



Occupational Therapy Administrative Rules Effective: June 1, 2004

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Part 1 General Information

1.1 The Purpose of Licensure

The Director of Professional Regulation (who is referred to as "the Director" in this rule) has been given power by Vermont law to license occupational therapists and occupational therapy assistants in order to protect the public health, safety and welfare. This is done by setting standards for issuing licenses, licensing only qualified applicants and regulating license holders and their practices.

1.2 Business Location

The Director's business location is c/o Secretary of State, Office of Professional Regulation, 26 Terrace Street, Montpelier (the Office). Mailing address:

Secretary of State
Office of Professional Regulation 26 Terrace Street Drawer 09
Montpelier, Vermont 05609
The telephone number is (802) 828-2363.

An interested person may get copies of these rules and more information about licensure and its requirements and procedures by writing or telephoning the Office.

1.3 Advisors to the Director of Professional Regulation

The Secretary of State appoints two occupational therapists to serve as advisors who help the Director carry out the program and advise the Director on such matters as selecting an examination, setting a passing score, making administrative rules, and



approving or denying licensure. The Director refers disciplinary matters to an administrative law officer.

1.4 Laws That Govern Licensure

The practice of occupational therapy is governed by a specific state law that establishes responsibilities for setting standards, issuing licenses and regulating the profession. In addition, the Director is obligated to ensure compliance with several other state laws, including the Administrative Procedure Act (3 V.S.A. "801-847), the Open Meeting law (1 V.S.A. 311-314) and the Access to Public Records law (1 V.S.A. "315-320). These laws spell out the rights of applicants, license holders and members of the public. A copy of these laws may be obtained by contacting a town clerk or librarian. Most have copies of these statutes.

1.5 Rules, Rulemaking And Declaratory Rulings

(a) Requests for the adoption, amendment or repeal of any of these rules may be sent to the Office. Such requests must be in writing, addressed to the Director. The Director will, within 30 days, initiate rulemaking procedures for the rule's adoption, adopt a procedure, or deny the request in writing.

(b) Requests for declaratory rulings as to the applicability of any statutory provisions or any rule or order may be sent to the Director. Such requests must be in writing, and must show the existence of a real controversy, not just a hypothetical question. A declaratory ruling is binding upon the parties to the ruling and the Director. The requests will be considered at the Advisory Committee's next regular meeting. Within 30 days of a decision, the parties will be notified in writing.

(c) In the absence of real controversy, the Director may issue an advisory opinion, or may decline to address the question presented in a request for declaratory ruling. An advisory opinion is not binding on the requestor, other license holders, or the Director. Within 30 days of a decision the requestor will be notified in writing.

Part 2 Information for Applicants

2.1 Definitions The definitions in the Act also apply to these rules. In addition, as used in these rules:

(1) "ACOTE" means the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association or its successor organization.

(2) "The Act" means the Occupational Therapists Act, 26 Vermont Statutes Annotated, Chapter 71.

(3) "AOTA" means the American Occupational Therapy Association or its successor organization.



- (4)"The Director" means the Director of the Office of Professional Regulation.
- (5)"The Office" means the Office of Professional Regulation in the Office of the Secretary of State.
- (6)"V.S.A." means Vermont Statutes Annotated: for example 26 V.S.A. '3351 means section 3351 of Title 26 of the Vermont Statutes Annotated.

2.2 Where to Get an Application Applications for licensure and information about the application process are available by calling or writing the Office. Applicants apply on one of three bases: examination, endorsement or certification by a nationally recognized credentialing body approved by the Director.

2.3 Licensure as an Occupational Therapist (By Examination)

- (1) Education: The applicant must have a bachelor's or higher degree from an educational program for occupational therapists that is accredited by ACOTE, including the required supervised fieldwork.
- (2) Examination: The applicant must submit proof of having passed the exam approved by the Director. Information on applying for and scheduling the exam is available from the Office or the national examining body. Candidates who fail the exam must retake the exam and are ineligible to practice until its successful completion.
- (3) Application procedure: The instructions for "examination" applicants found on the application form are followed.

