

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

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

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 5

TITLE OF RULE BEING PROPOSED: Competency Standards for Advanced Practice by  
Occupational Therapists and Occupational Therapy  
Assistants

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4108

SECTION §64-9-11(a), PASSED ON March 13, 2010

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: July 1, 2010

Vanda Maluckoff  
Authorized Signature

# West Virginia Board of Occupational Therapy



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April 14, 2010

The Honorable Natalie Tennant  
Secretary of State  
Building 1, Suite 157K  
1900 Kanawha Blvd., East  
Charleston, WV 25305

Re: Legislative Rules

Dear Secretary Tennant,

On behalf of the West Virginia Board of Occupational Therapy, please accept this letter authorizing the final filing of Title 13, Series 1, 3, 4, 5, and 6 Legislative Rules. I have enclosed the "Notice of Final Filing and Adoption of a Legislative Rule Authorized by the West Virginia Legislature" as well as clean paper copies and an electronic copy of the Rules.

Thank you very much for your assistance. If you have any questions, or need any additional information, please call the Board office at the number above.

Sincerely,

*Kathy Quesenberry, MSM, OTR/L*

Kathy Quesenberry, MSM, OTR/L  
President

2010 APR 15 AM 11:45

TITLE 13  
LEGISLATIVE RULE  
BOARD OF OCCUPATIONAL THERAPY

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SERIES 5  
COMPETENCY STANDARDS FOR ADVANCED PRACTICE BY  
OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

**§13-5-1. General.**

1.1. Scope. -- This legislative rule establishes competency standards for advanced practice by occupational therapists and occupational therapy assistants

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

1.3. Filing Date. --

1.4. Effective Date. -- July 1, 2010

**§13-5-2. Definitions.**

As used in this rule:

2.1. "ACOTE" means the Accreditation Council for Occupational Therapy Education.

2.2. "Advanced Practice" means treatment techniques or arenas which require education and training obtained subsequent to the qualifying degree program or beyond current ACOTE standards for the qualifying degree program.

2.3. "Board" or "WVBOT" means the West Virginia Board of Occupational Therapy.

2.4. "Deep thermal agent modalities" means therapeutic ultrasound, phonophoresis, and diathermy.

2.5. "Electrotherapeutic agent modalities" means neuromuscular electrical stimulation, transcutaneous electrical nerve stimulation, and iontophoresis.

2.6. "General Supervision" means initial direction and periodic inspection of the activities of a licensed occupational therapist assistant by the

supervising licensed occupational therapist, but does not necessarily require constant physical presence on the premises while the activities are performed.

2.7. "Mechanical modalities" means the therapeutic application of various forms of mechanical energy to the body, including traction and intermittent pneumatic compression (does not include spinal traction).

2.8. "Modality" means the employment of or the method of employment of a therapeutic agent.

2.9. "Physical Agent Modality (PAM)" means those modalities that produce a response in soft tissue through the use of light, water, temperature, sound, or electricity, and are used as an adjunct to or in preparation for purposeful activity.

2.10. "Superficial physical agent modality" means hot packs, cold packs, ice, fluidotherapy, paraffin, water, and other commercially available superficial heating and cooling devices.

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

2.12. "Occupational Therapy Assistant" means a person licensed by the Board under the provisions of W. Va. Code §30-28 to assist in the practice of occupational therapy under the general supervision of an occupational therapist.

**§13-5-3. Physical Agent Modalities in Occupational Therapy.**

3.1. Physical agent modalities may be used by occupational therapy practitioners when used as an adjunct to / or in preparation for purposeful activity to enhance occupational performance.

3.2. An occupational therapist may not delegate evaluation, reevaluation, treatment planning, and treatment goals for physical agent modalities to an occupational therapy assistant.

3.3. Occupational therapy assistants and students of occupational therapy shall use modalities and techniques only when the individual has received the theoretical and technical preparation necessary for safe and appropriate integration of the intervention in occupational therapy.

3.4. When an occupational therapist delegates the use of modalities to an occupational therapy assistant or student, both shall:

3.4.a. Comply with appropriate supervision requirements as defined in §13-1-2; and

3.4.b. Assure that their use is based on service competency.

**§13-5-4. Competency Requirements for Occupational Therapy Assistants in the use of Physical Agent Modalities.**

4.1. To promote the safe provision of occupational therapy, this section sets forth the requirements which must be met before an occupational therapy assistant may apply physical agent modalities.

4.2. Occupational therapy assistants may apply superficial thermal and mechanical modalities including, but not limited to, hot packs, cold packs, paraffin, fluidotherapy, and icing, under the general supervision of an occupational therapist, consistent with ACOTE standards for an educational program for occupational therapy assistants.

4.3. Any occupational therapy assistant who wishes to utilize advanced practice occupational therapy techniques involving deep thermal or electrical modalities under the general supervision of an occupational therapist, must maintain documented evidence of possessing the theoretical background and technical skills for safe and competent use.

4.4. The occupational therapy assistant is responsible for proving competency in the use of specific modalities and techniques.

4.5. Competency may be displayed through documented educational programs which include a method of evaluation and testing the knowledge of the occupational therapy assistant, including, but not limited to:

4.5.a. Accredited educational programs ;

4.5.b. Specific certification as endorsed by the American Occupational Therapy Association or its successor, or as approved by the WV BOT;

4.5.c. Successful completion of an appropriate continuing education course which includes theory, indications, contra-indications and applications.

4.6. Training shall be completed prior to the use of the specific modality. Documentation of training shall be made available to the Board upon request.

4.6.a. The Board shall conduct random audits of occupational therapy assistants to substantiate competency in physical agent modalities.