Appeared at Hearing: none (only Board members -- Carol Parrish, Paul Ochs, Molly O'Dell, and Barbara Parsons present),

Comments Received: no verbal or written comments received,

Amendments: none, a few technical corrections of typographical/organizational errors were made (e.g. misspellings, misnumberings, misstrikes),

Reason for Amendments: N/A.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES RECEIVED

Rule Title: Title 13 legislative Rules Board of Occupational Therapy 1997 SEP 11 0:33
 TYPE OF RULE: Legislative Interpretive Procedural
 Agency West Virginia Board of Occupational Therapy Address _____
P.O. Box 8750
South Charleston, WV 25303

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$-0-	\$-0-	\$-0-	\$-0-	\$-0-

- Personal Services
- Current Expense
- Repairs and Alterations
- Equipment
- Other

Although the board is a state entity, its funding source is solely generated from fees paid by licensees.

2. Explanation of above estimates: NA - no change in cost to the state.

3. Objectives of these rules: Primarily housekeeping in nature, to clarify rules and regulations for board, licensees, and consumers.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE - Will allow board to continue to be self sufficient with regard to expenses.

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

Licenses of the board will continue to cover the cost of operating the board through fees charged.

C. Economic Impact on Citizens/Public at Large.

NONE

Date: July 31, 1992

Signature of Agency Head or Authorized Representative



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1992 SEP 11 AM 3:30

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

DATE: September 9, 1992

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Board of Occupational Therapy
Paul A. Ochs, Secretary/Treasurer Elect 744-3022 Office

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

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

2. a. Date filed in State Register with Notice of Hearing:
Filed July 31, 1992, for Public Hearing September 4, 1992
- b. What other notice, including advertising, did you give
of the hearing?
• Provided notice enclosure for WV Occupational Therapy Assoc.'s newsletter.
• Letter to President of West Virginia Occupational Therapy
Association, Francis Ingram, with notice on July 30, 1992.
• Copies of proposed rule to Francis Ingram & Mary Hager as
requested.
- c. Date of hearing(s): September 4, 1992
- d. Attach list of persons who appeared at hearing, comments
received, amendments, reasons for amendments.
Attached _____ No comments received xx
- e. Date you filed in State Register the agency approved
proposed Legislative Rule following public hearing:
(be exact)
September 8, 1992
- f. Name and phone number(s) of agency person(s) to contact
for additional information:
Paul A. Ochs, Secretary/Treasurer Elect, WVBOT 744-3022 Office
Carol B. Parrish, President, WVBOT 768-5116 Home, 766-4866
Office

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: N/A

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.

b. Date of hearing: _____

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

d. Attach findings and determinations and reasons:

Attached _____

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1982 SEP 11 PM 3:36

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE 13
LEGISLATIVE RULES
BOARD OF OCCUPATIONAL THERAPY

SERIES 1
ADMINISTRATIVE RULES OF THE BOARD
OF OCCUPATIONAL THERAPY

13-1-1. General.

1.1. Scope. --These rules relate to section one, article twenty-eight, chapter thirty et seq. of the West Virginia Code of 1931, as amended.

1.2. Authority. --W.Va. Code 30-28-6

1.3. Filing Date. --December 30. 1982

1.4. Effective Date. --December 30.1982

13-1-2. Definitions.

As used in these regulations:

2.1. "Association" means the West Virginia Occupational Therapy Association.

2.2. ~~"Board" means the West Virginia Board of Occupational Therapy.~~ "AOTCB" means the American Occupational Therapy Certification Board.

2.3. ~~"License" means a valid and current certificate of registration issued by the West Virginia Board of Occupational Therapy. "Board" means the West Virginia Board of Occupational Therapy.~~

2.4. ~~"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, and 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. "License" means a valid and current certificate of registration issued by the West Virginia Board of Occupational Therapy.~~

2.5. ~~"Occupational Therapist" means a person licensed to practice occupational therapy and whose license is in good standing. "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.

2.6. ~~"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.~~ "Occupational Therapist" means a person licensed to practice occupational therapy and whose license is in good standing.