2.4 Licensure as an Occupational Therapy Assistant (By Examination)

- (1) Education: The applicant must have an associate's or higher degree from an educational program for occupational therapy assistants which is accredited by the ACOTE, including the required supervised fieldwork.
- (2) Examination: The applicant must submit proof of having passed the certification exam approved by the Director. Information on applying for and scheduling the exam is available from the Office or the national examining body. Candidates who fail the exam must retake the exam and are ineligible to practice until its successful completion.
- (3) Application procedure: The instructions for "examination" applicants found on the application form are followed.

2.5 Temporary Licenses

- (a) A temporary license may be issued by the Director for a period of up to 90 days to a person who applies for the first time to practice occupational therapy in this state. The temporary license is issued to allow one who meets the licensing requirements of Rules 2.3 or 2.4 above, to practice pending the applicant taking

the next exam or pending the Director's receipt of the necessary data for licensure without exam.

(b) Close supervision, as defined in Rule 3.7(a) below, is required of the applicant while practicing under a temporary license.

2.6 Licensure Without Examination (By Endorsement)

(a) To qualify for a license by endorsement, occupational therapist applicants or occupational therapy assistant applicants must be currently certified or licensed in another jurisdiction. The requirements of that jurisdiction must currently be at least equal to Vermont's.

(b) Application procedure: The instructions for "endorsement" applicants found on the application form are followed.

2.7 Waiver of Examination or Education Requirements

(a) The Director may waive the examination requirement if the applicant is certified or licensed prior to the effective date of the Act as a registered occupational therapist (OTR) or certified occupational therapy assistant (COTA) by a nationally recognized credentialing body approved by the Director, and if, in the opinion of the Director, the standards and qualifications for such certification are at least equal to those required by the Act.

(b) The Director may waive the educational requirement for licensure as an occupational therapist, if the applicant is recognized by a nationally recognized credentialing body approved by the Director as a certified occupational therapist after having qualified for and passed an occupational therapy examination, and the Director determines that the examination so taken meets the requirements of the Act.

(c) Application procedure: The instructions for "waiver" applicants found on the application form are followed.

2.8 Foreign Trained Graduates

(a) Applicants trained in countries without accreditation standards similar to those in the United States must have completed an occupational therapy or occupational therapy assistant educational program equivalent to the standards of accredited schools. The Office will evaluate those academic credentials received with completed application in consultation with a credentials evaluation service. The applicant is responsible for the costs of this credential review. The Office will provide a current list of acceptable services and steps for requesting credential review. Upon approval of the

applicant's education, the application will be considered under rules 2.3 or 2.4.

(b) Application procedure: The instructions for "examination" applicants found on the application form are followed.

2.9 Right to a Written Decision and Appeal Applicants are notified in writing whether or not they meet requirements to be licensed.

If the Director denies an application he or she shall give specific reasons and inform the applicant of the right to request a hearing for review of this decision. The hearing will be held by an administrative law officer. After an opportunity to present the application and any additional information, the administrative law officer shall affirm, reverse, remand or modify the Director's preliminary decision. The applicant may appeal the administrative law officer's decision, by sending a written notice of appeal to the Director within 30 days of the decision. Appeals are heard by the superior court of Washington County, on the basis of the record before the administrative law officer

2.10 Use of Title A person may not use letters, words or insignia indicating or implying that the person is an occupational therapist or occupational therapy assistant unless the person is licensed. See 26 VSA '3352. However, the use of the terms "occupational therapy student" or "occupational therapy intern" in a manner that is not deceptive or misleading is acceptable.

Part 3 Information for Occupational Therapists and Assistants

3.1 Renewing Licenses Biennially Licenses expire every two years and must be renewed before the expiration date. The Office will mail a renewal application and notice of the renewal fee. However, it is the licensee's responsibility to maintain a current address with the Office and renew the license prior to expiration. Any renewal application received after the deadline is subject to a late fee set by statute.

3.2 Continuing Competence Requirements

(a) "Continuing competence" means the direct involvement of an occupational therapist or occupational therapy assistant as a participant in activities promoting continuing competency in occupational therapy theory and practice. A total of 20 hours of continuing competence shall be earned in a two year renewal period. An occupational therapist or occupational therapy assistant who is renewing his or her license for the first time after initial licensure is subject to a 10 hour continuing competence requirement per full year of licensure. If the license has

been held for one year or less, no continuing competence is required. If held more than one year but less than two years, ten hours is required.

