Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board

Occupational Therapy Section Meeting
January 16, 2020
9:30 AM Roll Call
77 South High Street, 31st Floor, South A
Columbus, Ohio 43215

Occupational Therapy Section Vision Statement:
The Occupational Therapy Section is committed to proactively:

- Provide Education to the Consumers of Occupational Therapy Services;
- Enforce Practice Standards for the Protection of the Consumer of Occupational Therapy Services;
- Regulate the Profession of Occupational Therapy in an Ever-Changing Environment;
- Regulate Ethical and Multicultural Competency in the Practice of Occupational Therapy;
- Regulate the Practice of Occupational Therapy in all Current and Emerging Areas of Service Delivery.

1. Administrative Matters
   1.1 Agenda Review
   1.2 Approval of Minutes
      **Action Required**
   1.3 Executive Director’s Report
   1.4 Executive Session
      1.4.1 To discuss pending and imminent court action *(ORC 121.22 (G)(3))*
      1.4.2 To discuss personnel matters related to:
         Appointment; Employment; Dismissal; Discipline; Promotion; Demotion; Compensation
         *(ORC 121.22 (G)(1))*
         Investigation of charges/complaints against a public employee, licensee, or regulated
         individual in lieu of a public hearing *(ORC 121.22 (G)(1))*
      1.4.3 To discuss matters required to be kept confidential by federal law, federal rules, or state
         statutes *(ORC 121.22 (G)(5))*
   1.5 Discussion of Law and Rule Changes
      1.5.1 Minimum Age of licensure
      1.5.2 Five Year review
      1.5.3 Military licensure changes
      1.5.4 Continuing Education rule

2. Licensure Applications
   2.1 Application Review Liaison Report
      **Action Required**
   2.2 Releases from Limited License Agreement(s)
   2.3 License Application Waiver Requests
   2.4 Occupational Therapist/Occupational Therapy Assistant Examination Applications
      **Action Required**
   2.5 Occupational Therapist/Occupational Therapy Assistant Endorsement Applications
      **Action Required**
2.6 Occupational Therapist/Occupational Therapy Assistant Reinstatement Applications

**Action Required**

2.7 Occupational Therapist/Occupational Therapy Assistant Restoration Applications

**Action Required**

2.8 Application Withdrawals

**Action Required**

2.9 CE Request(s) for Approval

**Action Required**

2.9.1 CE Denial Appeal

**Action Required**

2.10 Licensure Renewal Report

3. Enforcement Division

3.1 Assistant Attorney General Report

3.2 Case Review Liaison Report

3.3 Releases from Consent Agreement(s)

3.4 Notice(s) of Opportunity for Hearing

3.5 Consent Agreement(s)

3.6 Affidavit Consideration(s) – 1:30 PM

3.7 Hearing Officer Report(s)

3.8 Summary Suspension(s)

3.9 To discuss proposed disciplinary action against a licensee pursuant to ORC 121.22 (G)(1) and pursuant to 121.22 (G)(5) that involve matters required to be kept confidential under ORC sections 149.43 (A)(2) and 4755.02 (E)(1)

4. Correspondence

**Joint Correspondence**

5. OOTA Report

6. Open Forum

7. Old Business

7.1 OT Compact

7.2 OOTA CE approvals

7.3 Texas Lone Star College occupational therapy re-entry program

7.4 Scope of Care Recommendations for visual/perceptual dysfunction

8. New Business

9. Next Meeting Preparation

9.1 Agenda Items

9.2 Executive Director Assignments

10. Adjournment
Call to Order
Mary Beth Lavey, Chair, called the meeting to order at 10:10 AM.

The Section began the meeting by reading the vision statement.

The Occupational Therapy Section is committed to proactively:
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- Regulate the Profession of Occupational Therapy in an Ever-Changing Environment;
- Regulate Ethical and Multicultural Competency in the Practice of Occupational Therapy;
- Regulate the Practice of Occupational Therapy in all Current and Emerging Areas of Service Delivery.

Approval of Minutes
Action: Beth Ann Ball moved that the minutes from the September 12, 2019 meeting be approved as amended. Mary Beth Lavey seconded the motion. The motion carried.

