

Technical Changes

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

(Please help us if you can get)

JUN 13 9 28 AM '97

FILED

TO: CATHY WHALEN

AGENCY: BD OF OCCUPATIONAL THERAPY

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 4, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: 13 BD OF OCCUPATIONAL THERAPY

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Cathy Whalen

TITLE OF PERSON SIGNING: EXECUTIVE SECRETARY

DATE: 6-12-97

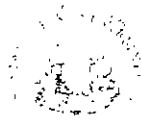
* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.



Failed to File
With Secretary of
State Copy Supplied
by LRMRC.

HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE
1900 KANAWHA BLVD., EAST
CHARLESTON 25305-0470
PHONE (304) 340-3200

February 17, 1997

Ms. Cathy Whalen
West Virginia Board of Occupational Therapy
119 South Price Street
Kingwood, WV 26537

Re: Technical changes to Administrative Rules

Dear Ms. Whalen:

I am in the process of drafting the 1997 technical rules bill. I have incorporated the name change of your parent national organization, as well as references to their initials, in the draft. I have also made the grammatical correction which you requested in subsection 2.6.

After examining the remaining changes which you have requested, I have come to the conclusion that they are not purely technical in nature, and would effect substantive changes to the rules. Please keep in mind that technical changes are limited to those necessary to correct and update the names of agencies and their subdivisions and boards, addresses, phone numbers, code references, gender specific pronouns and any other changes considered necessary which do not effect substantive changes in the rules. Any change which imparts the force of law, supplies a basis for the imposition of civil or criminal liability, or grants or denies a specific benefit is not considered technical.

I will try to explain the reason for my conclusions, and invite you to call me if you wish to discuss any of my comments.

Subsection 3.4 - Fees in a rule can never be changed without going through the process described in Chapter 29A of the West Virginia Code. This would be true even if a change in the fee were mandated by statute. (I don't believe that this change was mandated by SB358, as the operative language says that "(e)ach member of each board which is referred to in this chapter shall

receive compensation and expense reimbursement which shall not exceed the amount paid to members of the Legislature for their interim duties as recommended by the citizens legislative compensation commission and authorized by law for each day or portion thereof engaged in the discharge of official duties." *Emphasis added.*)

When a fee change is desired, regardless of the reason, the rules should be amended to reflect this change so that board members and others do not rely upon a rule which is incorrect. It is advisable that your board file this rule with the Secretary of State and the Legislative Rulemaking Review Committee, so that these and other changes can be considered during the upcoming interim period and then made part of a bill to be considered during the 1998 Regular Session of the Legislature. I strongly recommend that you contact the Rulemaking Committee at 347-4840.

Subsection 5.8 - I cannot add a requirement to the list which must be maintained by the Secretary/Treasurer.

Subsection 6 - I cannot add a position on the board which does not now exist in the rule.

Subsection 9.3.2 - I cannot expand the requirements within an eligibility classification.

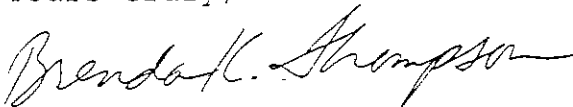
Subsections 9.3.2.a. and b. - I cannot change a requirement from one examination to more than one examination.

Subsection 10.2.2 - "Or" has an entirely different meaning from "and". To change "or" to "and" would expand the requirements to be all-inclusive, rather than one thing or the other.

Subsection 12.2 - I am unclear as to the purpose of the parenthesis.

Please feel free to contact me at 340-3133 if you wish to discuss any of these matters. I will be happy to help you or to direct you to someone who can.

Yours truly,



Brenda K. Thompson
Staff Attorney

Brenda,

10-17-96

AS WE DISCUSSED
THE CHANGES HAVE LINED
THROUGH THEM & THE
REPLACEMENT IS ON THE
BACK OF EACH PAGE.

I APPRECIATE ALL
THE HELP YOU ARE GIVING
TO ME & THE BOARD.

PLEASE CALL ME IF YOU
HAVE QUESTIONS.

Thanks again!

Larry Whalen
(329-0480)

WVBOT

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. - 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. "~~AOTCB~~" means the ~~American Occupational Therapy Certification Board~~.
- 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. "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 Therapist" means a person licensed to practice occupational therapy and whose license ~~is in good standing~~.

2.7. "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. "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.

2.9. "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.

2.2 - "NBCOT" MEANS THE
NATIONAL BOARD FOR
CERTIFICATION IN OCCUPATIONAL
THERAPY.

2.6 - IS IN GOOD STANDING

2.10. "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.

2.11. "Active Practice" means engaging in occupational therapy.

