

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**BOARD OF OCCUPATIONAL THERAPISTS**

**GENERAL RULES**

(By authority conferred on the department of licensing and regulatory affairs by sections 16145(3) and 18307 of 1978 PA 368, MCL 333.16145(3) and 333.18307 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1 and 2011-4, MCL 330.3101, 445.2001, 445.2011 and 445.2030)

**R 338.1191 Rescinded.**

History: 1993 AACCS; 2014 MR 11, Eff. June 11, 2014.

**R 338.1192 Rescinded.**

History: 1993 AACCS; 2014 MR 11, Eff. June 11, 2014.

**R 338.1194 Rescinded.**

History: 1993 AACCS; 1997 AACCS; 2014 MR 11, Eff. June 11, 2014.

**R 338.1196 Rescinded.**

History: 1993 AACCS; 1997 AACCS; 2014 MR 11, Eff. June 11, 2014.

**R 338.1197 Rescinded.**

History: 1997 AACCS; 2014 MR 11, Eff. June 11, 2014.

**R 338.1197a Rescinded.**

History: 1997 AACCS; 2014 MR 11, Eff. June 11, 2014.

**R 338.1198 Rescinded.**

History: 1993 AACCS; 2014 MR 11, Eff. June 11, 2014.

**R 338.1200 Rescinded.**

History: 1993 AACCS; 2014 MR 11, Eff. June 11, 2014.

## **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 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.
- (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.

History: 2014 MR 11, Eff. June 11, 2014.

## **PART 2. GENERAL PROVISIONS**

### **R 338.1212 Prohibited conduct.**

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.

History: 2014 MR 11, Eff. June 11, 2014.

### **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) administered by the educational testing service and obtained the following section scores:

(i) Not less than 21 on the reading section.

(ii) Not less than 18 on the listening section.

(iii) Not less than 26 on the speaking section.

(iv) Not less than 24 on the writing section.

History: 2014 MR 11, Eff. June 11, 2014.

## **PART 3. OCCUPATIONAL THERAPISTS**

### **R 338.1221 License required; use of words, titles, or letters.**

Rule 21. Under section 18303 of the code, a person shall not use the following titles or similar words which indicate that the person is a licensed occupational therapist unless the person is granted an occupational therapist license under these rules:

(a) "Occupational therapist."

(b) "O.T."

(c) "Occupational therapist licensed."

(d) "O.T.L."

(e) "Occupational therapist registered."

(f) "O.T.R."

(g) "Occupational therapist registered licensed."

(h) "O.T.R.L."

History: 2014 MR 11, Eff. June 11, 2014.

**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) 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), 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, 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 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" published by the council of the world federation of occupational therapists in 2002. Copies of these standards are available for purchase on the world federation of occupational therapists (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 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 or approved by the wfot qualifies as an occupational therapist educational program approved by the board.

History: 2014 MR 11, Eff. June 11, 2014.

**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 shall meet all of the following requirements:

(a) Graduate from an acote accredited or wfot approved occupational therapist educational program that meets the standards adopted by the board under R 338.1222 or meet the requirements of R 338.1225.

(b) Pass the occupational therapist licensure examination adopted in R 338.1224.

(c) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.

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

History: 2014 MR 11, Eff. June 11, 2014.

**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 within 1 year of the effective date of this rule. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

(a) Have maintained 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 administered by the department. This subdivision takes effect one year after the effective date of these rules.

(2) An applicant who meets the requirements of subrule (1) of this rule shall also complete a supervised practice experience that meets the requirements of R 338.1228 and the duration of the experience shall be as follows:

(a) If the applicant's registration has lapsed for at least 5 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

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

(c) If the applicant's registration has lapsed for more than 15 years, the applicant shall complete not less than 1,000 hours of supervised practice experience.

(3) In addition to meeting the requirements of subrules (1) and (2) of this rule, an applicant's license or registration shall 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.