Executive Director Report
- The Executive Director reported slight increases in licensure statistics with number of active licenses in all programs regulated by the OTATPT Board at 34,347.
- The Executive Director reported on the Governor’s Working Group on the Medical Boards.
- Enforcement staff will go through trauma informed care training via CLEAR.
- Waiting on conclusion of biennial audit by Auditor of State.
- Executive Director reported that OTPTAT board was finishing up OTA and PT audits. PTA audits will begin in early February.
- The Executive Director gave the fiscal report for the July-October period.
- The Executive Director provided a brief legislative report.
- All board members must take Ethics, Sexual Harassment and Disability training prior to meeting in January 2020.

Laws and Rules
Beth Ann Ball moved, seconded by Mary Beth Lavey to submit 3D printing 4755-70-01 for review. Motion carried.
Ohio Occupational Therapy Association (OOTA) Report
No report.

Assistant Attorney General’s Report
Emily Pelfrey AAG had no formal report for the Section.

Correspondence
None.

Ohio Occupational Therapy Association (OOTA) Report
No report

Open Forum
Guest Caroline Durstock, from Cincinnati VAMC, expressed her gratitude for being warmly welcomed to observe the meeting and see how the process works.

Old Business
The Executive Director reported on attending a committee meeting in Washington DC to discuss an OT Compact and its feasibility in our state.

New Business
Board member training presentations
The Section discussed various topics, most of which had been previously covered at the Board retreat.

Ipads/tablet use at Board meetings
The Section would rather have the use of a tablet as opposed to an Ipad due to the ability to switch from various screens as topics arose.

Mandatory Domestic Violence and Disabilities Training
All Board members are required to take the training prior to the end of the year.

Scope of Care Recommendations for visual/perceptual dysfunction
The Executive Director will research the true intention of the document drafted by the Ohio Vision Professionals Board.

Texas Lone Star College Occupational therapy re-entry program
The Executive Director will attempt to connect with members of this program for further discussion by the Section regarding the viability of this program.

Mary Beth Lavey called for a 5-minute break at 11:20 am.

Meeting resumed at 11:25 pm.
Administrative Reports

Licensure Report

**Action:** Mary Beth Lavey moved that the Occupational Therapy Section ratify, as submitted, the occupational therapist and occupational therapy assistant licenses issued by examination, endorsement, reinstatement, and restoration by the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board from September 13, 2019 through November 14, 2019 taking into account those licenses subject to discipline, surrender, or non-renewal. Melissa Van Allen seconded the motion. The motion carried.

**Occupational Therapist – Examination**

Katelyn Ann Adams  
Kristen Virginia Bach  
Emily Barnard  
Allison Marie Blatt  
Rebecca Ellen Bode  
Heath Bolden  
Regina Louise Cassidy  
Lauren Noelle Cornett  
Alexandria Victoria Drossart  
Lauren Dunaway  
Caroline Ann Durstock  
Derek Christopher Edwards  
Nicole Marie Flask  
Marissa Gains  
Jacquelyn Marie Gearing  
Hope Christina Gregg  
Rachel Marie Guiser

Kasey Jane Hammond  
Katelynn Nicole Harwood  
Caitlyn Hemmer  
Mallory Raye Hendershot  
Kayla LeAnne Hirschfelder  
Lana Hoffert  
Emma Nicole Horning  
Kelsey Nicole Jennings  
Yichen Jiang  
Rebecca Suzanne Lawson  
Carter Douglas Maples  
Hannah Claire Meier  
Chelsie Taylor Mollohan  
Shannon Lee Montgomery  
Caitlin Nicole Newman

Leah Nice  
McKenna Marie Parker  
Tulsi Patel  
Morgan Petroff  
Lea Nicole Pierson  
Jessica Ann Prentis  
Kimberly Renee Raymond  
Courtney Redding  
Joshua Thomas Reser  
Joy Lynne Smith  
Lori Stewart  
Mary Katherine Storey  
Rachel Elizabeth Taylor  
Chelsey Wade  
Chelsea Weckbach  
Lauren Marie Weimer

**Occupational Therapist – Endorsement**

Jennifer Nicole Arrington  
Stephanie Baltes  
Gabriella Marina Bartruff  
Kristin Buff  
Elizabeth Buffington  
Bryanna Danene DeFazio  
Carly Waxman Dolberg  
Andrea Marie Giovine  
Ashley Kate Goyette  
Alexis Elaine Ishman  
Kendra Keller  
Celeste Nicole Krawchuck  
Rachael Christine Mack  
Chad Eric Meyers  
Kelly Neal