2.7. ~~"Occupational Therapy Aide" means a person who assists in the practice of occupational therapy, who works under the direct supervision of 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. "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.~~

2.8. ~~"General Supervision" means initial direction, periodic inspection, periodic meetings to review, personal and direct involvement of the supervisor in the supervisee's professional experience which includes evaluation of his/her performance. The supervising occupational therapist need not be physically present or on the premises at all times where the certified occupational therapy assistant is performing the professional services. "Occupational Therapy Aide" means a person who assistss 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.~~

2.9. ~~"Direct Supervision" means the actual physical presence of a licensed occupational therapist or licensed occupational therapy assistant and the specific delineation of tasks and responsibilities by a licensed occupational therapist and shall include the responsibility for personally reviewing and interpreting the results of any habilitative or rehabilitative~~

~~procedures conducted by the supervisee. It is the responsibility of the licensed occupational therapist to ensure that the aide does not perform duties for which he is not trained. The supervising licensed occupational therapist or licensed occupational assistant must be physically present when the aide and/or limited permit holder is performing the patient/consumer service.~~ "General Supervision" means initial direction, periodic inspection, periodic meetings to review, personal and direct involvement of the supervisor in the supervisee's professional experience which includes evaluation of his/her performance. The supervisor need not be present or on the premises at all times where the certified occupational therapy assistant is performing the professional services.

2.10. ~~"Active Practice" means engaging in occupational therapy.~~ "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 supervisee. It is the responsibility of the licensed supervisor to ensure that the supervised 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 aide and/or limited permit holder is performing the patient/consumer service.

2.11. ~~"Educator" means a person engaged in the teaching of occupational therapy within an accredited and/or approved~~

~~educational program of occupational therapy. "Active Practice"~~
means engaging in occupational therapy.

2.12. ~~"Clinician" means a person who actively practices occupational therapy within a clinical setting. "Educator" means a person engaged in the teaching of occupational therapy within an accredited and/or approved educational program of occupational therapy.~~

2.13. ~~"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 services. "Clinician" means a person who actively practices occupational therapy within a clinical setting.~~

2.14. ~~"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. "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.~~

2.15. ~~"In Collaboration With" means a formal working relationship in which there is regular consultation. " 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.

2.16. ~~"Referral" means prior to initiating occupational therapy treatment a written referral must be given by a licensed physician or surgeon, psychologist or psychiatrist, dentist, osteopathic physician or surgeon or chiroprapist or podiatrist. "In Collaboration With" means a formal working relationship in which there is regular consultation.~~

2.17. ~~"Proof of Current Licensure" means current certification number as assigned by the American Occupational Therapy Association, license number from another state, territory of the United States or the District of Columbia and three (3) notarized references from individuals who have knowledge of the therapist's professional training or experience during the last five (5) years.~~
"Referral" means prior to initiating occupational therapy treatment a written referral must be given by a licensed physician or surgeon, psychologist or psychiatrist, dentist, osteopathic physician or surgeon or chiroprapist or podiatrist.

2.18. ~~"Periodic Meetings To Review" means meeting determined by type of setting and supervisee competency. Such meeting shall mean no less than monthly in the case of a licensed occupational therapist supervising a licensed occupational therapy assistant.~~
"Proof of Current Licensure" means current certification number as assigned by the AOTCB, or license number from another state, territory of the United States or the District of Columbia.

2.19. ~~"Continuing Professional Competence" means a growth in continuing professional competency and educational knowledge of~~

~~current developments in the practice of occupational therapy and research. "Periodic Meeting To Review" means meeting determined to type of setting and supervisee competency. Such meeting shall mean no less than monthly in the case of a licensed occupational therapist supervising a licensed occupational therapy assistant.~~

2.20. ~~"Informed Consumer" means any person upon whom occupational therapy services are performed must be 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. "Continuing Professional competence" means a growth in continuing professional competency and educational knowledge of current developments in the practice of occupational therapy and research.~~

2.21. ~~"Unprofessional Conduct" means, but shall not be limited to:~~

~~(a) Engaging in the practice of occupational therapy while in an intoxicated condition or under the influence of narcotics or any other drugs which impair consciousness, judgment or behavior; or~~

