

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BOARD OF OCCUPATIONAL THERAPISTS

GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of licensing and regulatory affairs by sections 16145, 16148, 16204, 18307, 18309, and 18313 of **the public health code**, 1978 PA 368, MCL 333.16145(~~3~~), 333.16148, 333.16204, 333.18307, 333.18309, and 333.18313, and Executive Reorganization Order Nos. ~~1996-1~~ **1991-9**, 1996-2, 2003-1, and 2011-4, MCL ~~330.3101~~ **338.3501**, 445.2001, 445.2011, and 445.2030)

R 338.1211, R 338.1213, R 338.1222, R 338.1223, R 338.1223a, R 338.1225, R 338.1226, R 338.1227, R 338.1228, R 338.1229, R 338.1229a, R 338.1232, R 338.1233, R 338.1233a, R 338.1234, R 338.1235, R 338.1236, R 338.1237, R 338.1251, and R 338.1252 of the Michigan Administrative Code are amended, R 338.1234a is added, and R 338.1212 is rescinded, as follows:

PART 1. DEFINITIONS

R 338.1211 Definitions.

Rule 11. As used in these rules:

- (a) "Board" means the board of occupational therapists.
- (b) "Code" means **the public health code**, 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) "Department" means the department of licensing and regulatory affairs.
- (d) "Occupational therapist" means an individual who holds a current license to practice as an occupational therapist, under section 18301(1)(b) of the code, **MCL 333.18301**.
- (e) "Occupational therapy assistant" means an individual who holds a current license to practice as an occupational therapy assistant and delivers occupational therapy services under the supervision of and in partnership with an occupational therapist, under sections 16215 and 18301(1)(a) of the code, **MCL 333.16215 and 333.18301**.

PART 2. GENERAL PROVISIONS

~~R 338.1212 Prohibited conduct. Rescinded.~~

~~Rule 12. Prohibited conduct includes, but is not limited to, the following acts or omissions by an individual covered by these rules:~~

- ~~–(a) Practicing outside of the boundaries of professional competence, based on education, training, and experience.~~
- ~~–(b) Engaging in harassment or unfair discrimination based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.~~
- ~~–(c) Refusing to provide professional service based on age, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.~~
- ~~–(d) Willful or negligent failure to provide or arrange for provision of continuity of necessary therapeutic service; including but not exclusive to collaboration between the occupational therapist and occupational therapy assistant, patient and caregiver, and community.~~
- ~~–(e) Involvement in a conflict of interest that interferes with the exercise of professional discretion or makes the client’s interests secondary.~~
- ~~–(f) Taking on a professional role when a personal, scientific, legal, financial, or other relationship could impair the exercise of professional discretion or make the interests of a patient, client, or student secondary to those of the licensee.~~
- ~~–(g) Being involved in a dual or multiple relationship with a current or former patient or client or a member of the individual’s immediate family or a student, when there is a risk of harm to, or exploitation of, the patient, client or student. As used in this rule, “dual or multiple relationship” means a relationship in which a licensee is in a professional role with an individual and 1 or more of the following occurs at the same time:~~
 - ~~–(i) The licensee exploits any current or former professional relationship to further the licensee’s personal, religious, political, business or financial interests, including inducing a patient, client, or student to solicit business on behalf of the licensee.~~
 - ~~–(ii) The licensee solicits or engages in a sexual relationship with a current patient, client or student.~~
 - ~~–(iii) The licensee solicits or engages in a sexual relationship with an individual, other than a consenting adult, to whom the licensee is delegating the performance of limited assessments, tasks, or interventions in the treatment of a patient or client.~~

R 338.1213 English language requirement.

