

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

Form #4

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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

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

CITE AUTHORITY: W. Va. Code §30-28-7

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 6

TITLE OF RULE BEING PROPOSED: Ethical Standards of Practice

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Vanda Malnikoff
Authorized Signature

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TITLE 13
LEGISLATIVE RULE
BOARD OF OCCUPATIONAL THERAPY

WEST VIRGINIA
SECRETARY OF STATE

SERIES 6
ETHICAL STANDARDS OF PRACTICE

§13-6-1. General.

1.1. Scope. -- This legislative rule establishes Ethical Standards of Practice to establish and maintain a high standard of integrity and dignity in the profession and to protect the public against unprofessional conduct on the part of persons licensed by the West Virginia Board of Occupational Therapy as an Occupational Therapist or Occupational Therapy Assistant.

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

1.3. Filing Date. --

1.4. Effective Date. --

§13-6-2. Definitions.

As used in this rule:

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

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

2.3. "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 who license is in good standing.

2.4. "Occupational Therapy Practitioners" means all persons licensed as an Occupational Therapist or Occupational Therapy Assistant in West Virginia.

§13-6-3. Application.

3.1. This rule applies to all persons who hold

a license, limited permit, or temporary license issued by the Board.

3.2. A violation of any ethical standard of practice constitutes grounds for disciplinary action.

§13-6-4. Ethical Standards of Practice.

4.1. Occupational therapy practitioners shall demonstrate a concern for the safety and well-being of the recipients of their services. Occupational therapy practitioners shall:

4.1.a. Provide services in a fair and equitable manner and shall comply with state and federal laws pertaining to discrimination;

4.1.b. Make every effort to advocate for recipients to obtain needed services through available means.

4.2. Occupational therapy practitioners shall take reasonable precautions to avoid imposing or inflicting harm upon the client or to his or her property. Occupational therapy practitioners shall:

4.2.a. Maintain therapeutic relationships that do not exploit the recipient of services sexually, physically, emotionally, psychologically, financially, socially, or in any other manner;

4.2.b. Avoid relationships or activities that conflict or interfere with therapeutic professional judgment and objectivity;

4.2.c. Refrain from any undue influences that may compromise provision of service.

4.3. Occupational therapy practitioners shall collaborate with clients, caretakers or other legal

guardians in setting goals and priorities throughout the intervention process. Occupational therapy practitioners shall:

4.3.a. Fully inform the client of the nature, risks, and potential outcomes of any interventions;

4.3.b. Obtain informed consent from clients involved in research activities and indicate in the medical record that they have fully informed the client of potential risks and outcomes;

4.3.c. Respect the client's right to refuse professional services or involvement in research or educational activities;

4.3.d. Maintain patient confidentiality unless otherwise mandated by local, state, or federal regulations.

4.4. Occupational therapy practitioners shall perform occupational therapy services only when they are qualified by education, training, and experience to do so. Occupational therapy practitioners shall:

4.4.a. Hold the appropriate credentials for the services they provide;

4.4.b. Take responsibility for maintaining and documenting competence in practice, education, and research by participating in professional development and educational activities;

4.4.c. Protect service recipients by ensuring that duties assumed by or assigned to other occupational therapy personnel match credentials, qualifications, experience, and scope of practice;

4.4.d. Provide appropriate supervision to individuals for whom they have supervisory responsibility;

4.4.e. Refer to or consult with other service providers whenever such a referral or consultation would be helpful to the care of the recipient of service. The referral or consultation process shall be done in collaboration with the

recipient of service.

4.5. Occupational therapy practitioners shall provide accurate information related to professional activities. Occupational therapy practitioners shall:

4.5.a. Represent their credentials, qualifications, education, experience, training, and competence accurately;

4.5.b. Disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom they may establish a professional, contractual, or other working relationship;

4.5.c. Refrain from using or participating in the use of any form of communication that contains false, fraudulent, or deceptive statements or claims;

4.5.d. Accept responsibility for their professional actions that reduce the public's trust in occupational therapy services and those that perform those services.

4.6. Occupational Therapy Practitioners shall report to the Board acts constituting grounds for disciplinary action as defined in W. Va. Code §30-28-16, following complaint procedures as outlined in §13-2-5. As noted in subsection 5.1, anonymous complaints are accepted.

West Virginia Board of Occupational Therapy



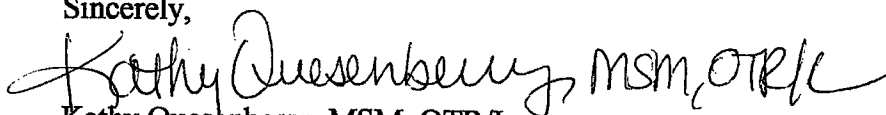
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November 18, 2009

To: Secretary of State and the LRMRC
From: Kathy Quesenberry, MSM, OTR/L
WVBOT President
Re: Authority to file Modified Legislative Rules

On behalf of the West Virginia Board of Occupational Therapy, please accept this letter authorizing the filing of Modified Title 13 Legislative Rules, including Series 1, 3, 4, 5, and 6, for consideration during the 2010 Legislative Session.

Sincerely,


Kathy Quesenberry, MSM, OTR/L
President

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