~~(b) Immoral conduct while engaged in the practice of occupational therapy. The conduct rising to the level of immoral would be such conduct that would lead, upon trial in any criminal court, state, or federal, to the conviction of the accused; or~~

~~(c) Willful falsification, destruction or theft of property or records relating to the practice of occupational therapy or health~~

~~of the patient;~~

~~(d) Failure to exercise due regard for the safety of life or health of the patient; or~~

~~(e) Unauthorized disclosure of information relating to a patient or his records;~~

~~(f) Discrimination in the practice of occupational therapy against any person for reason of race, religion, creed, color or national origin.~~

"Informed Consumer" means any person upon whom occupational therapy services are performed must be 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.

2.22. "Unprofessional Conduct" means, but shall not be limited to:

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

(b) Immoral conduct while engaged in the practice of occupational therapy. The conduct rising to the level of immoral would be such conduct that would lead, upon trial in any criminal court, state, or federal, to the conviction of the accused; or

(c) Willful falsification, destruction or theft of property or records relating to the practice of occupational therapy or health of the patient;

(d) Failure to exercise due regard for the safety of life or health of the patient; or

(e) Unauthorized disclosure of information relating to a patient or his records;

(f) Discrimination in the practice of occupational therapy against any person for reason of race, religion, creed, color or national origin.

13-1-3. Powers and duties of the Board.

3.1. The Board shall meet a minimum of at least two (2) times a year with the first meeting occurring during the month of January in order to elect a chairperson and secretary.

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) per day for days spent in performing Board duties.

3.5. Where a vacancy in the Board membership occurs, the remaining Board members shall appoint new members consistent with the eligibility requirements as set forth in section one, article twenty-eight, chapter thirty et seq., of the West Virginia Code of

1931, as amended.

13-1-4. Duties of the Chairman.

4.1. The position of Chairman shall be filled by election from within the membership of the Board.

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

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

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

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

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

5.1. The position of Secretary/Treasurer will be filled by election from within the membership of the Board.

5.2. The Secretary/Treasurer shall assist the Chairman at his request and shall preside over all meetings in the absence of the Chairman and shall assume the responsibilities of the Chairman in cases of extended illness or long absences from Board meetings. In the event the Secretary/Treasurer assumes the functions of the Chairman, another member of the Board will assume temporarily the responsibilities of the Secretary/Treasurer.

5.3. The Secretary/Treasurer shall keep the minutes of the proceedings of the Board 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 shall be responsible for the transfer of such funds to the State Treasurer. Said moneys received will be deposited and credited.

5.5. The Secretary/Treasurer, with the advice and consent of the Board, or pursuant to ratification by the Board, shall be authorized to spend moneys for the necessary expenses of the Board.

5.6. The Secretary/Treasurer shall receive, accept responsibility for, issue (with Board approval) an account to the Auditor of the State of West Virginia all licenses and temporary permits and keep duplicates of certificates handled by the Board.

5.7. The Secretary/Treasurer shall be responsible (with the approval of the Board) 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.

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 regular meeting regarding the time and place. Notification of special or emergency meetings will be made by telephone and by the Secretary of State in the West Virginia Register.

13-1-6. Executive Director.

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.

13-1-7. Application for licenses and ~~temporary~~ limited permits.

7.1. Any person requesting in writing an application for a license or ~~temporary~~ limited permit shall be furnished the necessary forms, a copy of the regulations pertaining to the licensing of occupational therapists and such other information or questionnaires as the Board may deem desirable.

7.2. The application forms shall be completed 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 and by his supervising practitioner. In the event the applicant is not employed, the application shall be signed by the applicant and sworn by him before a notary public.

7.4. The application shall be accompanied by a money order or certified check.

7.5. Any person knowingly furnishing false information in such application shall be denied a license or if the applicant has

already been licensed before the falsification of such information has been made known to the Board, such license or ~~temporary limited~~ permit shall be subject to suspension or revocation. In addition, the penalties pursuant to West Virginia Code of 1931, as amended, section seventeen, article twenty-eight, chapter thirty, may attach to one who knowingly gives false information in making application for an occupational therapy license or ~~temporary limited~~ permit.