Rule 13. An applicant whose occupational therapist or occupational therapy assistant educational program was taught in a language other than English shall meet the requirements of the code and these rules and shall demonstrate a working knowledge of the English language. To demonstrate a working knowledge of the English language, an applicant shall establish that the applicant has obtained a total score of not less than 89 on the test of English as a foreign language internet-based test ~~(toefl ibt)~~ **(TOEFL-iBT)** administered by the ~~educational testing service~~ **Educational Testing Service** and obtained the following section scores:

- ~~(i)~~ **(a)** Not less than 21 on the reading section.
- ~~(ii)~~ **(b)** Not less than 18 on the listening section.
- ~~(iii)~~ **(c)** Not less than 26 on the speaking section.
- ~~(iv)~~ **(d)** Not less than 24 on the writing section.

PART 3. OCCUPATIONAL THERAPISTS

R 338.1222 Educational program standards; occupational therapist; adoption by reference.

Rule 22. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapist educational programs in the documents entitled "2011 Accreditation Council for Occupational Therapy Education Standards and Interpretive Guide," adopted by the ~~accreditation council for occupational therapy education (acote)~~ **Accreditation Council for Occupational Therapy Education (ACOTE)** in December 2011 and which were effective July 31, 2013. Copies of these standards are available at no cost from the ~~American occupational therapy association (aota)~~ **Occupational Therapy Association, Incorporated (OTA)**, ~~incorporated,~~ website at <http://acoteonline.org>. Copies of the standards are also available for inspection and distribution at cost from the Michigan Board of Occupational Therapists, **Bureau of Professional Licensing**, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapists that is accredited by the ~~acote~~ **ACOTE** qualifies as an occupational therapist educational program approved by the board.

(3) The board approves and adopts by reference in these rules the standards in the document entitled "~~Recommended~~ Minimum Standards for the Education of Occupational Therapists, **Revised 2016**" published by the ~~council of the world federation of occupational therapists~~ **World Federation of Occupational Therapists (WFOT)** in 2002. Copies of these standards are available ~~for purchase at cost~~ on the ~~world federation of occupational therapists (wfot)~~ **(WFOT)** website at <http://www.wfot.org> ~~at a cost of \$25.00 as of the adoption of these rules~~. The standards are also available for inspection at cost from the department at the address listed in subrule (1) of this rule.

(4) Any educational program for occupational therapists that is approved by the ~~wfot~~ **WFOT** qualifies as an occupational therapist educational program approved by the board.

(5) Any bachelor's level educational program for occupational therapists that was operating before December 31, 2006, and accredited by the ~~acote~~ **ACOTE** or approved by the ~~wfot~~ **WFOT** qualifies as an occupational therapist educational program approved by the board.

R 338.1223 Application for occupational therapist license; requirements.

Rule 23. An applicant for an occupational therapist license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant must meet all of the following requirements:

(a) Graduate from an occupational therapist education program that is accredited by **the** ACOTE or approved by **the** WFOT, or their predecessor organizations, and meets the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.

(b) Within 3 years preceding the application for licensure **and not more than 2 years after the application for licensure**, the applicant shall pass the occupational therapist licensure examination adopted in R 338.1224.

(c) Within 3 years preceding the application for licensure **and not more than 2 years after the application for licensure**, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(d) Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

R 338.1223a Application for license; occupational therapist with lapsed registration; requirements.

Rule 23a. (1) An applicant for an occupational therapist license whose registration as an occupational therapist in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, prior to June 11, 2015. An applicant shall meet all of the following requirements:

(a) Maintain certification as an occupational therapist by the National Board for Certification in Occupational Therapy (NBCOT) after the registration lapsed.

(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(c) Complete a supervised practice experience that meets the requirements of R 338.1228. The duration of the experience ~~shall~~ **must** be as follows:

(i) If the applicant's registration has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(ii) If the applicant's registration has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(iii) If the applicant's registration has lapsed for 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.

(2) An applicant's license or registration ~~shall~~ **must** be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

(3) An applicant for licensure who was registered in this state as an occupational therapist before January 1, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of ~~subrule (1) of this rule and~~ R 338.1223.

(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the ~~board~~ **department** may grant an applicant a limited license to complete the supervised practice experience.

(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may ~~not~~ be renewed **1 time**.