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

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

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

2.17. "Referral" means a documented order must be obtained from a licensed physician or surgeon, psychologist or psychiatrist, dentist, osteopathic physician or surgeon or chiropodist or podiatrist prior to initiating occupational therapy treatment.

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

2.19. "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.

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

2.20. "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.

2.18 - NBLDT

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. 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~~.

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.

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~~.

3.4- ONE HUNDRED DOLLARS (\$100.00)

5.8- addresses AND DATE OF BIRTH

13-1-6 - DIRECTOR OR EXECUTIVE SECRETARY

} These
were
mandated
changes
from
S.B. 358
Evan Davis
See 17/200

§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 ~~AOTCB~~ 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 ~~AOTCB~~ at least thirty (30) days prior to the date of the examination on forms provided by the ~~AOTCB~~. However, for prompt notification by the ~~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. Examinations will be conducted twice yearly at a time and place determined by the ~~AOTCB~~.

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

8.3. The ~~AOTCB~~ 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 ~~AOTCB~~.

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

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

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

8.8. The ~~AOTCB~~ 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

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8.7 - NBCOT

8.8 - NBCOT

manner upon receipt of a properly completed application and payment of the appropriate fee if the applicant:

9.1.1. Is of good moral character;

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

9.1.3. 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;

9.1.4. 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;

9.1.5. Has passed an examination conducted by the ~~AOTCB~~ 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.

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

9.3.1. To those persons who are occupational therapy assistants or who are graduates of occupational therapy programs recognized by the ~~AOTCB~~ 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.

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

9.3.2. 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~~.

a. 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.

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

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

9.5. 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:

10.2.1. Any person in the process of completing in association with an occupational therapist licensed under W. Va. Code §30-28-1

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ESTABLISHED BY THE NBCOT.

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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.

10.2.2. 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 ~~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 ~~Board~~.

§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. Responsibilities of the Licensee or Limited Permit Holder.

12.1. 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.

12.2. 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.

12.3. 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 name or place of business.

12.4. 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.

12.5. 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.

12.6. 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.

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

13.1. 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

10.2.2 - AND - NBCOT

12.2.2 - ^{NOTE} ADD the PARENTHESIS where they
ARE WRITTEN IN.

have in his or her possession his or her wallet-sized card.

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

13.2.1. A Board member;

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

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

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

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.

§13-1-14. Duplicate License.

14.1. 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.

14.2. 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.

§13-1-15. 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.

§13-1-16. Fees Shall Be Collected and Determined by the Board for the Following (All Fees Are Non-Refundable):

16.1. Initial license fee:

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

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

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

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

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

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

16.4. Renewal fee:

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

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

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

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

§13-1-17. Suspension, Revocation and Refusal to Renew License or Limited Permit.

17.1. 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:

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

17.1.2. 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;

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

17.1.4. 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;

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

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

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

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

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

17.2. 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 reinstatement.

§13-1-18. Hearing Procedures.

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 or licensee shall be conducted according to W. Va. Code §30-28-14.

18.2. 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.

18.3. 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.

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

§13-1-19. Procedures For Judicial Review.

19.1. 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.

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.

* Here is the letter stating the name change of the AOTCB to NBCOT.



Serving the Public Interest

RECEIVED APR 15 1996

National Board for Certification in Occupational Therapy

formerly The American Occupational Therapy Certification Board

April 10, 1996

Cathy Whalen, Executive Secretary
West Virginia Board of O.T.
119 S. Price Street
Kingwood, WV 26537

Dear State Regulator:

Because of our long-standing partnership to protect the public, I wanted to personally tell you about two important actions taken by the AOTCB Board of Directors. First, we are launching a new Certification Renewal Program designed to ensure the continued competency of occupational therapy practitioners. Second, the organization is announcing that it is changing its name to the National Board for Certification in Occupational Therapy (NBCOT).

Certification from the NBCOT is a symbol of professional quality and skill. It represents years of study and hard work. It signifies that a practitioner has met the highest professional and ethical standards in the practice of occupational therapy.

In today's changing health care environment, it is important to maintain those high standards to ensure quality care and to protect the integrity and value of OT services and the profession to which we belong. Today's complex and competitive health care environment is demanding more from practitioners. Increasingly, the marketplace is calling on us to adhere to higher and more complex standards.

To meet these new challenges, NBCOT is launching a new program to assess the continued competency of occupational therapy practitioners throughout their careers. Called the Certification Renewal Program, the new program is an essential means of maintaining the integrity and quality of service that are the hallmarks of our profession.

The Certification Renewal Program establishes a new procedure for renewing certification every five years. The purpose of the Certification Renewal Program is to enhance public protection by ensuring that occupational therapy practitioners meet high ethical and professional standards on a continuing basis.