7.6. Each applicant for licensure shall be tested by ~~the Board~~ AOTCB by a written examination unless eligible for an exemption as provided for in section ten, article twenty-eight, chapter thirty of the West Virginia Code of 1931, as amended.

7.7. Persons planning to sit for examination shall make application to the ~~Board of Examiners~~ AOTCB at least thirty (30) days prior to the date of examination on forms provided by the ~~Board~~ AOTCB. However, for prompt notification by the ~~Board~~ AOTCB 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.

8.1. Examination will be conducted twice yearly at a time and place determined by the ~~Board~~ AOTCB.

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

8.3. The ~~Board~~ AOTCB shall determine the cost of administering

the examination and notify the examinee upon his/her application for examination. Such fee is non-refundable.

8.4. The Board approved examination is the certification examination of the ~~American Occupational Therapy Association~~ AOTCB.

8.5. The ~~Board~~ AOTCB shall determine the passing grade of the examination.

8.6. The examinee will be notified regarding the minimal score for passing as required by AOTCB prior to taking the examination.

8.7. Following the testing of the examinee the Board shall accept the examination results as provided by the ~~American Occupational Therapy Association~~ AOTCB and which shall determine which examinees successfully passed the examination.

8.8. The ~~Board~~ AOTCB will direct to the examinee his/her results by certified mail, return receipt requested.

~~8.9. The examinee, upon written request, will have the opportunity to review his examination paper with a member of the Board of Occupational Therapists.~~

13-1-9. Issuance of licenses and limited permits.

9.1. The Board will strive to issue to each applicant a license ~~within thirty (30) days of~~ in a timely manner upon receipt of a properly completed application and payment of the appropriate fee if the applicant:

(a) Is of good moral character;

(b) has completed four (4) years of high school education or its equivalent;

(c) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the Board as described in section eight, article twenty-eight, chapter thirty of the West Virginia Code of 1931, as amended; and

(d) Has successfully completed a period of supervised field work experience at a recognized educational institution where he/she met the academic requirements as described by the West Virginia code of 1931, as amended; or

(e) Has, as an alternative to subsection (c) of the section, practiced as a occupational therapy assistant for four (4) years and has successfully completed the supervised field work experience of subsection (d) of this section, and has passed the examination to be licensed as an occupational therapist; and

(f) Has passed an examination conducted by the ~~Board~~ AOTCB as provided in section six, article twenty-eight, chapter thirty of the West Virginia Code of 1931, as amended.

9.2. The limited permit shall be issued to persons within the following eligibility classifications:

~~(a)~~(1) To those persons who are occupational therapy assistants or who are graduates of occupational therapy programs recognized by the Board 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.

~~(b)~~(a) Said limited permit for this category will be valid until the date on which the results of the next qualifying examination have been made public.

~~(c)(2)~~ 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.

~~(d)(a)~~ ~~A limited permit under this classification shall be valid for one (1) year at which time the holder shall apply to the Board for licensure.~~ A limited permit shall be valid for one (1) year or until the date on which the results of the next qualifying examination have been made public. (At which time the holder shall apply to the Board for licensure).

~~(e)(b)~~ A limited permit within this category shall become null and void if the holder fails to pass the certification examination.

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

9.4. ~~A limited permit shall be valid for one (1) year or until the date on which the results of the next qualifying examination have been made public. (At which time the holder shall apply to the Board for licensure.~~ The occupational therapy assistant issued a limited permit can 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. Reciprocity.~~

~~10.1. Reciprocity will be considered with other states on an individual basis.~~

~~10.2. A license issued to an individual by another state will be honored in lieu of a license issued by the West Virginia Board of Occupational Therapy if the person so licensed has passed an examination in another state, territory of the United States or District of Columbia which is acceptable to the Board and equivalent to the requirements of this State.~~

~~10.3. The Board may waive the examination and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia or territory of the United States or proof of current certification number as assigned by the American Occupational Therapy Association.~~