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

Rule 25. (1) An applicant **for an occupational therapist license** who graduated from a non-accredited postsecondary institution shall **submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:**

(a) ~~establish~~ **Establish to the board** that the applicant completed an occupational therapist educational program that is substantially equivalent to an occupational therapist program that is accredited by the ~~æote~~ **ACOTE** or approved by the ~~wfot~~, **WFOT** as provided in R 338.1222.

(2) (b) ~~The department shall accept as proof of an applicant's completion of the educational requirements~~ **Have** documentation ~~provided sent~~ directly to the department from the ~~nbeot~~ **NBCOT** verifying the applicant passed the ~~nbeot~~ **NBCOT** certification examination for occupational therapists **adopted in R 338.1224 within 3 years preceding the application for licensure and not more than 2 years after the application for licensure.**

(c) **Effective January 1, 2020, within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.**

(d) **Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.**

R 338.1226 Licensure by endorsement; occupational therapist; requirements.

Rule 26. (1) An applicant for an occupational therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant ~~was first~~ **is actively** registered or licensed **as an occupational therapist** in another state of the United States for 5 years or more ~~immediately preceding the date of~~ **and in good standing within 30 days, prior to** filing an application for ~~a an~~ **Michigan** occupational therapist license **in this state**, then the applicant shall comply with both of the following:

(a) Have previously taken and passed the ~~NCBOT~~ **NBCOT** certification examination for occupational therapists with a score adopted by the board under R 338.1224(1) or the predecessor examination that was administered by the AOTA.

(b) Within 3 years preceding the application for endorsement **and not more than 2 years after the application for endorsement**, the applicant must pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department with a minimum converted score of 75.

(3) If an applicant ~~was first~~ **is actively** registered or licensed **as an occupational therapist** in another state of the United States for less than 5 years ~~immediately preceding the date of~~ **and in good standing within 30 days, prior to** filing an

application for a ~~an Michigan~~ occupational therapist license **in this state**, then the applicant shall comply with all of the following:

(a) Graduate from an occupational therapist education program that is accredited by **the ACOTE**, or approved by **the WFOT**, or their predecessor organizations, and meets the standards adopted by the board in R 338.1222.

(b) Meet the requirements of subrule (2)(a) and (b) of this rule.

(c) Meet the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration ~~shall~~ **must** be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

R 338.1227 Requirements for relicensure; occupational therapist.

Rule 27. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(~~3~~), if the applicant meets all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character.

(c) **Submits proof of having completed** the continuing education required in R 338.1252 **within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date of the application to complete the deficient hours. The application will be held and the license will not be issued until the continuing education requirements have been met.**

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, MCL 333.16201(~~4~~), if the applicant meets all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character.

(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(~~3~~).

(d) **Submits proof of having completed** the continuing education required in R 338.1252 **within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date of the application to complete the deficient hours. The application will be held and the license will not be issued until the continuing education requirements have been met.**

(e) Within 3 years preceding the application ~~date~~ for relicensure **and not more than 2 years after the application for relicensure**, passes the examination on laws and rules

related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(f) Meets the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

~~(f)~~ **(g)** Either of the following:

(i) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, ~~Takes~~ ~~takes~~ and passes the NBCOT certification examination for occupational therapists, with a score adopted by the board under R 338.1224(1), ~~within 3 years preceding the application for relicensure~~ and completes supervised practice experience pursuant to subrule (3) of this rule.

(ii) Presents evidence to the department that he or she was actively registered or licensed as an occupational therapist in another state during the 3-year period **and in good standing** ~~immediately preceding~~ **within 30 days, prior to filing** the application for relicensure.

(3) An applicant who meets the requirements of subrule (2)(f)(i) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228. **The applicant must have a limited license from the department while he or she participates in the supervised practice experience.** The duration of the experience ~~shall~~ **must** be as follows:

(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant's license has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, **pursuant to section 16174 of the code, MCL 333.16174,** an applicant's license or registration ~~shall~~ **must** be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) For purposes of meeting the requirements of subrule (3) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.

