

Michigan Office of Administrative Hearings and Rules

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**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Licensing and Regulatory Affairs

Division/Bureau/Office:

Bureau of Professional Licensing

Name of person completing this form:

Andria Ditschman

Phone number of person completing this form:

517-290-3361

E-mail of person completing this form:

DitschmanA@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Elizabeth Arasim

2. Rule Set Information

MOAHR assigned rule set number:

2020-28 LR

Title of proposed rule set:

Occupational Therapists - General Rules

3. Purpose for the proposed rules and background:

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The purpose of the Board of Occupational Therapist Rules is to regulate the prelicensure education, licensure, licensure renewal, relicensure, and continuing education for occupational therapists and occupational therapy assistants. The proposed rules are intended to: delete prohibited conduct; delete English proficiency requirement as the requirements will be added to a Public Health Code general rule; add statutory references; update references to educational program standards; clarify when an applicant may sit for the occupational therapist exam and occupational therapist assistant exam; clarify that the Department not the Board will grant an applicant a limited license to complete the supervised practice experience for an occupational therapist or occupational therapist assistant whose registration as lapsed; clarify that a limited license for supervised practice for an occupational therapist or occupational therapist assistant whose registration has lapsed may be renewed 1 time; allow supervised practice experience to be supervised by an occupational therapist in or out of the state of Michigan; add a good standing provision to the relicensure and endorsement requirements; clarify the requirements for licensure for an occupational therapist who graduated from a non-accredited postsecondary institution; add a rule regarding the requirements for licensure for an occupational therapist assistant who graduated from a non-accredited postsecondary institution; clarify that an applicant for licensure by endorsement must have an active license in another state; clarify the requirements for relicensure for both an occupational therapist and occupational therapist assistant; and clarify that one-half of continuing education may be completed in person or through live webinars.

4. Summary of proposed rules:

Overview: The proposed rules clarify definitions; clarify a licensee's or registrant's duty to report changes to his or her name, postal address, and electronic mail address; clarify the rule related to compliance conferences; rescind rules that are duplicative of statute; add rules regarding unlicensed activity; advise respondents about the service of a complaint or notice of hearing; advise a licensee or registrant that an investigation may include potential violations beyond those originally alleged; clarify when a contested case begins; and advise where and when pleadings should be filed after a complaint is issued.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

Marquette Mining Journal – September 1, 2020; Flint Journal – August 23, 2020; Grand Rapids Press – August 23, 2020

6. Date of publication of rules and notice of public hearing in Michigan Register:

9/15/2020

7. Date, time, and location of public hearing:

9/18/2020 09:00 AM at This meeting will be held virtually via Zoom pursuant to Executive Order 2020-132. , Web Link: <https://zoom.us/j/91279939415?pwd=NVRtVGZ0d3orNWpQbW04L2IKSE05UT09>, Password for Video Connection: 448597; Phone number: 877-336-1831, Code: 486917

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=156>

9. List of the name and title of agency representative(s) attending public hearing:

Kerry Przybylo, Manager; Andria Ditschman, Senior Policy Analyst; Weston MacIntosh, Senior Policy Analyst; Dena Marks, Senior Policy Analyst; and LeAnn Payne, Board Support.

10. Persons submitting comments of support:

No persons submitted comments in support.

11. Persons submitting comments of opposition:

Bethany Burge, MS, OTR/L, CNP, CAPS, participated in the virtual public hearing and sent a written comment.

12. Identify any changes made to the proposed rules based on comments received during the public comment period:

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	Name & Organization	Comments made at public hearing	Written Comments	Agency Rationale for change	Rule number & citation changed
1	Bethany Burge	The original language in the rules that allowed for "live and synchronous" continuing education (CE) courses seemed to allow greater flexibility for completing CEs into the future. Utilizing platforms such as Zoom, Google Meet, and other electronic services that allow for virtual "in person" participation may become especially important during and immediately post pandemic to maintain professional certification (2021-beyond). It is unfortunate it will be rescinded in favor of "live and in person" however, if the Governor's Orders can supersede these rules, perhaps it's not necessarily an issue.		The Board agrees with the comment to delete "in person" due to the amount of CE that is being offered on-line in an interactive format, and the difficulty of finding CE that is "in person." The rule should read "live, synchronous, and interactive." This also requires a modification to (1)(a) to clarify that the limitation of not more than 10 CE hours earned during a 24-hour period applies to hours that are asynchronous and not interactive.	R 338.1252 (1)(a) and (2)

13.Date report completed:

11/16/2020