~~10.4. A current photograph of the person seeking licensure by reciprocity will accompany the application.~~

~~10.5. Application forms for licensure by way of reciprocity shall include references from three (3) persons, two (2) of which will be from certified or licensed occupational therapists who have knowledge of the applicant's professional training or experience during the last five (5) years.~~

~~10.6. All forms providing reference information supporting licensure by reciprocity shall be notarized and mailed to the Board by certified mail, return receipt requested.~~

~~13-1-11. 13-1-10. Exemptions.~~

†† 10.1. The Board shall waive the examination and grant a license to any person certified prior to the effective date of the West Virginia Occupational Therapy Practice Act, West Virginia Code section one, article twenty-eight, chapter thirty et seq., (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 these Rules and Regulations, if the Board considers the requirements for such certification to be equivalent to the requirements for licensure in these Rules and Regulations.

†† 10.2. The following persons are not required to obtain a license in accordance with the provisions of these regulations:

(a) ~~Any person performing occupational therapy services in this State not licensed under this article, if such services are performed for no more than ninety (90) consecutive days a calendar year in association with an occupational therapist licensed under section one, article twenty eight, chapter thirty et seq. of the West Virginia Code of 1931, as amended, if such persons meets the qualification of licensure under section seven, article twenty eight, chapter thirty of the West Virginia Code of 1931, as amended, except for the qualifying examination; or~~ Any person in the process of completing a period of supervised field work experience at a recognized educational institution or a training program approved by the educational institution where he/she has met the academic requirements, in association with an occupational

therapist licensed under section one, article twenty-eight, chapter thirty et seq. of the West Virginia Code of 1931, as amended.

(b) Any person performing occupational therapy services in this State not licensed in West Virginia, but who performs such occupational therapy services for not more the ~~one hundred eighty~~ ~~(180)~~ ninety (90) consecutive days in a calendar year, if such person is licensed to practice occupational therapy under the law of another state which has licensure requirements equivalent to West Virginia or if such 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 American Occupational Therapy Association.

~~13-1-12.~~ 13-1-11. Renewal.

~~12~~ 11.1. An application for renewal of the license shall be received by the Board by December 31 of the current calendar year on forms provided by the Board.

~~12~~ 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 ~~July 1~~ February 1 of the current licensing year.

~~12~~ 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 license.

~~13-1-13.~~ 13-1-12. Responsibilities of the licensee.

~~13~~ 12.1. It shall be the responsibility of each person engaged

in occupational therapy to be familiar with the requirements of the law regulating such activities in West Virginia and with the regulations of this Board.

~~13~~ 12.2. It shall be the responsibility of each person engaged in occupational therapy to make ~~timely,~~ application for licensure within thirty (30) days of employment in West Virginia or renewal of license within thirty (30) days, to complete such forms properly and to pay the fees required, and to hold himself available for examination at the times and places designated by the Board. Any information or reminders which the Board may issue shall be regarded as courtesies and shall not diminish the responsibilities of the person engaged in occupational therapy.

~~13~~ 12.3. Any person licensed under the terms of this article may use the words "Occupational Therapist Registered," "~~Licensed Occupational Therapist,~~" or "Occupational Therapist" or he/she may use the letters "O.T.R.," "~~L.O.T.,~~" or "~~O.T.,~~" or "~~L/OTR~~" or "~~OTR/L~~" in connection with his/her name or place of business.

~~13~~ 12.4. Any person licensed under the requirements of these rules and regulations shall use the words "~~Occupational Therapy Assistant,~~" "~~Licensed Occupational Therapy Assistant,~~" or "Certified Occupational Therapy Assistant," or shall use the letters "~~O.T.A.,~~" "~~L.O.T.A.,~~" or "~~C.O.T.A.,~~" or "~~L\OTA~~" or "~~COTA\L~~" in connection with his/her name or place of business.

~~13-1-14.~~ 13-1-13. Display of license or ~~temporary~~ limited permit.

~~14~~ 13.1. Each person entitled to engage in the practice of occupational therapy in this State shall prominently display at his

principal place of employment his license or ~~temporary~~ limited permit to practice occupational therapy and have in his possession his wallet-sized card.