(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may be renewed ~~one~~ **1** time.

R 338.1228 Supervised practice experience; occupational therapist; requirements.

Rule 28. (1) The supervised practice experience required for relicensure under R 338.1227 ~~shall~~ **must** comply with both of the following:

(a) The supervised practice experience ~~shall~~ **must** be obtained under the supervision of ~~an~~ **a licensed** occupational therapist ~~licensed in this state~~ having ~~not less than 3 or more~~ years clinical experience and no past or pending disciplinary actions.

(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.

(2) The supervised practice experience ~~shall~~ **must** consist of, at a minimum, professional and clinical instruction in all of the following areas:

- (a) Referral process.
- (b) Screening process.
- (c) Evaluations.
- (d) Intervention plans.
- (e) Intervention strategies.
- (f) Discontinuation; referral for other services.

~~(3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license shall count toward the experience requirement.~~

R 338.1229 Delegation of limited assessments, tasks or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.

Rule 29. (1) An occupational therapist who delegates the performance of selected limited assessments, tasks or interventions to an occupational therapy assistant as permitted under section 16215 of the code, MCL 333.16215, shall supervise the occupational therapy assistant consistent with section 16109(2) of the code, MCL 333.16109~~(2)~~, and satisfy the requirements of this rule. As used in this rule, “limited assessment” means those parts of an evaluation that an occupational therapy assistant is qualified by education and training to perform while under the supervision of an occupational therapist.

(2) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall ensure the qualifications of the occupational therapy assistant under the occupational therapist’s supervision, including verification of the occupational therapy assistant’s training, education, and licensure.

(3) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall determine and provide the appropriate level of supervision required for the occupational therapy assistant’s performance of the delegated limited assessment, task, or intervention. The appropriate level of supervision ~~shall~~ **must** be determined based on the occupational therapy assistant’s education, training, and experience and includes 1 of the following:

(a) “General supervision” means that the occupational therapist is not required to be physically present on site, but shall be continuously available at the time the limited assessment, task, or intervention is performed. Continuously available includes availability by telecommunication or other electronic device.

(b) “Direct supervision” means that the occupational therapist is physically present with the occupational therapy assistant or immediately available for direction and onsite supervision at the time the limited assessment, task, or intervention is performed, and that the occupational therapist has direct contact in the physical presence of the patient or client during each visit.

(4) An occupational therapist who delegates limited assessments, tasks, or interventions under ~~subrules (2) and (3)~~ of this rule shall also comply with all of the following:

(a) ~~Examine and evaluate~~ **Initiate and direct the evaluation of** the patient or client before delegating limited assessments, tasks, or interventions to be performed by an occupational therapy assistant.

(b) Supervise an occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated.

(c) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that have been delegated.

(d) Monitor an occupational therapy assistant's practice and provision of assigned limited assessments, tasks, or interventions.

(e) Maintain a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated pursuant to section ~~16213-16215~~ of the code, **MCL 333.16213 333.16215**.

(f) Meet using live, synchronous contact at least once per month with the occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated to evaluate the assistant's performance, review client or patient records, and educate the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development. The occupational therapist shall maintain documentation of the meeting that has been signed by both the occupational therapist and the occupational therapy assistant. Compliance with this subdivision shall not be used as a substitute for the ongoing supervision required under subrules (3) and (4) of this rule.

(5) An occupational therapist shall not delegate the performance of either of the following to an occupational therapy assistant:

(a) The sole development of a treatment plan.

(b) The sole evaluation and interpretation of evaluation results.

(6) An occupational therapist shall not supervise more than 4 occupational therapy assistants who are providing services to patients at the same time.

R 338.1229a Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

Rule 29a. (1) An occupational therapist who delegates the performance of selected tasks to an unlicensed individual as permitted under section 16215 of the code, **MCL 333.16215**, shall supervise the unlicensed individual consistent with section 16109(2) of the code, **MCL 333.16109** and satisfy the requirements of this rule. As used in this rule, "unlicensed individual" means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or any other health professional license and who may be able to perform the tasks identified in this rule.

