

**Michigan Office of Administrative Hearings and Rules**

**Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

**REGULATORY IMPACT STATEMENT  
and COST-BENEFIT ANALYSIS (RIS)**

**Agency Information:**

**Department name:**

Licensing and Regulatory Affairs

**Bureau name:**

Bureau of Professional Licensing

**Name of person filling out RIS:**

Andria Ditschman

**Phone number of person filling out RIS:**

517-290-3361

**E-mail of person filling out RIS:**

DitschmanA@michigan.gov

**Rule Set Information:**

**ARD assigned rule set number:**

2021-85 LR

**Title of proposed rule set:**

Occupational Therapists - General Rules

**Comparison of Rule(s) to Federal/State/Association Standard**

**1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.**

Each state establishes its own requirements with respect to the registration or licensure of occupational therapists and occupational therapy assistants, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

**A. Are these rules required by state law or federal mandate?**

MCL 333.16145 requires that only a board or task force may promulgate rules to specify requirements for licenses, registrations, renewals, examinations, and required passing scores.

MCL 333.16148 requires the department to promulgate rules pertaining to training standards for identifying victims of human trafficking.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement telehealth services.

MCL 333.18307 requires the department, in consultation with the board, to promulgate rules setting forth the minimum standards for licensure as an occupational therapist.

MCL 333.18309 requires the department, in consultation with the board to promulgate rules setting forth the minimum standards for licensure as an occupational therapy assistant.

The rules are not required by any federal mandate.

**B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.**

The proposed rules do not exceed a federal standard.

**2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.**

The proposed rules are consistent with the standards required in the Public Health Code and the rules are largely consistent with the requirements of other states in the Great Lakes Region.

Part 1: General Provisions: This section includes a rule that requires a one-time training for identifying victims of human trafficking. This requirement is unique to this state.

Part 2: Occupational Therapists: This section pertains to educational program standards, licensure requirements, supervised practice experience requirements, and the delegation of a duty to an occupational therapy assistant. All states in the Great Lakes region approve occupational therapy educational programs, provide licensure requirements, provide supervised practice experience requirements, and regulate the delegation of a duty to an occupational therapy assistant in their occupational therapists' statutes and administrative rules. The educational standards, licensure requirements, supervised practice requirements, and the regulations for the delegation of a duty to an occupational therapy assistant in the proposed rules are similar to the standards and requirements in the other states in the Great Lakes Region.

Part 3: Occupational Therapy Assistants: This section pertains to the educational program standards and licensure requirements of occupational therapy assistants. All states in the Great Lakes region approve educational standards and licensure requirements for occupational therapy assistants in occupational therapists' statutes and administrative rules. The educational standards and licensure requirements in the proposed rules are similar to the standards and requirements in other states in the Great Lakes Region.

Part 4: Telehealth: This section pertains to telehealth definitions and requirements. In the proposed rules, a licensee may perform telehealth services after appropriately obtaining informed consent and ensuring the patient understands the treatment will be done remotely and that telemedicine is appropriate for the patient. The licensee shall keep proof of the consent for the telehealth service in the patient's medical record, act within their scope of practice, and exercise the same standard of care applicable to a traditional, in-person health care service. The licensee must comply with the Health Insurance Portability and Accountability Act and the telehealth visit must be performed in a secure fashion to comply with federal and state security and privacy regulations. The telehealth requirements are consistent with states that address telehealth.

Part 5: Continuing Education: This section pertains to continuing education (CE) requirements. In the proposed rules, a licensee must accumulate 20 CE credit hours during each 2-year licensing cycle. All other states in the Great Lakes region require an occupational therapist and an occupational therapy assistant to accumulate CE during each licensing cycle, but the number of CE credits required differ from state to state. In Illinois, Minnesota, Pennsylvania, and Wisconsin, a licensee must accumulate 24 CE credits in each 2-year licensing cycle. In Indiana, a licensee must accumulate 18 CE credits in each 2-year licensing cycle. In New York, a licensee must accumulate 36 CE credits. In Ohio, a licensee must accumulate 20 CE credits in each 2-year licensing cycle.

**A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.**

The standards pertaining to licensure, supervised practice, delegation of duty, and CE differ from state to state.

Overall, the standards in the proposed rules do not exceed those of other states in the Great Lakes Region.

**3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.**

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

**A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.**

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

**4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, provide a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules.**

MCL 24.232(8) does not apply.

**5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, provide either the Michigan statute that specifically authorizes the more stringent rules OR a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules.**

MCL 24.232(9) does not apply.