Jordan L Pfeifer  
Kathryn Jean Preder  
Melissa Santos  
Chelsea Jean Scott  
Marisa Leanne Stoffel  
Caitlin Marie Swartzwelder  
Emily Webster  
Emily Ann Williams

**Occupational Therapy Assistant – Endorsement**

Larissa Lee’ Bateman  
Lauren Nicole Brown  
Kelsee Renee Drake  
Shanda Kemp  
Emily Taylor Madden  
Kimberly Mayberry  
Kelsey Dante Rizzo  
Megan Marie Taylor

Nicholas Thompson
**Occupational Therapy Assistant - Examination**

Morgan Adkins  
Megan Barnhart  
Timothy Dell Bartlett  
Adrienne Catharine Bennett  
Chelsea M'lyn Boone  
Katy Rose Bowsher  
Murrin Elizabeth Brads  
Catherine Brown  
Kaitlyn Marie Brown  
Christian Michael Cavalier  
Jamie Marie Coleman  
Abby Nicole Ferrell  
Michelle Marie Foster  
Natasha Alexandra Furlong  
Emily Rae Grow  
Kearstin Renee Houghton  
Makala Gail Hunt  
Taylor Lynn Kerns  
Holly Marie Kovacich  
Katherine Liesner  
Hannah Littler  
Kacie Lee Luklan  
Nina Lunn  
Jaclyn Therese Maat  
Tiffany Renee Malone  
Brittany Martin  
Lauren Elizabeth Oldham  
Rebecca Ross  
Felicity Amber Schaffner  
Stephanie E Spencer  
Vanessa Lynn Steigerwald  
Jessica Lee Tybuszewski  
Heather Joy Warner  
Megan Wavra  
Lisa C Welch  
Rachel Widman  
Andrew J Wingham

Beth Ann Ball moved to grant the request for a limited license for Applicant credential file **APP-000309204**. Applicant would like to use the alternative option to meet out of practice requirements. Seconded by Melissa Van Allen. Motion passed.

Beth Ann Ball moved to approve the request for Applicant LR-003632470 to take the NBCOT exam to meet out of practice requirements and once all requirements have been met to issue the license. Seconded by Melissa Van Allen. Motion passed.

Beth Ann Ball recommended that the Section grant the application withdrawal request for OT/OTA examination/endorsement/reinstatement applications on file with the Board on November 14, 2019 based on the documentation provided. Moved by Beth Ann Ball, Seconded by Melissa Van Allen. Motion passed.

Melissa Van Allen moved that the Section approve 48 applications for contact hour approval and four applications be denied. Beth Ann Bell seconded the motion. The motion carried.

**Enforcement Division**

Beth Ann Ball informed the Board that Loretta Davidson, OTA has complied with all the terms and conditions and will be released from her Consent Agreement.

**Next Meeting Date**

The next regular meeting date of the Occupational Therapy Section is scheduled for Thursday, January 16, 2020.

**Action:** There being no further business and no objections, Mary Beth Lavey adjourned the meeting at 12:25 PM.
Respectfully submitted,

Jan Hills

Mary Beth Lavey, COTA/L, Chair
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, OT Section

Melissa Van Allen, OTR/L, Secretary
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, OT Section

Missy Anthony, Executive Director
Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board
Public comments on Rules – minimum age of 18 – need a Board response to send to CSI and commenter:

- I agree being 18 when applying for OTA/OT license.

I disagree that a student must be 18 before starting a program. There are dual enrollment students that could be 16 or 17 when starting a program. There are some students that graduate early or are young, I was 17 when I started college.

I also disagree that a student must be 18 or older for fieldwork. They are a student not a independent therapist.

Name- Stephanie Kubiak
Phone- 440-258-4354
Position - OT
Applications for initial licensure.

(A) To receive a license to practice as an occupational therapist or occupational therapy assistant, an applicant must be at least eighteen years of age.

(B) All applications for initial licensure as an occupational therapist or occupational therapy assistant shall be submitted to the occupational therapy section on the forms provided by the section. All applications, statements, and other documents so submitted shall be retained by the section.

(C) Applications shall be:

1. Submitted electronically via the Ohio elicense system or its successor electronic licensing system;
2. Electronically signed via the elicense system;
3. Accompanied by the fee prescribed by paragraph (A) of rule 4755-5-01 of the Administrative Code; and
4. Accompanied by such evidence, statements, or documents as specified on the application.