(2) An occupational therapist who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual. As used in this subrule, "direct supervision" means that the occupational therapist is physically present with the unlicensed individual or immediately available for direction and onsite supervision when patients or clients are present at the time the task is performed, and that the occupational therapist has direct contact with the patient or client during each visit.

(3) An occupational therapist who delegates tasks under subrule (2) of this rule shall also comply with all of the following:

(a) Ensure the qualifications of the unlicensed individual under the occupational therapist's direct supervision, including verification of the unlicensed individual's training and education.

- (b) Examine and evaluate the patient or client before delegating tasks to be performed by an unlicensed individual.
- (c) Supervise an unlicensed individual to whom tasks have been delegated.
- (d) Provide predetermined procedures and protocols for tasks that have been delegated.
- (e) Under section 16213 of the code, **MCL 333.16213**, maintain a record of the names of the unlicensed individuals to whom tasks have been delegated.
- (f) Monitor an unlicensed individual's practice and provision of assigned tasks.
- (4) An occupational therapist shall not supervise more than 3 unlicensed individuals who are providing services to patients or clients at the same time.
- (5) An occupational therapist shall not delegate the performance of an occupational therapy intervention to an unlicensed individual.
- (6) Under section 16171 of the code, **MCL 333.16171**, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an ~~acote~~ **ACOTE** accredited or ~~wfot~~ **WFOT** approved occupational therapist educational program or an ~~acote~~ **ACOTE** accredited occupational therapy assistant educational program approved by the board.

PART 4. OCCUPATIONAL THERAPY ASSISTANTS

R 338.1232 Educational program standards; occupational therapy assistant; adoption by reference.

Rule 32. (1) The board approves and adopts by reference in these rules the standards for accrediting occupational therapy assistant educational programs in the document entitled "2011 Accreditation Council for Occupational Therapy Education Standards and Interpretive Guide," adopted by the ~~accreditation council for occupational therapy education (acote)~~ **ACOTE** in December 2011 which were effective July 31, 2013. Copies of these standards are available at no cost from the ~~American occupational therapy association (aota)~~ **AOTA, incorporated**, website at <http://acoteonline.org>. Copies of the standards are also available for inspection and distribution at cost from the Michigan Board of Occupational Therapists, **Bureau of Professional Licensing**, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapy assistants that is accredited by the ~~acote~~ **ACOTE** qualifies as an occupational therapy assistant educational program approved by the board.

R 338.1233 Application for occupational therapy assistant license; requirements.

Rule 33. An applicant for an occupational therapy assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

- (a) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.
- (b) Within 3 years preceding the application for licensure **and not more than 2 years after the application for licensure**, the applicant shall pass an occupational therapy assistant licensure examination that is approved by the board.

(c) Within 3 years preceding the application for licensure **and not more than 2 years after the application for licensure**, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(d) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English.

R 338.1233a Application for license; occupational therapy assistant with lapsed registration; requirements.

Rule 33a. (1) An applicant for an occupational therapy assistant license whose registration as an occupational therapy assistant in this state lapsed on or before January 13, 2009, shall submit the required fee and a completed application on a form, provided by the department, prior to June 11, 2015. An applicant shall meet all of the following requirements:

(a) Maintain certification as an occupational therapy assistant by the ~~National Board for Certification in Occupational Therapy (NBCOT)~~ **NBCOT** after the registration lapsed.

(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(c) Complete a supervised practice experience that meets the requirements of R 338.1237. The duration of the experience ~~shall~~ **must** be as follows:

(i) If the applicant's registration has lapsed for 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(ii) If the applicant's registration has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(iii) If the applicant's registration has lapsed for 15 years or more, the applicant shall complete not less than 600 hours of supervised practice experience.