(b) Scope of qualified activities for maintaining continuing competence:

- 1) To be accepted by the Director, activities must be related to a licensee's current or anticipated roles and responsibilities in occupational therapy and must directly or indirectly serve to protect the public by enhancing the licensee's continuing competence.
- 2) Subject matter for qualified activities include research; theoretical or practical content related to the practice of occupational therapy; or the development, administration, supervision, and teaching of clinical practice or service delivery programs by occupational therapists or occupational therapy assistants.

(c) Qualified activities for maintaining continuing competence include:

- 1) Continuing education courses, which include attendance and participation as required at a live presentation such as a workshop, seminar, conference, or in-service educational program. May also include participation in other continuing education activities that require a formal assessment of learning. Examples include electronic or web-based courses, AOTA self-paced clinical courses or other formalized self study courses, AOTA continuing education articles and other substantially similar activities.
- 2) Academic coursework, which includes participation in on-site or distance learning academic courses from a university college, or vocational technical adult education course related to the practice of occupational therapy.
- 3) Independent study, which includes reading books, journals, articles, reviewing videos and other substantially similar activities.
- 4) Mentorship, which includes participation as a mentor or mentee in a formalized mentorship agreement as defined by a signed contract between the mentor and the mentee that outlines specific goals and objectives and designates the plan of activities that are to be met by the mentee and designates the responsibilities of the mentor. This activity may qualify for credit for one renewal cycle only.
- 5) Fieldwork supervision, which includes participation as the primary clinical fieldwork educator for Level II OT or OTA fieldwork students
- 6) Professional writing, which includes publication of a peer-reviewed or non peer-reviewed book, chapter or article.
- 7) Presentation and instruction, which includes first time or significantly revised presentation of an academic course or peer-reviewed or non peer-reviewed workshop, seminar, in-service, electronic or web-based course or other substantially similar activity.

- 8) Research, which includes development or participation in a research project as a primary or assistant investigator in the research project.
- 9) Grants, which include development of a grant proposal.
- 10) Professional meetings and activities, which include participation in board or committee work with agencies or organizations in professionally related areas to promote and enhance the practice of occupational therapy.

(d) See Appendix A of these rules for guidelines for professional development. This document outlines in further detail acceptable professional development activities, maximum hourly amounts and the documentation required for each activity.

3.3 Continuing Competence Reporting and Program Approval for Individuals

(a) At renewal time the Office will provide a form upon which all continuing competency activities must be reported. The form must be submitted with the biennial renewal form.

(b) Requests for extension because of unforeseen circumstances may be granted. Under extenuating circumstances, the Director may waive all or part of the continuing competence activity requirements if the applicant provides a written request for a waiver and provides evidence of an illness, injury, financial hardship, family hardship, or other extenuating circumstance which precluded the applicant's completion of continuing competence requirements.

(c) If the continuing competence submitted for credits is deemed by the Director not to be directly pertinent to the profession of occupational therapy, the applicant will be allowed four months to earn and submit replacement hours. Replacement hours can only be considered for one renewal period. If the applicant feels the continuing competence credit has been denied inappropriately, the applicant may appeal in writing to the Director within 30 days of the date of receiving notice from the Director.

(d) Licensees shall maintain the required proof of completion for each continuing competence activity as specified in these rules. The required documentation shall be maintained for a minimum of two years following the last day of the renewal period for which the continuing competency activities were earned. Licensees should not send their continuing competency activity documentation to the Office unless audited or otherwise requested to do so.

(e) The Office may perform a random audit of licensees' continuing competency activity requirements. A licensee who fails to comply with continuing competency activity requirements is subject to disciplinary action.