## **Purpose and Objectives of the Rule(s)**

**6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.**

R 338.1211 Definitions: The proposed changes for this rule provide definitions to terms and abbreviations that are used throughout the set. The changes are made to provide clarity and aid the applicant or licensee in understanding the content of the rule set.

R 338.1215 Training standards for identifying victims of human trafficking: requirements: The proposed changes for this rule provide grammatical changes to provide clarity and aid the licensure applicant in understanding the training requirements and that this training currently applies to all licensure applicants.

R 338.1221 Educational program standards; occupational therapist: The content from rescinded rule R 338.1222 was moved to this rule for organizational purposes.

A copy of the Minimum Standards for the Education of Occupational Therapists, revised in 2016, may be obtained from the World Federation of Occupational Therapists at no cost. The cost was modified from 10 cents per page to no cost.

R 338.1223 Application for occupational therapist license.

R 338.1225 Graduate of non-accredited postsecondary institution; occupational therapist equivalency of education; NBCOT examination.

R 338.1226 Licensure by endorsement.

R 338.1233 Application for an occupational therapy assistant license; requirements.

R 338.1234a Graduate of non-accredited postsecondary institution; occupational therapy assistant; equivalency of education; NBCOT examination.

R 338.1235 Licensure by endorsement of an occupational therapy assistant; requirements.

The proposed changes to these rules include: when applying for licensure, the applicant must also meet the criteria of the Public Health Code General Rules, and any other administrative rules promulgated under the public health code, and MCL 333.16174; the applicant will be required to disclose each license, registration, or certification he or she held in a health profession issued by another state, the US military, the federal government, or another country; and the applicant must satisfy MCL 333.16174 showing that there are no disciplinary proceedings pending against him or her and that sanctions are not in force at the time of application to the state of Michigan. These changes were implemented to make clear to the applicant that there were other statutes and rule sets that they must comply with to obtain a license. Additionally, the changes were made to protect the public so that the department would be alerted about the regulatory history of those applying for licensure before a decision was made on whether to issue the applicant a license.

R 338.1224: Examinations; occupational therapist: The proposed changes to this rule were merely grammatical to provide clarity. They were not substantive.

R 338.1227: Requirements for relicensure; occupational therapist: The proposed changes to this rule include the previous content of R 338.1223a and reformatted the content of the rule into a chart so that it would be easier for

applicants, registrants, and licensees to understand the relicensure requirements.

R 338.1229: Delegation to and supervision of an occupational therapy assistant: There proposed changes to this rule removed the definitions and placed them in Rule 338.1211. The remainder of the changes were grammatical changes or minor additions for clarity. No substantive changes were made to the content.

R 338.1229a Delegation to an unlicensed individual; direct supervision: There proposed changes to this rule removed the definitions and placed them in Rule 338.1211. The remainder of the changes were grammatical changes or minor additions for clarity.

R 338.1231 Educational Program standards for an Occupational Therapy Assistant: This rule used to contain the licensure requirements for an occupational therapy assistant. The proposed changes removed the definitions and placed them into R 338.1211. The proposed changes now house the former content of R 338.1232 for organizational purposes. No substantive changes were made to the content.

R 338.1236 Requirements for relicensure of an occupational therapy assistant: The proposed changes to this rule include the previous content of R 338.1233a and reformatted the content of the rule into a chart so that it would be easier for applicants, registrants, and licensees to understand the relicensure requirements.

R 338.1241 Definitions: The proposed rule provides definitions for telehealth, telehealth service and telemedicine. The definitions are provided for clarity and to aid the applicant or licensee in understanding the content of the rule set.

R 338.1243 Consent scope of practice; standard of care: This proposed rule provides the details a licensee must follow when utilizing a telehealth option. It advises, inter alia, the occupational therapist to obtain the proper informed consent, ensure that telehealth is appropriate for the patient, and to follow the Health Insurance Portability and Accountability Act, state and federal security and privacy regulations. The standard of care for a telehealth visit is provided to protect the patients who participate in a telehealth visit.

R 338.1251 License renewal; occupational therapist; occupational therapy assistant: The proposed changes to this rule clarify that when a request for a waiver of the continuing education requirements is made under MCL 333.16205, the licensee must submit the request not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license. This change is made to ensure that requests can be timely processed by the department and reviewed by the board before the license expires.

R 338.1252 Acceptable Continuing Education: The proposed changes to this rule add more acceptable providers of continuing education and contain grammatical changes that were made for clarity and understanding. Adding more providers of continuing education allows the licensee or registrant greater selection in choosing a continuing education course to satisfy the continuing education requirements.

**A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.**

Promulgation of rules related to licensure, telehealth, and continuing education is required by statute. This provides a regulatory framework for the practice of occupational therapy. The proposed changes should provide greater clarity and guidance to licensees and aid in the compliance with requirements under the rules. The frequency of use is not expected to change.