~~14~~ 13.2. The current licensure and/or renewal registration card shall be exhibited when requested by and of the following:

- (a) A Board member; or
- (b) An employee of the West Virginia Department of Health; or
- (c) Any person upon whom the licensee performs occupational therapy; or
- (d) An employer in whose employ the licensee practices or intends to practice occupational therapy.

~~14~~ 13.3. 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.~~ 13-1-14. Duplicate license.

~~15~~ 14.1. In requesting a name or address change, the current license must be returned to the Board with the required fee prior to issuance of a corrected license.

~~15~~ 14.2. In requesting a duplicate license due to loss of license, a notarized statement substantiating the loss must be completed and submitted to the Board with the required fee prior to

issuance of a duplicate license.

~~13-1-16.~~ 13-1-15. 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. Schedule of fees for services rendered by the West Virginia Occupational Therapy Board of Examiners.~~

~~17.1. License Fee~~

~~O.T.R.....\$75.00~~

~~C.O.T.A....\$50.00~~

~~17.2. License Renewal Fee~~

~~O.T.R.....\$25.00~~

~~C.O.T.A....\$15.00~~

~~17.3. Temporary Permit Fee~~

~~O.T.R.....\$50.00~~

~~C.O.T.A....\$50.00~~

~~17.4. Late Renewal Fee~~

~~O.T.R.....\$25.00~~

~~C.O.T.A....\$25.00~~

~~17.5. Reciprocity Fee.....\$75.00~~

~~17.6. Duplicate License (Card)....\$5.00~~

~~17.7. Examination Fee 50.00~~

~~17.8. Change of Name or Address 15.00~~

~~17.9. Rules and Regulations~~

~~13-1-17.~~ 13-1-16. Fees

Fee shall be charged as prescribed in the Practice Act, 30-28-15. The fee schedule is available upon request.

All of the above fees are non-refundable.

Limited permit will be applied to permanent license fee.

~~13-1-18.~~ 13-1-17. Suspension, revocation and refusal to renew license.

~~18~~ 17.1. (a) After providing adequate notice and an opportunity for a hearing, the board is empowered to deny, suspend, revoke or refuse to renew or impose probationary conditions upon any licensee who has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Such unprofessional conduct includes:

~~18.2. Such unprofessional conduct includes:~~

~~(a)~~ (1) Obtaining a license by fraud, misrepresentation or concealment of material facts;

~~(b)~~ (2) Being convicted of a felony or other crime involving moral turpitude;

~~(c)~~ (3) Violating any lawful order, rule or regulation rendered or adopted by the Board; or

~~(d)~~ (4) Violating any provision of the article;

~~(e)~~ (5) Such denial, refusal to renew, suspension, revocation or imposition of probationary condition upon licensee may be ordered by the Board in a decision made after a hearing in the

manner provided by the rules adopted by the Board. One (1) year from the date of the revocation of a license, application may be made to the Board for reinstatement.

~~13-1-19.~~ 13-1-18. Hearing procedures.

~~19~~ 18.1. 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 shall be conducted according to Code

~~19~~ 18.2. The applicant may be represented by counsel at the hearing; the Board shall be represented by the Attorney General or his assistants. Special counsel may be appointed to aid the board in its ruling on the admission of evidence.

~~19~~ 18.3. The technical rule with, with each party witnesses.

THE BOARD RESPECTFULLY REQUESTS THAT COUNSEL FOR THE RULE-MAKING COMMITTEE INSERT THE APPROPRIATE CODE REFERENCE FOR 13-1-18.1 & .4 AS IT WAS NEVER FILLED IN WHEN THE RULE WAS INITIALLY ADOPTED. THANK YOU.

~~19~~ 18. members shall as outlined in

~~13-1-20.~~ 13-1-

~~20~~ 19.1. affected by a decision of the Board rendered after a hearing shall have the right to pursue judicial review as provided by section four, article five, chapter twenty-nine-a of the West Virginia Code of 1931, as amended.

~~20~~ 19.2. 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.