3.4 Continuing Competence Program Approval for Sponsors

(a) Provided that the activities are consistent with the provisions of these rules, the Director shall grant pre-approval to activities:

- 1) sponsored or approved by the Vermont Occupational Therapy Association; Association;
 - 2) sponsored or approved by the American Occupational Therapy
 - 3) sponsored by AOTA approved providers.
- (b) A provider who wishes to obtain approval of activities for maintaining continuing competence shall submit to the Office, at least 90 days in advance of the program, all required information, including:
- 1) Course description;
 - 2) Learning outcomes;
 - 3) Target audience;
 - 4) Content focus;
 - 5) Detailed agenda for the activity;
 - 6) Amount of credit offered;
 - 7) Qualifications of the presenter(s);
 - 8) Sample documentation for demonstrating satisfactory completion by course participants such as a certificate of completion.
- (c) Upon review of the completed application, the office shall notify the provider as to whether or not the program has been approved and, if approved, the number of continuing competence hours to be awarded.
- (d) A provider of continuing competence activity shall furnish documentation for demonstrating satisfactory completion to all participants, specifying the following information:
- 1) Name of participant;
 - 2) Name of provider;
 - 3) Dates of the activity and completion;
 - 4) Title and location of activity;
 - 5) Number of points awarded by the Office; and
 - 6) Signature of the provider or representative.
- (e) A licensee may obtain office approval of continuing competence credits for activities not already approved. Activities must be consistent with Rule 3.2, above. In order to obtain approval, the licensee shall submit the following materials:
- 1) Course description;
 - 2) Learning outcomes;
 - 3) Target audience;
 - 4) Content focus;
 - 5) Detailed agenda for the activity;
 - 6) Qualifications of the presenter(s);
 - 7) Sample documentation for demonstrating satisfactory completion by course participants such as a certificate of completion.

(f) Upon review of the completed application, the Office shall notify the licensee as to whether or not the activity has been approved and, if approved, the number of continuing competence hours to be awarded.

3.5 Reinstating Licensure If a license has expired because it was not renewed on time, the licensee may apply for reinstatement and pay the renewal fee for the current renewal period and a late renewal penalty. The licensee does not have to pay renewal fees for years during which the license was lapsed. The Director may also revoke the right to reinstate a license, after an opportunity for a formal hearing, if the license has lapsed for five years or longer.

3.6 Professional Standards The Act sets forth specific grounds of unprofessional conduct. A licensee may be disciplined for a violation of any of those grounds, which are found in 26 V.S.A ' 3361 as well as the grounds for unprofessional conduct found at 3 V.S.A. ' 129a.

3.7 Supervision Standards

(a) As used in this rule:

"Supervision" means the responsible periodic review and inspection of all aspects of occupational therapy services by the appropriate licensed occupational therapist.

"Close supervision" means daily, direct, face-to-face contact at the site of work and applies only to occupational therapists with initial skill development proficiencies or occupational therapy assistants, as appropriate for the delivery of occupational therapy services.

"Routine supervision" means direct face-to-face contact at least every two weeks at the site of the work, with interim supervision occurring by other methods, such as telephonic, electronic, or written communication and applies only to occupational therapy assistants

"General supervision" means at least monthly direct face-to-face contact, with interim supervision available as needed by other methods, and applies only to occupational therapists with increased skill development and mastery of basic role functions or occupational therapy assistants, as appropriate, for the delivery of occupational therapy services.

(b) Supervision is a collaborative process that requires both the licensed occupational therapist and the licensed occupational therapy assistant to share responsibility. Appropriate supervision will include consideration given to such factors as level of skill, the establishment of service competency (the ability to use the identified intervention in a safe and effective manner), experience and work setting demands, as well as the complexity and stability of the client population to be treated.

(c) The supervision of the occupational therapy assistant is a process that is aimed at ensuring the safe and effective delivery of occupational therapy services and fosters professional competence and development.