History: 2014 MR 11, Eff. June 11, 2014.

**R 338.1224 Examinations; occupational therapist; adoption and approval; passing scores.**

Rule 24. (1) The board approves and adopts the certification examination for occupational therapists that was developed, administered, and scored by the nbcot as the licensure examination for occupational therapists in this state. The board shall adopt the passing score recommended by the 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 administered 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.

History: 2014 MR 11, Eff. June 11, 2014.

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

Rule 25. (1) An applicant who graduated from a non-accredited postsecondary institution shall establish that the applicant completed an occupational therapist educational program that is substantially equivalent to an occupational therapist program that is accredited by the acote or approved by the wfot, as provided in R 338.1222.

(2) The department shall accept as proof of an applicant's completion of the educational requirements documentation provided directly to the department from the nbcot verifying the applicant passed the nbcot certification examination for occupational therapists.

History: 2014 MR 11, Eff. June 11, 2014.

**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 if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with both of the following:

(a) Pass the 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) Pass the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapist license, then the applicant shall comply with all of the following:

(a) Graduate from an acote accredited or wfot approved occupational therapist educational program that meets the standards adopted by the board in R 338.1222 or graduated from an occupational therapist educational program determined to be

substantially equivalent to an acote accredited or wfot approved occupational therapist educational program that 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 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.

History: 2014 MR 11, Eff. June 11, 2014.

### **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 if the applicant meets both of the following requirements:

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

(b) Passes the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(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 if the applicant meets the requirements of subrule (1) of this rule and either of the following requirements:

(a) Takes and passes the nbcot's certification examination for occupational therapists with a score adopted by the board under R 338.1224(1).

(b) Presents evidence to the department that he or she was registered or licensed as an occupational therapist in another state during the 3-year period immediately preceding the application for relicensure.

(3) An applicant who meets the requirements of subrule (2) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228 and the duration of the experience shall 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 to 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 1000 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall 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 board 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 not be renewed.

History: 2014 MR 11, Eff. June 11, 2014.

**R 338.1228 Supervised practice experience; occupational therapist; requirements.**

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

(a) The supervised practice experience shall be obtained under the supervision of an occupational therapist licensed in this state having not less than 3 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 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.

History: 2014 MR 11, Eff. June 11, 2014.

**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 shall supervise the occupational therapy assistant consistent with section 16109(2) of the code 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 be determined based on the occupational therapy assistant's education, training, and experience and means 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 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) Under section 16213 of the code, maintain a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated.

(f) Meet in person 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.

History: 2014 MR 11, Eff. June 11, 2014.

**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 shall supervise the unlicensed individual consistent with section 16109(2) of the code 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, 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, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an acote accredited or wfot approved occupational therapist educational program or an acote accredited occupational therapy assistant educational program approved by the board.

History: 2014 MR 11, Eff. June 11, 2014.

**PART 4. OCCUPATIONAL THERAPY ASSISTANTS**

**R 338.1231 License required; occupational therapy assistant; use of words, titles, or letters.**

Rule 31. Under section 18303 of the code, a person shall not use the following titles or similar words which indicate that the person is a licensed occupational therapy assistant unless the person is granted an occupational therapy assistant license under these rules:

- (a) "Certified occupational therapy assistant."
- (b) "C.O.T.A."
- (c) "Certified occupational therapy assistant licensed."
- (d) "C.O.T.A.L."
- (e) "Occupational therapy assistant."
- (f) "O.T.A."
- (g) "Occupational therapy assistant licensed."
- (h) "O.T.A.L."

History: 2014 MR 11, Eff. June 11, 2014.

**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) 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), 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, 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 qualifies as an occupational therapy assistant educational program approved by the board.

History: 2014 MR 11, Eff. June 11, 2014.

**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) Pass an occupational therapy assistant licensure examination that is approved by the board.

(c) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.

(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.

History: 2014 MR 11, Eff. June 11, 2014.