(2) An applicant's license or registration ~~shall~~ **must** be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(3) An applicant for licensure who was registered in this state as an occupational therapy assistant prior to January 13, 2009, whose registration had lapsed, and who did not apply for licensure prior to June 11, 2015, shall complete the requirements of ~~subrule (1) of this rule and of R 338.1233.~~

(4) For purposes of meeting the requirements of subrule (1)(c) of this rule, the ~~board~~ **department** may grant an applicant a limited license to complete the supervised practice experience.

(5) A limited license granted under subrule (4) of this rule is valid for 1 year and may ~~not~~ be renewed **1 time**.

R 338.1234 Examinations; occupational therapy assistant; adoption and approval; passing scores.

Rule 34. (1) Under R 338.1233(b), the board approves and adopts the certification examination for occupational therapy assistants that was developed, administered, and scored by the ~~NCBOT~~ **NBCOT** as the licensure examination for occupational therapy assistants in this state. The board ~~shall adopt~~ **adopts** the passing score recommended by the ~~NCBOT~~ **NBCOT** for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant who fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

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

Rule 34a. (1) An applicant for an occupational therapy assistant license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

(a) Establish to the board that the applicant completed an occupational therapy assistant educational program that is substantially equivalent to an occupational therapist assistant program that is accredited by the ACOTE as provided in R 338.1232.

(b) Have documentation sent directly to the department from the NBCOT verifying the applicant passed the NBCOT certification examination for occupational therapy assistants adopted in R 338.1234 within 3 years preceding the application for licensure and not more than 2 years after the application for licensure.

(c) Within 3 years preceding the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(d) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English.

(2) This rule is effective on January 1, 2020.

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

Rule 35. (1) An applicant for an occupational therapy assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant ~~was first~~ **is actively** registered or licensed in another state of the United States for 5 years or more ~~immediately preceding the date of~~ **and in good standing as an occupational therapy assistant within 30 days, prior to** filing an

application for a ~~an Michigan~~ occupational therapy assistant license **in this state**, then the applicant shall comply with both of the following:

(a) Have previously taken and passed the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).

(b) Within 3 years preceding the application for endorsement **and not more than 2 years after the application for endorsement**, the applicant shall pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) If an applicant ~~was first~~ **is actively** registered or licensed **as an occupational therapist assistant** in another state of the United States for less than 5 years ~~immediately preceding the date of~~ **and in good standing within 30 days, prior to** filing an application for a ~~an Michigan~~ occupational therapy assistant license **in this state**, then the applicant shall comply with all of the following:

(a) Graduate from an occupational therapy assistant education program that is accredited by **the** ACOTE, or its predecessor organization that meets the standards adopted by the board in

R 338.1232.

(b) Meet the requirements of subrule (2) of this rule.

(c) Meet the requirements of R 338.1213 if the applicant's occupational therapy assistant educational program was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's license or registration ~~shall~~ **must** be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.1236 Requirements for relicensure; occupational therapy assistant.

Rule 36. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(~~3~~), if the applicant meets all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character.

(c) **Submits proof of having completed** the continuing education required in R 338.1252 **within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date of the application to complete the deficient hours. The application will be held and the license will not be issued until the continuing education requirements have been met.**

(2) An applicant for relicensure whose license has lapsed for 3 years or more preceding the date of application may be relicensed under section 16201(4) of the code, MCL 333.16201(~~4~~), if the applicant meets all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character.

(c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3).

(d) ~~Completes~~ **Submits proof of having completed** the continuing education required in R 338.1252 **within the 3-year period immediately preceding the date of the application for relicensure. However, if the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date of the application to complete the deficient hours. The application will be held and the license will not be issued until the continuing education requirements have been met.**

(e) Within 3 years preceding the application ~~date~~ for relicensure **and not more than 2 years after the application for licensure**, passes the examination on laws and rules related to the practice of occupational therapy in this state which is developed and administered by the department or an entity approved by the department.

(f) Meets the requirements of R 338.1213 if the applicant's occupational therapist educational program was taught in a language other than English.