- (d) For effective supervision to occur that will ensure safety and effectiveness of service delivery and that will support the occupational therapy assistant's professional growth, a variety of types and methods of supervision should be used by the occupational therapist. Examples of methods or types of supervision include observation, co-treatment, dialogue/discussion, and teaching/instruction.
- (e) The occupational therapist develops a plan for supervision that includes input from the OTA in regard to the following:
- (1) the frequency of supervisory contact
 - (2) the method(s) or type(s) of supervision
 - (3) the content areas addressed
- (f) The supervisory plan is documented and a log of supervisory contacts is kept by both parties. The log includes the frequency and methods of supervision used.
- (g) Supervision of occupational therapy services provided by a licensed occupational therapy assistant shall be implemented as follows:
- (1) Entry level occupational therapy assistants are persons working on initial skill development (less than 1 year of work experience) or who are entering new practice environments or developing new skills (one or more years of experience) and shall require close supervision.
 - (2) Intermediate level occupational therapy assistants are persons working on increased skill development, mastery of basic role functions (minimum one - three years of experience or dependent on practice environment or previous experience) and shall require routine supervision.
 - (3) Advanced level occupational therapy assistants are persons refining specialized skills (more than 3 years work experience, or the ability to understand complex issues affecting role functions) and shall require general supervision.
 - (4) Licensed occupational therapy assistants, regardless of their years of experience, may require closer supervision by the licensed occupational therapist for interventions that are more complex or evaluative in nature and for areas in which service competencies have not been established.
- (h) General statements regarding roles and responsibilities during the delivery of occupational therapy services:
- (1) The occupational therapist is responsible for the overall delivery of occupational therapy services and is accountable for the safety and effectiveness of the occupational therapy service delivery process.
 - (2) The occupational therapy assistant delivers occupational therapy services under the supervision of the occupational therapist.
 - (3) It is the responsibility of the occupational therapist to be directly involved in the delivery of services during the initial evaluation and regularly throughout the course of intervention.

(4) Services delivered by the occupational therapy assistant are specifically selected and delegated by the occupational therapist. When delegating to the occupational therapy assistant, the occupational therapist considers the following factors:

- (A) the complexity of the client's condition and needs
- (B) the knowledge, skill, and competence of the occupational therapy assistant.
- (C) the nature and complexity of the intervention

(5) Prior to delegation of any aspect of the service delivery process to the occupational therapy assistant, service competency must be demonstrated and documented between the occupational therapist and occupational therapy assistant. Service competency is demonstrated and documented for clinical reasoning and judgment required during the service delivery process as well as for the performance of specific techniques, assessments, and intervention methods used. Service competency must be monitored and reassessed regularly.

(6) The role delineation and responsibilities of the occupational therapist and the occupational therapy assistant remain unchanged regardless of the setting in which occupational therapy services are delivered (i.e., traditional, non-traditional, or newly emerging practice settings).

(i) An occupational therapist or occupational therapy assistant practicing under a temporary license must have daily, direct, on-site supervision by a licensed occupational therapist for the duration of the temporary license. The supervisor is available for advice and intervention, and will sign all notes entered into the patient's medical record.

3.8 Complaint Procedure The Office has a procedure for receiving, investigating and acting on complaints of unprofessional conduct. Copies of the procedure are available from the Office.

3.9 Disciplinary Actions Hearings on charges of unprofessional conduct are held before an administrative law officer. A party aggrieved by a decision of the administrative law officer may, within 30 days of the decision, appeal by filing a written notice with the Director. The appeal shall be decided by the superior court of Washington County on the basis of the record before the administrative law officer.

Effective: June 1, 2004

Appendix A

Attending workshops, seminars, lectures, professional conferences offered by AOTA approved provider or equivalent recognition from another association or organization	20 hours	CEU, contact hours, certificates of attendance, letter from sponsor
Attending workshops, seminars lectures, professional conferences other provider approved by the State	20 hours	CEU, contact hours, certificates of attendance, letter from sponsor
Attending employer-provided continuing competency	5 hours	Attendance records, certificates
Attending continuing competency programs offered by colleges and universities	20 hours	Attendance records, certificates
Making professional presentations at state or national workshops, seminars, and conferences	4 hours = 4 hours presentation time	Copy of presentation, or program listing
Publication of article in non-peer-reviewed publication (e.g. OT Practice, SIS Quarterly, Advance, etc.)	2 hours = 1 article	Copy of publication
Publication of article in peer-reviewed professional publication (e.g. journals, book chapter, research paper)	10 hours = 1 article	Copy of publication
Publication of chapter(s) in occupational therapy or related professional textbook	10 hours = 1 chapter	Copy of text, letter from editor
Mentoring a colleague to improve the skills of the protege (mentor)	5 hours	Goals and objectives, analysis of mentee performance
Reflective occupational therapy practice in collaboration with an advanced colleague to	5 hours	Mentor verification of skills obtained. Evaluation of Mentor and experience analysis of
Improve one's skill level (mentee)		learning