(D) An applicant for initial licensure by examination shall:

1. Have completed an occupational therapy program accredited by the accreditation council for occupational therapy education (ACOTE) of the American occupational therapy association (AOTA) or submit evidence satisfactory to the section that the applicant completed an educational program substantially equivalent to the requirements established in rule 4755-3-03 of the Administrative Code;
2. Have passed the certification examination administered by the national board for certification in occupational therapy, inc. (NBCOT); and
3. Not be licensed or ever been licensed in any state or territory of the United States as an:

   (a) Occupational therapist to apply for initial licensure by examination as an occupational therapist; or
   (b) Occupational therapy assistant to apply for initial licensure by


examination as an occupational therapy assistant.

(E) In addition to the requirements contained in paragraph (D) of this rule, applicants for an initial license by examination who graduated from their entry-level occupational therapy program five or more years prior to the date they apply to the section for licensure by examination may be subject to additional requirements including, but not limited to:

1. Submission of proof of completion of twenty hours of continuing education within the two year period immediately preceding the date the application is submitted;

2. Competency-based performance appraisals;

3. Mentorship;

4. Professional development plan;

5. Extended coursework; and

6. Retaking and passing the NBCOT certification examination.

(F) An applicant for initial licensure by endorsement shall:

1. Meet the requirements established in paragraphs (D)(1) and (D)(2) of this rule; and

2. Hold a current, valid license to practice as an occupational therapist or occupational therapy assistant in another state or United States territory or possess current, valid certification from NBCOT.

(G) In addition to the requirements contained in paragraph (F) of this rule, applicants for an initial license by endorsement who have not engaged in the practice of occupational therapy for more than five years prior to the date they apply to the section for licensure by endorsement may be subject to additional requirements including, but not limited to:

1. Submission of proof of completion of twenty hours of continuing education within the two year period immediately preceding the date the application is submitted;
(2) Professional development plan;

(3) Extended coursework;

(4) Retaking and passing the NBCOT certification examination;

(5) Mentorship; and

(6) Competency-based performance appraisals.

(G)(H) In addition to the other requirements of this rule, a foreign educated applicant must:

(1) Complete an education credentials review from an entity approved by the section to be used by the section to determine if the applicant's foreign education was substantially equivalent to an accredited occupational therapy program in the United States, Puerto Rico, territory of the United States, or the District of Columbia. People whose initial certification by NBCOT is on or after January 1, 2004 are not required to meet this provision;

(2) Demonstrate that the person met the requirements to practice occupational therapy in the country of education and evidence of eligible licensure and/or certification credentialing in that country; and

(3) Demonstrate a working knowledge of English by obtaining:

   (a) Scores of at least:

      (i) 4.5 on the test of written English (TWE);

      (ii) Fifty on the test of spoken English (TSE); and

      (iii) Two hundred twenty on the computer based test of English as a foreign language (TOEFL) or five hundred sixty on the paper based TOEFL; or

   (b) Scores on the TOEFL iBT of at least:

      (i) Twenty-four on the writing section;
(ii) Twenty-six on the speaking section;

(iii) Twenty-one on the reading section;

(iv) Eighteen on the listening comprehension section; and

(v) Eighty-nine on the overall examination.

(4)(I) For the purposes of filing an electronic application via the elicense system, the applicant will create a "UserID" and password. The use of the "UserID" and password is solely the responsibility of the person who created it. The "UserID" and password must constitute the legally recognized signature for the purposes of this rule and may not be transferred, distributed, or shared with any other person.

(4)(J) Any application received in accordance with this rule that remains incomplete one year after the initial application filing must be considered to be abandoned and no further processing shall be undertaken with respect to that application.

(1) If the application process extends for a period longer than one year, the board may require updated information as it deems necessary.

(2) No application for licensure may be withdrawn without approval of the board.

(3) Submitted fees shall be neither refundable nor transferable.
For the purpose of Chapters 4755-1 to 4755-9 of the Administrative Code, the following definitions shall apply:

(A) "Occupational therapist" means a person who is licensed to practice occupational therapy and who offers such services to the public under any title incorporating the words "occupational therapy," "occupational therapist," or similar title or description of services.

(B) "Occupational therapy assistant" means a person who holds a license to provide occupational therapy techniques under the general supervision of an occupational therapist.

