



**WEST VIRGINIA SECRETARY OF STATE**

**KRIS WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

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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: Occupational Therapy TITLE-SERIES: 13-04  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: 13-04 Continuing Education and Competence

**PRIMARY CONTACT**

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CITE STATUTORY AUTHORITY: 30-28-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

30-28-6(b)(14) Authority to establish by legislative rule the continuing education and competency requirements for licensees.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 4/17/2025

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/1/2025

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule establishes requirements for continuing education and competency for renewal of licensure for occupational therapists and occupational therapy assistants. Proposed changes modernize the language related to the types of continuing education activities now available and adds Capstone Mentoring as a qualified activity.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Language was outdated as to the types of continuing education activities now available. Capstone mentoring is a new qualified continuing education activity as a result of the addition of Doctoral Occupational Therapy educational programs.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2025 Increase/Decrease (use "-")	2026 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
<b>2. Estimated Total Revenues</b>			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There is no fiscal impact as a result of the changes to this rule.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

**Yes**

**Vonda K Malnikoff -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

TITLE 13  
LEGISLATIVE RULE  
BOARD OF OCCUPATIONAL THERAPY

SERIES 4  
CONTINUING EDUCATION AND COMPETENCE

§13-4-1. General.

1.1. Scope. -- This legislative rule establishes requirements for continuing education and competency for renewal of licensure of occupational therapists and occupational therapy assistants.

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

1.3. Filing Date. -- ~~April 15, 2010.~~

1.4. Effective Date. -- ~~July 1, 2010.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon August 1, 2036.

§13-4-2. Definitions.

As used in this rule:

~~2.1. "AOTA" means the American Occupational Therapy Association.~~

~~2.2~~1. "Audit" means the selection of licensees for verification of satisfactory completion of continuing education and competency requirements during a specified time period.

~~2.3~~2. "Board" or "WVBOT" means the West Virginia Board of Occupational Therapy.

~~2.4~~3. "Contact hour" means 1 hour spent in a continuing education activity that meets the requirements of the Board as outlined in this rule. It excludes refreshment breaks, receptions, other social gatherings, and meals that do not include an acceptable educational activity.

~~2.5~~4. "~~Continuing education and competency~~ Competence" means ~~those learning activities intended to build upon the educational and experiential basis of the occupational therapist or occupational therapy assistant for the enhancement of practice, education, administration, research, or theory development a~~ dynamic, multidimensional process in which an occupational therapist or occupational therapy assistant develops and maintains the knowledge, critical reasoning, interpersonal skills, performance skills, and ethical practice necessary to perform their occupational therapy responsibilities.

~~2.6~~5. "~~Formal self study~~ Continuing Education" means ~~a program of learning designed for the occupational therapist or occupational therapy assistant who completes the program at the individual's pace, e.g., AOTA self study series, on-line courses, etc structured educational experiences beyond entry-level academic degree work that are intended to provide advanced or enhanced knowledge in a particular area.~~

~~2.7.~~ "Informal self study" means a program of learning designed by the licensee to enhance knowledge and skill in a specific area. These activities may include, but are not limited to, reading

~~professional journals, observing other therapists, and viewing videotape quality assurance or peer review studies.~~

**§13-4-3. Continuing Education and Competency Requirements for Renewal of License.**

3.1. When a licensee applies for the renewal of an active license, that licensee shall certify to the Board his or her involvement in continuing education and competency activities in occupational therapy theory and practice and provide documentation upon the Board's request.

3.2. This section applies to all occupational therapists and occupational therapy assistants seeking to renew their licensure in West Virginia.

3.3. Unit Requirements.

3.3.a1. Each licensee shall complete a minimum of 24 contact hours of continuing education and competency activities, as approved by this rule, during the 2 year period preceding the application for renewal.

3.3.b2. A licensee may carry over up to 6 excess contact hours from one consecutive licensure period to another.

3.4. The Board shall exempt from the continuing education and competency requirements in subdivision 3.3.a. of this section, a licensee who qualifies for exceptions set forth in this subdivision.

3.4.a1. A licensee who obtains a license for the first time in West Virginia during the first twelve months of any 24 month reporting period shall complete 12 contact hours in approved continuing education and competency activities, as set forth in this rule, before the end of the current reporting period.

3.4.b2. A licensee who is serving on active duty with the military for more than 3 months, but less than 12 months of any 24 month reporting period shall complete 12 contact hours of approved continuing education and competency activities, as set forth in this rule, before the end of the current reporting period. A licensee who is serving on active duty with the military for more than 12 months of any 24 month reporting period is exempt from the continuing education and competency requirements for the entire reporting period. A licensee who claims this exception shall retain evidence of active duty with the military and shall present this evidence to the Board upon request.