~~(g)~~ (g) Either of the following:

(i) **Within 3 years preceding the application for relicensure and not more than 2 years after the application for licensure**, ~~Takes~~ **takes** and passes the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1) ~~within three years preceding the application for relicensure~~ and completes supervised practice experience pursuant to subrule (3) of this rule.

(ii) Presents evidence to the department that he or she was actively registered or licensed as an occupational therapy assistant in another state during the 3-year period ~~immediately preceding~~ **and in good standing within 30 days, prior to filing** the application for relicensure.

(3) An applicant who meets the requirements of ~~subrule~~ **subdivision (2)(f)(i)** of this rule shall complete a supervised practice experience that meets the requirements of R 338.1237. The duration of the experience ~~shall~~ **must** be as follows:

(a) If the applicant's license has lapsed for at least 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant's license has lapsed for 7 years or more but 15 years or less, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, **pursuant to section 16174 of the code, MCL 333.16174**, an applicant's license or registration ~~shall~~ **must** be verified, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or registration or ever held a license or registration as an occupational therapy assistant. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) For purposes of meeting the requirements of subrule (3) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.

(6) A limited license granted under subrule (5) of this rule is valid for 1 year and may be renewed ~~one~~ **1** time.

R 338.1237 Supervised practice experience; occupational therapy assistant; requirements.

Rule 37. (1) The supervised practice experience required for relicensure under R 338.1236 shall comply with all of the following:

(a) The supervised practice experience ~~shall~~ **must** be obtained under the supervision of ~~an a licensed~~ occupational therapist ~~licensed in this state~~ having ~~not less than 3 or more~~ years clinical experience and no past or pending disciplinary actions.

(b) The supervising occupational therapist shall provide the board with verification of the applicant's completion of the supervised practice experience on a form provided by the department.

(2) The supervised practice experience ~~shall~~ **must** consist of, at a minimum, professional and clinical instruction in all of the following areas:

- (a) Referral process.
- (b) Screening process.
- (c) Evaluations.
- (d) Intervention plans.
- (e) Intervention strategies.
- (f) Discontinuation; referral for other services.

(3) Only experience obtained in an approved supervised practice situation by an individual who holds a limited license ~~shall count~~ **counts** toward the experience requirement.

PART 5. CONTINUING EDUCATION

R 338.1251 License renewal; occupational therapist; occupational therapy assistant; requirements.

Rule 51. (1) This part applies to applications for renewal of licensure that are filed for the renewal cycle beginning 1 year or more after the effective date of these rules.

(2) An applicant for license renewal who has been licensed for the 2-year **licensing** period immediately preceding the expiration date of the license shall accumulate not less than 20 continuing education contact hours that are approved by the board pursuant to R 338.1252 during the ~~2 years~~ **year licensing period immediately** preceding an application for renewal.

(3) Submission of an application for renewal shall constitute the applicant's certification of compliance with the requirements of this rule.

(4) A licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(~~h~~).

(5) The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule.

(6) A request for a waiver under **section 16205 of the code**, MCL 333.16205 ~~shall~~ **must** be received by the department prior to the expiration date of the license.

(7) The requirements of this part do not apply to an applicant during an initial licensure cycle.

R 338.1252 Acceptable continuing education; occupational therapist; occupational therapy assistant; requirements.

Rule 52. (1) The 20 hours of continuing education required pursuant to R 338.1251 for the renewal of a license shall comply with the following:

(a) Not more than 10 credit hours may be earned during ~~one~~ a 24-hour period for on-line or electronic media, such as videos, internet web-based seminars, video conferences, on-line continuing education programs, and on-line journal articles.

(b) An applicant may not earn credit for a continuing education program or activity that is identical or substantially similar to a program or activity the applicant has already earned credit for during that renewal period.

(c) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education shall be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to the practice of occupational therapy.

(2) One-half of the required continuing education contact hours shall be completed **live and** in person ~~using live, synchronous contact~~. The remaining continuing education contact hours may be completed in any other format.