(C) "Student occupational therapist" means a student enrolled in an accredited or candidacy status entry-level occupational therapist education program or a student enrolled in a "World Federation of Occupational Therapy" accredited entry-level occupational therapist education program. Effective January 1, 2021, a student occupational therapist must be at least eighteen years old. The student must turn eighteen prior to October 1 of the first year of their academic program.

(D) "Student occupational therapy assistant" means a student enrolled in an accredited or candidacy status entry-level occupational therapy assistant education program. Effective January 1, 2021, a student occupational therapy assistant must be at least eighteen years old. The student must turn eighteen prior to October 1 of the first year of their academic program.

(E) "Level I fieldwork" means the introductory fieldwork experiences that are a component of an educational program in occupational therapy in which students develop a basic understanding of the needs of clients through directed observation and supervised participation in the occupational therapy process.

(F) "Level II fieldwork" means the in-depth fieldwork experiences that are a component of an educational program in occupational therapy that provide multiple occupational therapy services to a variety of clients in multiple settings.

(G) "Unlicensed personnel" means any person who is on the job trained and supports the delivery of occupational therapy services by personally assisting the occupational therapist, occupational therapy assistant, student occupational therapist, and/or student occupational therapy assistant while the occupational therapist, occupational therapy assistant, student occupational therapist, and/or student occupational therapy assistant is concurrently providing services to the same client.

(H) "Supervising occupational therapist" means the occupational therapist who is
available to supervise the occupational therapy assistant, the student occupational therapist, student occupational therapy assistant, or unlicensed personnel. The supervising occupational therapist may be the occupational therapist who performed the initial evaluation or another occupational therapist with whom that occupational therapist has a documented agreement.

(I) "Supervising occupational therapy assistant" means the occupational therapy assistant who is appropriately available to supervise the student occupational therapy assistant, the student occupational therapist who is completing the level I fieldwork experience, or unlicensed personnel.
4755-7-04  Supervision.

(A) Supervision must ensure consumer protection. The supervising occupational therapist is ultimately responsible for all clients and is accountable and responsible at all times for the actions of persons supervised, including the:

(1) Occupational therapy assistant;

(2) Student occupational therapist;

(3) Student occupational therapy assistant; and

(4) Unlicensed personnel.

(B) The following factors must be considered by the supervising occupational therapist when determining the appropriate frequency, methods, and content of supervision:

(1) Complexity of the client needs;

(2) Number and diversity of clients;

(3) Skills of the occupational therapist and occupational therapy assistant;

(4) Type and number of practice settings;

(5) Requirements of the practice setting; and

(6) Any other regulatory or administrative requirements.

(C) Occupational therapy assistant.

Supervision of the occupational therapy assistant, as defined in division (C) of section 4755.04 of the Revised Code, requires initial direction and periodic inspection of the service delivery and relevant in-service training. The supervising occupational therapist need not be on-site, but must be available for consultation with the occupational therapy assistant at all times.

(1) The supervising occupational therapist must provide supervision at least one time per week for all occupational therapy assistants who are in their first year of practice.
(2) The supervising occupational therapist must provide supervision at least one time per month for all occupational therapy assistants beyond their first year of practice.

(3) Supervision requires an interactive process between the supervising occupational therapist and the occupational therapy assistant. The interactive process must include, but is not limited to, review of the following:

(a) Client assessment;

(b) Client reassessment;

(c) Treatment/intervention plan;

(d) Intervention; and

(e) Discontinuation of treatment/intervention plan.

(4) Co-signing client documentation alone does not meet the minimum level of supervision.

(5) It is the responsibility of the occupational therapist and occupational therapy assistant to establish evidence that the supervision occurred in accordance with the requirements of this rule. This evidence may include documentation in the client record, or it may exist as a separate document, such as a collaboration log.

(6) The supervising occupational therapy assistant is accountable and responsible at all times for the actions of all student occupational therapy assistants and unlicensed personnel supervised by the supervising occupational therapy assistant.

(D) Student occupational therapist.

(1) A student occupational therapist shall be supervised by an occupational therapist who has completed at least one year of clinical practice as a fully licensed occupational therapist.

(2) A student occupational therapist must be at least eighteen years old to be supervised by an occupational therapist licensed pursuant to Chapter 4755 of the Revised Code, effective January 1, 2021. This includes for Level I and
Level II fieldwork.

(2)(3) The student occupational therapist, who is being supervised in accordance with the laws and rules governing the practice of occupational therapy, may supervise unlicensed personnel.