Guest lecturer, teaching OT related academic course per semester (must not be one's primary role)	2 hours	Syllabus of course, course outline. Verification letter from Dept. Chair
Providing professional in-service training and/or instruction for occupational therapists, occupational therapy assistants, and related professionals	2 hours	Attendance records, goals and objectives of in-service training. Verification letter from supervisor
Volunteer services to organizations, populations, individuals, that advance the reliance on the use of one's OT skills and experiences	10 hours	Verification letter from organization. Report describing outcomes of volunteer service provided
Level II fieldwork direct supervision OT or OTA	10 hours	Documentation required, name of student(s), letter of verification from school, dates of fieldwork
Formal academic course work	20 hours 1 credit = 15 hours	Official transcript from accredited college
Professional study group, minimum of 3 participants	5 hours	Group attendance records; study group goals; analysis of goal attainment and learning
Extensive scholarly research activities, or extensive outcome studies	20 hours	Grant funding number, abstract/executive summary and/or copies of the completed research/studies
Independent learning/study, such as CE articles, peer-reviewed, role-related professional articles video, audio, and/or online courses	10 hours	CEUs, contact hours. Annotated bibliography and analysis of how articles impacted improving skills in one's role

External self study series	20 hours	Certificate of completion
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Guidelines for Study Group

- Study groups should contain a minimum of three (3) participants and it is suggested no more than twenty (20).
- Each study group session should be no less than 60 minutes; participants can earn one (1) hour per three(3) hours while in session with the group.
- Attendance records must be maintained.
- The study group must develop and document learning goals. This may be in the areas of assessments, interventions, resources, and other evidence-based practice topics.
- The goals should be written based on demonstrated outcomes of the participants.
- The study group must next develop and document a plan by which the group goals are to be achieved. This may be done by:
 - Reading and reviewing journal articles; Reviewing professional books or texts in books; Developing a research or study or presentation of a topic pertinent to the group's goals

Guidelines for Journal Reading

- A minimum of 10 peer-reviewed, role related articles are equivalent to five hours.
- The articles must be related to one's professional role.
- An annotated bibliography is required.
- Write a report that analyzes the content of the articles and the impact these articles had with respect to one's role. Areas to be addressed are: journal topics, applicability to role, impact on populations served.
- Dates of when the articles were read.

Guidelines for Volunteer Services

- Apply the skills and knowledge learned throughout his/her career to enhance, evaluate, monitor and/or better the lives or situations of organizations, populations, communities or individuals in a volunteer setting.

- Develop and implement community-focused activities to enhance reliance on occupational therapy.
- Record the name of the organizations/populations/individuals in which interactions occurred.
- Record dates, time spent on interactions.
- Summarize the interactions and outcomes of the professionally related situation.

Guidelines for Mentoring

- The Mentor and Mentee is a one-on-one relationship.
- The Mentee is the learner of a certain skill or skill set.
- The Mentor is the teacher of the Mentee and must be currently certified with a nationally recognized credentialing body approved by the Director and if applicable, licensed in good standing with their regulatory jurisdiction.
- The Mentor is to teach the Mentee a particular area or areas of his/her expertise.
- The mentoring period should be not less than 20 hours.
- Note: A supervisor in a work setting is not acceptable; mentoring is not the same as supervision.

The following documentation is required to be maintained by both the Mentor and the Mentee:

- Names of both Mentor and Mentee;
- Goals of the Mentee;
- Mentor=s plan of instruction; and
- Dates and times mentoring occurred.
- Upon completion of the mentoring (attainment of skill) the Mentor evaluates the Mentee, the mentorship program, and their attainment of skills.
- Upon receipt of the Mentee evaluation of this mentorship experience, the Mentor will review the feedback and document improvement for future mentor roles and activities.