**B. Describe the difference between current behavior/practice and desired behavior/practice.**

The practice of occupational therapy is regulated by law. This mandates licensure for provision of those services. Updating standards for licensure, organizing the rule set into a more user-friendly format, updating outdated information, and providing additional detail related to relicensure, telehealth, and continuing education helps add clarity and certainty to the rules and will make compliance easier for applicants, registrants, and licensees.

**C. What is the desired outcome?**

Regulation is necessary for individuals who wish to practice as occupational therapists or occupational therapist assistants. By improving and clarifying the rules, applicants and licensees should find compliance easier. This should result in fewer questions, fewer regulatory problems, and greater safety and protection of the public.

**7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.**

The proposed revised rules address and update requirements to reflect the minimal standards considered acceptable to the board and the department. In the absence of the proposed rules, applicants and licensees are more likely to misunderstand the licensure requirements and not be aware of all the criteria used by the department for finding compliance with the rules. In addition, a risk to the public will exist, because licensees will have no requirement to follow the minimal standards that the board currently considers necessary to protect the public.

**A. What is the rationale for changing the rules instead of leaving them as currently written?**

The proposed rule set supplies clarity to all rules on licensure.

**8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.**

The proposed rules supply a regulatory mechanism for the practice of occupational therapy. To protect the health, safety, and welfare of Michigan's citizens, it is important that members of the profession adhere to educational and professional standards.

**9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.**

R 338.1222 Educational program standards; occupational therapist; adoption by reference. This rule was rescinded as the content was moved to R 338.1221 for organizational purposes.

R 338.1223a Application for license; occupational therapist with lapsed registration: This rule was rescinded, and the content was moved to R 338.1227.

R 338.1232 Educational program standards for an occupational therapy assistant; adoption by reference: The rule was rescinded and the content was moved to R 338.1231.

R 338.1233a Application for license; occupational therapy assistant with lapsed registration; requirements: This rule was rescinded, and the content was moved to R 338.1227.

**Fiscal Impact on the Agency**

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

**10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).**

The proposed rules are not expected to have a fiscal impact on the agency.

**11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.**

No agency appropriation has been made nor a funding source provided because there are no expenditures associated with the proposed rules.

**12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.**

There is no identified burden imposed by the proposed rules.

**A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.**

There is no identified burden imposed by the proposed rules.

**Impact on Other State or Local Governmental Units**

**13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.**

There are no anticipated increases or reductions for other state or local governmental units as result of the proposed rules.

**14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.**

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.

**A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.**

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

**15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.**

No appropriations have been made to any governmental units as result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

## **Rural Impact**

**16. In general, what impact will the rules have on rural areas?**

The proposed rules impose requirements on individual registrants and licensees, so the impact is on an individual regardless of that person's location. Even if a registrant's licensee's workplace was in a rural area, the department could not exempt his or her business because it would create a disparity in the regulation of the profession.

**A. Describe the types of public or private interests in rural areas that will be affected by the rules.**

The proposed rules will not impact public or private interests in rural areas.

## **Environmental Impact**

**17. Do the proposed rules have any impact on the environment? If yes, please explain.**

The proposed rules will not have any impact on the environment.

## **Small Business Impact Statement**

**18. Describe whether and how the agency considered exempting small businesses from the proposed rules.**

The department did not consider exempting small business because they are not impacted by the proposed rules.

**19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.**

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual registrants and licensees. Further, the Michigan Public Health Code requires occupational therapists and occupational therapy assistants to be licensed.

**A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.**

There are approximately 8,521 licensed occupational therapy professionals in Michigan.

A registrant or licensee may work in a small business. However, no matter what type of business environment the registrant or licensee works in, he or she will have to comply with the proposed rules. The rules do not impact small businesses differently because the impact is to the individual licensee only.

**B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.**

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all occupational therapist and occupational therapist assistant registrants and licensees. The rules were drafted to be the least burdensome on all affected registrants and licensees.

**C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.**

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules, because the proposed rules do not impact small businesses.

**D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.**

The agency did not establish performance standards to replace design or operation standards required by these rules.

**20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.**

The proposed rules do not impact small business. They impact an individual registrant or licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

**21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.**

The proposed rules affect individuals applying for licensure and renewal, regardless of whether they practice in a small business. There is no separate cost to a small business.

**22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.**

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules impact licensees and registrants and not small businesses.

**23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.**

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

**24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.**

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

**25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.**

The proposed rules impose requirements on individual registrants and licensees rather than a small business. Even if a registrant's or licensee's practice qualifies as a small business, the department could not exempt his or her business because it would create disparity in the regulation of the profession.

Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

**26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.**

The proposed rules impose requirements on individual registrants and licensees rather than a small business. Even if a registrant's or licensee's work qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

**27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.**

The department worked with the Michigan Board of Occupational Therapists in the development of the proposed rules. The board is composed of members of the profession and public members.

**A. If small businesses were involved in the development of the rules, please identify the business(es).**

No small businesses were involved in the development of the rules.

## **Cost-Benefit Analysis of Rules (independent of statutory impact)**

### **28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.**

There are no estimated compliance costs with these rule amendments on businesses or groups.

#### **A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.**

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

#### **B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.**

No additional costs will be imposed on any businesses or groups.

### **29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.**

It is estimated that there will be no new compliance costs imposed on individuals as a result of the proposed rules.

A licensee or registrant may currently render telehealth services as provided by statute. The new rules do not require a licensee or registrant to provide telehealth services, so there is no cost to comply with this rule.

If a licensee or registrant does choose to provide telehealth services, the new rules do require that he or she maintain the statutorily required consent for treatment, but a licensee or registrant must currently maintain medical records in compliance with MCL 333.16213. It is anticipated that this consent will be retained in the client's medical records without imposing any additional costs for recordkeeping.

The proposed telehealth rule also requires that a telehealth service be provided in compliance with current privacy-protection laws. It is anticipated licensees and registrants are in current compliance with privacy-protection laws related to their use of electronic communication and record-keeping in their practice, as provided by state or federal statute. It is estimated that if a licensee or registrant provides telehealth services, this requirement in the telehealth rule will not impose any additional costs to ensure client privacy.

#### **A. How many and what category of individuals will be affected by the rules?**

All licensees, registrants, and applicants are affected by the proposed rules.

#### **B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?**

There is no qualitative or quantitative impact on individuals as a result of the proposed rules.

### **30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.**

There are no cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

### **31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.**

The proposed rules use clear, concise language, and implement the statutory requirements for licensing. The clear, concise language allows the public, registrants, and licensees to better understand the requirements for licensure.

The proposed rules will provide requirements to licensees and registrants who chose to render telehealth services. The requirements will ensure public health and safety by limiting telehealth services offered to those within the licensee's or registrant's scope of practice and consistent with in-person health care services. The requirements will also ensure client privacy rights.

### **32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.**

The rules are not expected to have an impact on business growth, job creation, or job elimination in Michigan.

**33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.**

The department does not expect any individuals or businesses to be disproportionately impacted by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

**34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.**

Illinois: <https://www.ilga.gov/commission/jcar/admincode/068/068013150001450R.html>;  
[https://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1314&ChapAct=225%26nbsp%3BILCS%26nbsp%3B7](https://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1314&ChapAct=225%26nbsp%3BILCS%26nbsp%3B7;);

<https://www.ilga.gov/commission/jcar/admincode/068/068013150001000R.html>

Indiana: <https://iga.in.gov/legislative/laws/2022/ic/titles/025#25-23.5>  
[http://www.in.gov/legislative/iac/iac\\_title?iact=844&iaca=10&submit=+Go+](http://www.in.gov/legislative/iac/iac_title?iact=844&iaca=10&submit=+Go+;);

Minnesota: <https://www.revisor.mn.gov/statutes/cite/148>  
<https://www.revisor.mn.gov/statutes/cite/148.6443>  
<https://mn.gov/boards/occupational-therapy/>

New York: <http://www.op.nysed.gov/prof/ot/article156.htm>  
<http://www.op.nysed.gov/prof/ot/part76.htm>

Ohio: <https://codes.ohio.gov/ohio-administrative-code/4755>  
<https://codes.ohio.gov/ohio-revised-code/chapter-4755>

Pennsylvania: <https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/049/chapter42/chap42toc.html>

Wisconsin: <https://dsps.wi.gov/Pages/RulesStatutes/OT.aspx>  
[https://docs.legis.wisconsin.gov/code/admin\\_code/ot/3.pdf](https://docs.legis.wisconsin.gov/code/admin_code/ot/3.pdf)

**A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.**

Since the rules are required by statute, no estimates were made.

## **Alternative to Regulation**

**35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.**

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

**A. Please include any statutory amendments that may be necessary to achieve such alternatives.**

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

**36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The licensing and regulation of occupational therapists and occupational therapy assistants are state functions, and states regulate occupational therapists and occupational therapy assistants by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements but does not join one of the professional organizations would be able to practice, and there would be no way to ensure their competency or hold them accountable.

**37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.**

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

**Additional Information**

**38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.**

The instructions for compliance are included in the rules.