**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 within 1 year of the effective date of this rule. In addition to meeting the requirements of the code and these rules, 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) after the registration lapsed.

(b) Pass the examination on laws and rules related to the practice of occupational therapy in this state which is administered by the department. This subdivision takes effect one year after the effective date of these rules.

(2) An applicant who meets the requirements of subrule (1) of this rule shall also complete a supervised practice experience that meets the requirements of R 338.1228, and the duration of the experience shall be as follows:

(a) If the applicant's registration has lapsed for 5 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

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

(c) If the applicant's registration has lapsed for more than 15 years, the applicant shall complete not less than 1000 hours of supervised practice experience.

(3) In addition to meeting the requirements of subrules (1) and (2) of this rule, an applicant's license or registration shall 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.

History: 2014 MR 11, Eff. June 11, 2014.

**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 nbcot as the licensure examination for occupational therapy assistants in

this state. The board shall adopt the passing score recommended by the 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 administered 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.

History: 2014 MR 11, Eff. June 11, 2014.

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

Rule 36. (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 if the applicant satisfies the requirements of this rule, as applicable.

(2) If an applicant was first registered or licensed in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with both of the following:

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

(b) Pass the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(3) If an applicant was first registered or licensed in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan occupational therapy assistant license, then the applicant shall comply with all of the following:

(a) Have graduated from an acote accredited occupational therapy assistant educational program that meets the standards adopted by the board in R 338.1232.

(b) Meet the requirements of subrules (2)(a) and (b) 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 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.

History: 2014 MR 11, Eff. June 11, 2014.

**R 338.1236 Requirements for relicensure; occupational therapy assistant.**

Rule 37. (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 if the applicant meets both of the following requirements:

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

(b) Passes the examination on state laws and rules related to the practice of occupational therapy that is administered by the department with a minimum converted score of 75. This subdivision takes effect one year after the effective date of these rules.

(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 if the applicant meets the requirements of subrule (1) of this rule and either of the following requirements:

(a) Takes and passes the nbcot's certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).

(b) Presents evidence to the department that he or she was registered or licensed as an occupational therapy assistant in another state during the 3-year period immediately preceding the application for relicensure.

(3) An applicant who meets the requirements of subrule (2) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1237 and the duration of the experience shall 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 to 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 1000 hours of supervised practice experience.

(4) In addition to meeting the requirements of either subrule (1) or subrules (2) and (3) of this rule, an applicant's license or registration shall 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 board 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 not be renewed.

History: 2014 MR 11, Eff. June 11, 2014.

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

Rule 38. (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 be obtained under the supervision of an occupational therapist licensed in this state having not less than 3 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 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.

History: 2014 MR 11, Eff. June 11, 2014.

**R 338.1238 Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.**

Rule 39. (1) An occupational therapy assistant who delegates the performance of selected tasks to an unlicensed individual as permitted under section 16215 of the code shall supervise the unlicensed individual consistent with section 16109(2) of the code 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 therapy assistant 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 therapy assistant 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 therapy assistant has direct contact with the patient or client during each visit.

(3) An occupational therapy assistant 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 therapy assistant’s direct supervision, including verification of the unlicensed individual’s training and education.

(b) Examine 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) Follow predetermined procedures and protocols for tasks that have been delegated.

(e) Under section 16213 of the code, 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.

(g) Delegate only those tasks to an unlicensed individual that are within the occupational therapy assistant's responsibilities as delegated by the supervising occupational therapist.

(4) An occupational therapy assistant shall not supervise more than 3 unlicensed individuals at the same time.

(5) An occupational therapy assistant shall not delegate the performance of an occupational therapy intervention to an unlicensed individual.

(6) Under section 16171 of the code, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an acote accredited or wfot approved occupational therapist educational program or an acote accredited occupational therapy assistant educational program approved by the board.

History: 2014 MR 11, Eff. June 11, 2014.