(E) Student occupational therapy assistant.

(1) A student occupational therapy assistant must be supervised by an occupational therapist or occupational therapy assistant who has completed at least one year of clinical practice as a fully licensed occupational therapist or occupational therapy assistant.

(2) A student occupational therapy assistant must be at least eighteen years old to be supervised by an occupational therapist or occupational therapy assistant pursuant to Chapter 4755 of the Revised Code, effective January 1, 2021. This includes for Level I and Level II fieldwork.

(2)(3) The student occupational therapy assistant, who is being supervised in accordance with the laws and rules governing the practice of occupational therapy, may supervise unlicensed personnel.

(F) Supervising occupational therapists must confirm that all occupational therapy assistants they supervise hold current, valid licenses to practice occupational therapy in this state prior to allowing the occupational therapy assistant to engage in the practice of occupational therapy.

(G) Occupational therapy assistants must confirm that all occupational therapists by whom they are supervised hold current, valid licenses to practice occupational therapy in this state prior to engaging in the practice of occupational therapy.

(H) Any documentation written by an occupational therapy assistant, student occupational therapist, or student occupational therapy assistant for inclusion in the client's official record must be co-signed by the supervising occupational therapist.
Roles and responsibilities.

(A) Occupational therapist.

The occupational therapist **shall** must assume professional responsibility for the occupational therapy process following activities, which **shall** must not be wholly delegated, regardless of the setting in which the services are provided:

1. Interpretation of referrals or prescriptions for occupational therapy services;
2. Interpretation and analysis for evaluation purposes;

(B) Occupational therapy assistant.

1. The occupational therapy assistant may contribute to and collaborate in:
   a. The evaluation process by gathering data, administering standardized tests and/or objective measurement tools, and reporting observations.
   b. The preparation, implementation, and documentation of the treatment/intervention plan and the discharge plan.
   c. Choosing the appropriate treatment interventions.

2. The occupational therapy assistant may independently:
   a. Select the daily modality of choice according to the established treatment/intervention plan.
   b. Document the progress and outcomes summary.

3. The occupational therapy assistant may not evaluate independently or initiate treatment/intervention before the supervising occupational therapist performs an evaluation.

(C) Student occupational therapist and student occupational therapy assistant.

In accordance with section 4755.13 of the Revised Code, persons fulfilling the supervised fieldwork experience requirements pursuant to section 4755.07 of the
Revised Code shall, at the discretion of the supervising occupational therapist or supervising occupational therapy assistant, as appropriate, be assigned duties or functions commensurate with their education and training.

(D) Unlicensed personnel.

The primary function of unlicensed personnel functioning in an occupational therapy setting is to perform designated routine tasks related to the operation and delivery of occupational therapy services. Such tasks may include, but are not limited to:

1. Routine department maintenance;
2. Transportation of clients;
3. Preparation or setting up of treatment equipment and work area;
4. Taking care of clients' personal needs during treatments;
5. Assisting in the construction of adaptive equipment and splints;
6. Clerical, secretarial, and administrative activities; and
7. Personally assisting the occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant while the occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant is concurrently providing services to the same client.
(A) Occupational therapy assistant.

The occupational therapy assistant may implement the occupational therapy treatment/intervention plan established by the supervising occupational therapist. The supervising occupational therapist shall consider the following when delegating to the occupational therapy assistant:

(1) The clinical complexity of the client;

(2) The competency of the occupational therapy assistant;

(3) The occupational therapy assistant's level of training in the treatment/intervention technique; and

(4) Whether continual reassessment of the client's status is needed during treatment/intervention.

(5) Notwithstanding paragraphs (A)(1) to (A)(4) of this rule, the occupational therapy assistant may respond to acute changes in the client's condition that warrant immediate action.

(B) Student occupational therapist.

The student occupational therapist shall demonstrate appropriate skill and knowledge in duties being delegated. The supervising occupational therapist shall demonstrate knowledge and competency in any procedure or services delegated to a student occupational therapist.

(C) Student occupational therapy assistant.

The student occupational therapy assistant shall demonstrate appropriate skill and knowledge in duties being delegated. The supervising occupational therapist or supervising occupational therapy assistant shall demonstrate knowledge and competency in any procedure or services delegated to a student occupational therapy assistant.

(D) Unlicensed personnel.