3.5. Approval of Continuing Education and Competency Programs. It is the responsibility of the licensee to assure that the selected courses meet his or her individual needs to maintain knowledge of theory and practice in accordance with continuing education and competency options as outlined in subsection 3.8. of this rule.

3.6. Documentation of Continuing Education and Competency Activities.

3.6.a1. At the time of licensure renewal, a licensee who has completed the continuing education and competency requirement shall sign the licensure renewal application attesting to completion of the required contact hours.

3.6.b2. Licensees shall obtain a certificate of completion from providers of continuing education specifying the following information:

3.6.b2.4a. The dates of completion;

3.6.~~b2.2b~~. The title and location of the course;

3.6.~~b2.3c~~. The name of participant;

3.6.~~b2.4d~~. The name of provider;

3.6.~~b2.5e~~. The number of contact hours; and

3.6.~~b2.6f~~. The signature of the provider.

3.6.e3. A licensee shall retain continuing education and competency supporting documents for a period of 2 years after the date of renewal for inspection by the Board.

3.6.d4. The Board may take formal disciplinary action if a licensee submits any false statement regarding continuing education and competency.

3.6.e5. The Board may suspend or revoke the license of any licensee who fails to substantiate contact hours.

3.7. Audit of licensees. The Board may select any licensee who holds a current license to audit for compliance with continuing education and competency requirements.

3.7.a1. The Board shall notify licensees being audited.

3.7.b2. To comply with the audit request from the Board, a licensee shall submit legible copies of certificates of completion of continuing education programs, transcripts of courses taken, or other documentation substantiating completion of the continuing education and competency activity with his or her license renewal application.

3.7.e3. If a licensee fails to submit the audit information requested by the Board or meet the requirements in subdivision 3.3.a. of this rule, the Board shall not renew a license before the audit is completed.

3.7.d4. A licensee who fails to notify the Board of a current mailing address is not absolved from the audit requirements. The Board shall not renew a license before the audit is completed.

### 3.8. Approved Continuing Education and Competency Activities.

3.8.a1. Licensees may obtain continuing education and competency hours by their involvement in various types of programs and activities which are recognized by the Board as contributing to the development of professionals and updating competency in occupational therapy theory and practice.

3.8.b2. A licensee may accumulate the total required contact hours per renewal period through participation in the activities listed in this section. The Board suggests that licensees accumulate hours from a broad scope and variety of activities.

3.8.b2.1a. ~~Workshops, Seminars, Conferences~~ Continuing Education Courses.

3.8.b2.1a.A1. A licensee may earn 1 hour of continuing education credit per hour of attendance at a workshop, seminar, ~~or conference~~, or in-service training. Courses may be in-person, online, live, or pre-recorded.

3.8.b2.2b. ~~University, College, or Vocational Technical Adult Education Courses~~ Academic

Coursework.

~~3.8.b2.2b.A1.~~ A licensee may obtain credit by successfully completing university, college, or vocational technical adult education courses related to the practice of occupational therapy.

~~3.8.b2.2b.B2.~~ A licensee may earn 3 hours of continuing competency credit per university, college, or vocational technical adult education credit hour earned.

~~3.8.b.3. Educational Telecommunication Network Courses.~~

~~3.8.b.3.A.~~ A licensee may obtain credit by providing an outline or abstract of content from the course sponsor.

~~3.8.b.3.B.~~ A licensee may earn 1 hour of continuing competency credit per hour of education by telecommunication network courses.

~~3.8.b.4. Videotaped Presentations of Educational Courses, Seminars, Workshops, and Conferences.~~

~~3.8.b.4.A.~~ A licensee may obtain credit by providing an outline or abstract of content from the course sponsor.

~~3.8.b.4.B.~~ A licensee may earn 1 hour of continuing competency credit per hour of education by videotaped presentations of educational courses, seminars, workshops, or conferences.

~~3.8.b.5. In service Training.~~

~~3.8.b.5.A.~~ A licensee may obtain credit by providing an outline or abstract of content from the in-service sponsor.

~~3.8.b.5.B.~~ A licensee may earn 1 hour of continuing competency credit per hour of education by in-service training.

~~3.8.b2.6c.~~ Presentations by licensees of Occupational Therapy Education Programs, Workshops, Seminars, In-service Trainings, Conferences, or Guest Lectures within appropriate curriculums.

~~3.8.b2.6c.A1.~~ A licensee may obtain credit by making presentations of Occupational Therapy Education Programs, Workshops, Seminars, In-service Trainings, Conferences, Guest Lectures, electronic or web-based courses, which relate to the practice of occupational therapy to health or education professionals or students, or both.

~~3.8.b2.6c.B2.~~ A licensee may earn 2 hours of continuing competency credit for each 1 hour presentation to allow for credit for preparatory work. For example, a 1 hour presentation would qualify for 2 hours of continuing competency credit.