(3) The following are acceptable continuing education activities:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
a(a)	Completion of an approved continuing education program or activity related to the practice of occupational therapy. A continuing education program or activity is approved if it is approved or offered for continuing education credit by any of the following: American Occupational Therapy Association (AOTA). National Board of Certification in Occupational Therapy (NBCOT). International Association for Continuing Education and Training (IACET) authorized providers. Another state or provincial board of occupational therapy. Michigan Occupational Therapy Association (MIOTA). An occupational therapy education program approved by the board in R 338.1222.	The number of hours approved by the sponsor or the approving organization. If the activity was not approved for a set number of hours, then 1 hour of continuing education for each 60 minutes of participation may be earned. Credit in this category may be earned without limitation.

	<p>Employer-provided work place training. Third party presentation that contributes to professional growth, development, and competency of occupational therapy practitioners.</p> <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p>	
b(b)	<p>Completion of academic courses related to the practice of occupational therapy offered in an occupational therapy education program approved by the board pursuant to R 338.1222.</p> <p>If audited, an applicant shall submit an official transcript that reflects completion of the academic course and number of semester or quarter credit hours earned.</p>	<p>Five hours of continuing education may be earned for each semester credit hour earned.</p> <p>Three hours of continuing education may be earned for each quarter credit hour earned.</p> <p>Credit in this category may be earned without limitation.</p>
e(c)	<p>Initial publication of a chapter or an article related to the practice of occupational therapy in either of the following: A peer-reviewed textbook. A professional health care textbook. A peer-reviewed journal or periodical. Practice area related article in lay publication (community newspaper and newsletter). Non-peer reviewed professional publication (such as <i>OT Practice</i>, <i>SIS Quarterly and Advance</i>).</p> <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author of the publication or a publication acceptance letter.</p>	<p>A maximum of 10 hours may be earned in each renewal period.</p> <p>10 hours of continuing education can be earned for a publishing a peer-reviewed textbook, professional healthcare textbook or a peer-reviewed journal or periodical.</p> <p>2 hours of continuing education can be earned for publishing a practice related article in a lay publication.</p> <p>5 hours of continuing education can be earned for publishing a non-peer reviewed professional publication.</p>
d(d)	<p>Independent reading of peer reviewed articles or viewing or listening to media related to the practice of occupational</p>	<p>One hour for each 60 minutes of participation.</p>

	<p>therapy that does not include a self-assessment component.</p> <p>If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities and that includes a description of the activity.</p>	<p>A maximum of 5 hours may be earned in each renewal period.</p>
e(e)	<p>Initial presentation of an academic or continuing education program that is not a part of the applicant's regular job description.</p> <p>If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>Three hours may be earned for each 60 minutes of presentation.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
f(f)	<p>Fieldwork supervision that is not part of the applicant's primary job description.</p> <p>If audited, an applicant shall submit a copy of a letter of verification or certificate from school including dates of fieldwork and name of fieldwork student.</p>	<p>Level I: One hour for all supervision activities may be earned per student.</p> <p>Level II: One hour may be earned for each week of supervision per student supervised.</p> <p>A maximum of 12 hours may be earned in each renewal period.</p>
g(g)	<p>Participating on a state or national board, or board of a local chapter or association or committee, or volunteering related to the field of occupational therapy. A state or national board, or board of a local chapter or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the field of occupational therapy.</p> <p>If audited, an applicant shall submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the board.</p>	<p>A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p> <p>Attendance at a meeting equals 1 credit hour of continuing education.</p> <p>Attendance at a volunteering activity equals 1 credit hour of continuing education.</p>
h(h)	<p>Primary or co-primary investigator in research activities or outcome studies, or externally funded service training projects associated with grants or post-graduation studies related to the field of occupational therapy.</p>	<p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p>

i(i)	<p>Completion of competency assessment or knowledge skills assessment activities, or both, either online or in person by an approved provider or employer.</p> <p>If audited, an applicant shall submit documentation to include a certificate of completion or similar document including name, activity, date, sponsoring organization, location and time attended.</p>	<p>A maximum of 10 hours may be earned in each renewal period.</p>
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