(1) Unlicensed personnel may only perform specific tasks which are neither evaluative, task selective, nor recommending in nature. The occupational therapist, occupational therapy assistant, student occupational therapist, or
student occupational therapy assistant may delegate such tasks only after ensuring that the unlicensed personnel has been appropriately trained for the performance of the tasks.

(2) The occupational therapist, occupational therapy assistant, student occupational therapist, and student occupational therapy assistant must not delegate the following to unlicensed personnel:

(a) Performance of occupational therapy evaluative services;

(b) Initiation, planning, adjustment, modification, or performance of occupational therapy services;

(c) Making occupational therapy entries directly in the client's official records; and

(d) Acting The unlicensed personnel must not act independently on behalf of the occupational therapist, occupational therapy assistant, student occupational therapist, or student occupational therapy assistant in any matter related to occupational therapy treatment that requires decision making.
(A) Operations.

Licensees shall use the provisions contained in paragraphs (A)(1) to (A)(9) of this rule as guidelines for promoting ethical integrity and professionalism. Failure to comply with paragraphs (A)(1) to (A)(9) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

1. Licensees shall familiarize themselves with, seek to understand, and comply with the laws and rules governing the practice of occupational therapy.

2. Licensees shall remain abreast of revisions in the laws and rules governing the practice of occupational therapy and shall inform employers, employees, and colleagues of those revisions.

3. Licensees shall achieve and continually maintain high standards of competence by doing the following:
   
   a. Maintain and document competency by participating in professional development, continuing competence, and other educational activities.
   
   b. Critically examine and keep current with emerging knowledge relevant to the practice of occupational therapy. A licensee shall not perform or attempt to perform techniques and/or procedures in which the licensee is untrained by education or experience.

4. An individual shall not practice occupational therapy without a valid license, or without holding student status, including:
   
   a. Practicing occupational therapy while an individual's license is suspended or revoked.
   
   b. Practicing occupational therapy with an expired license or when no longer enrolled as a student in an accredited occupational therapy educational program.

5. Licensees shall ensure that an individual supervised or directed by the licensee possesses a valid license or is a student occupational therapist or student occupational therapy...
assistant, as those terms are defined in rule 4755-7-01 of the Administrative Code.

(6) Licensees License holders shall must not aid, abet, authorize, condone, or allow the practice of occupational therapy by any person not legally authorized to provide services.

(7) An applicant or licensee License holder shall must not cheat or assist others in conspiring to cheat on the certification examination referenced in paragraph (C)(2) of rule 4755-3-01 of the Administrative Code or the state jurisprudence examination.

(8) Licensees License holders shall must not permit another person to use an individual a person’s wall certificate, license number, or national provider identifier for any illegal purpose.

(9) Licensees License holders shall must report to the occupational therapy section any unprofessional, incompetent, or illegal behavior of an occupational therapist or occupational therapy assistant of which the licensee license holder has knowledge.

(B) Professionalism of licensee License holder.

Professionalism of the licensee License holder includes conforming to the minimal standards of acceptable and prevailing occupational therapy practice, including practicing in a manner that is moral and honorable. Conduct may be considered unethical regardless of whether or not actual injury to a client occurred. Failure to comply with paragraphs (B)(1) to (B)(17) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) A licensee License holder shall must not:

(a) Forge the signature of other practitioners.

(b) Forge a wall certificate or any other proof of current licensure, including eLicense Ohio.

(2) An occupational therapy assistant shall must not provide occupational therapy services without a supervising occupational therapist.

(3) All occupational therapy documentation, including, but not limited to,
evaluations, assessments, intervention plans, treatment notes, discharge summaries, and transfers of care must be in written or electronic format.

(4) A **licensee license holder shall must** not falsify, alter, or destroy client records, medical records, or billing records without authorization. The **licensee license holder shall must** maintain accurate client and/or billing records.

(5) A **licensee license holder shall must** not deliver, obtain, or attempt to obtain medications through means of misrepresentation, fraud, forgery, deception, and/or subterfuge.

(6) A **licensee license holder shall must** not initiate, participate in, or encourage the filing of complaints against colleagues that are unwarranted or intended to harm another practitioner.

(7) A **licensee license holder shall must** not practice occupational therapy while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability. If a **licensee license holder**'s or applicant's ability to practice is in question, the **licensee license holder** or applicant **shall must** submit to a physical or mental examination or drug/alcohol screen as requested by the occupational therapy section to determine the applicant's or **licensee license holder**'s qualifications to practice occupational therapy.