~~3.8.b2.6c.C3.~~ A licensee may not obtain continuing competency credit for subsequent presentations of the same content.

~~3.8.b.6.D.~~ A licensee may earn up to 6 continuing competency credits for the review of proposals for conferences, workshops, seminars, or educational programs at .5 contact hour for each proposal reviewed and accepted.

~~3.8.b2.7d. Publications Published or Accepted for Publication Professional Writing.~~

~~3.8.b2.7d.A1. A licensee may earn up to a maximum of 10 hours of continuing competency credit for authorship or editorship or co-authorship or co-editorship of a book relating to occupational therapy.~~

~~3.8.b2.7d.B2. A licensee may earn up to a maximum of 5 hours of continuing competency credit for authorship or editorship or review of a chapter in a book or journal article appearing appearing in a professional journal.~~

~~3.8.b2.7d.C3. A licensee may earn up to a maximum of 3 hours of continuing competency credit for authorship of an article, book review, or abstract in a ~~weekly~~ periodical or professional newsletter.~~

~~3.8.b.7.D. A licensee may earn up to 6 hours of continuing competency credit through the development of other media such as videotapes, slide presentations, etc., that would be promoted for public or professional viewing.~~

~~3.8.b2.8e. Research Projects.~~

~~3.8.2.e.1. A licensee may earn up to a maximum of 6 hours of continuing competency credit per research project for work as project director, research assistant, principal, or co-investigator of a research project.~~

~~3.8.b.9. Quality Assurance or Program Evaluation Studies Completed and Published in a Journal or Newsletter.~~

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

~~3.8.b.10. Papers and Proposals for Conference Presentations.~~

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

~~3.8.b.11. Formal Self Study.~~

~~————— 3.8.b.11.A. A licensee may earn continuing competency credit for completion of formal study packages related to the practice of occupational therapy and shall maintain a certificate of completion provided by the self study sponsor.~~

~~————— 3.8.b.11.B. A licensee may earn credit for completion of the American Occupational Therapy Association self study series and shall maintain a certification of completion provided by the self study sponsor.~~

~~————— 3.8.b.11.C. A licensee may earn the full contact hour that is awarded by the provider.~~

~~3.8.b2.12f. Informal Self Study Independent Learning.~~

~~3.8.b2.12f.A1. A licensee may earn continuing competency credit for completion of a combination of other activities and independent learning projects. These projects may include, but ~~at are~~ not limited to, a combination of reading, observing other therapists, ~~viewing videotape quality assurance or peer review studies~~, and related professional activities which enhance knowledge and skill in a specific~~

area.

3.8.b2.12f.B2. Credit is earned by maintaining a report of professional self-study. A licensee may earn .5 contact hours for each of these activities not to exceed 6 contact hours in a renewal period. A licensee shall maintain a detailed log of activity including the type, subject, and source of self-study.

~~3.8.b2.13g. Clinical Instruction of Occupational Therapy Students and Occupational Therapy Assistant Students Fieldwork Supervision / Capstone Mentoring.~~

3.8.b2.13g.A1. A licensee may earn continuing competency credit for participation as a clinical instructor for fieldwork level 1 and level 2 students or as a mentor for a capstone student.

3.8.b2.13g.B2. Only one licensee shall be awarded contact hours per student. The licensee who does the majority of actual supervision is eligible for the credit.

3.8.b2.13g.C3. A licensee may earn 2 contact hours per student for clinical instruction of level 1 occupational therapist student and occupational therapy assistant students. A licensee may not earn more than 6 total contact hours in this category.

3.8.b2.13g.D4. A licensee may earn 6 contact hours per student for clinical instruction of level 2 occupational therapist or occupational therapy assistant students. A licensee may not earn more than 12 total contact hours in this category.

3.8.2.g.5. A licensee may earn 6 contact hours per student for mentorship of an occupational therapist capstone student. A licensee may not earn more than 12 total contact hours in this category.

### 3.9. Recency of Education.

3.9.a1. When an applicant has chosen not to practice for any period of time, he or she is still obligated to maintain competency in occupational therapy knowledge, theory, and practice skills.

3.9.b2. When an applicant applies for a license, reinstatement of a license, or renewal of a license and meets all requirements for licensure, reinstatement, or renewal, but has not been a practicing clinician within a period of 2 years, the Board shall request verification of the applicant's effort toward maintaining and updating occupational therapy continuing competency.

3.9.e3. If the applicant has completed fewer than 24 hours of continuing competency contact hours within the 2 years preceding the application as required by this section, the Board has the sole discretion to determine the sufficiency of these efforts of the applicant and to decide whether additional continuing competency hours are required before granting the applicant a license.