(8) A **licensee license holder shall must** preserve, respect, and safeguard confidential information about colleagues, staff, and students, unless otherwise mandated by national, state, or local laws.

(9) A **licensee license holder shall must** exercise sound judgment and act in a trustworthy manner in all aspects of occupational therapy practice. Regardless of practice setting, the occupational therapy practitioner **shall must** maintain the ability to make independent judgments. A **licensee license holder shall must** strive to effect changes that benefit the client.

(10) A **licensee license holder shall must** accurately represent the qualifications, views, contributions, and findings of colleagues and students.

(11) A **licensee license holder shall must** not misrepresent the credential, title, qualifications, education, experience, training, and/or specialty certifications held by the **licensee license holder**.
(12) An individual A person licensed by the occupational therapy section has a responsibility to report any organization or entity that holds itself out to deliver occupational therapy services that places the licensee license holder in a position of compromise with this code of ethical conduct.

(13) A licensee license holder shall must provide appropriate supervision to individual persons for whom the practitioner has supervisory responsibility.

(14) A licensee license holder shall must only seek compensation that is reasonable for the occupational therapy services delivered. A licensee license holder shall must never place the licensee license holder's own financial interests above the welfare of the licensee license holder's clients. A licensee license holder, regardless of the practice setting, shall must safeguard the public from unethical and unlawful business practices.

(15) A licensee license holder shall must adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a client occurred, includes, but is not limited to:

(a) Documenting or billing for services not actually performed.

(b) Performing techniques/procedures in which the licensee license holder cannot demonstrate and document competency, either by experience or education.

(c) Practicing in a pattern of negligent conduct, which means a continued course of negligent conduct or of negligent conduct in performing the duties of the profession.

(d) Delegating occupational therapy functions or responsibilities to an individual a person lacking the ability or knowledge to perform the function or responsibility in question.

(e) Failing to ensure that duties assumed by or assigned to other occupational therapy practitioners match credentials, qualifications, experience, and scope of practice.

(16) A licensee license holder shall must respect the rights, knowledge, and skills of colleagues and other health care professionals.
(17) A licensee license holder shall not use or participate in the use of any form of communication that contains false, fraudulent, deceptive, or unfair statements or claims.

(C) Licensee License holder and client interactions.

The licensee license holder shall demonstrate concern for the well-being of the client. Failure to comply with paragraphs (C)(1) to (C)(17) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) A licensee license holder shall adhere to the minimal standards of acceptable prevailing practice. Failure to adhere to minimal standards of practice, whether or not actual injury to a client occurred, includes, but is not limited to:

(a) Failing to assess and evaluate a client's status or establishing an occupational therapy intervention plan prior to commencing treatment/intervention of an individual person client.

(b) Providing treatment interventions that are not warranted by the client's condition or continuing treatment beyond the point of reasonable benefit to the client.

(c) Providing substandard care as an occupational therapy assistant by exceeding the authority to perform components of interventions selected by the supervising occupational therapist.

(d) Abandoning the client by inappropriately terminating the practitioner-client relationship by the licensee license holder.

(e) Causing, or permitting another person to cause, physical or emotional injury to the client, or depriving the client of the individual person's dignity.

(2) A licensee license holder shall transfer the care of the client, as appropriate, to another health care provider in either of the following events:

(a) Elective termination of occupational therapy services by the client; or

(b) Elective termination of the practitioner-client relationship by the
(3) A licensee shall ensure the client's rights to participate fully in the client's care, including the client's right to select the occupational therapy provider, regardless of the practice setting.

(4) A licensee shall respect the individual person's right to refuse professional services or involvement in research or educational activities.

(5) A licensee shall disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom the licensee may establish a professional, contractual, or other working relationship.

(6) A licensee shall not influence a client or the client's family to utilize, purchase, or rent any equipment based on direct or indirect financial interests of the licensee. Recommendations of equipment must be based solely on the therapeutic value of that equipment to the client. A licensee who owns or has a direct financial interest in an equipment or supply company must disclose the financial interest to the client if the licensee sells or rents, or intends to sell or rent, to that client.

(7) A licensee shall not intentionally or knowingly offer to pay or agree to accept any compensation, directly or indirectly, overtly or covertly, in cash or in kind, to or from any person or entity for receiving or soliciting clients or patronage, regardless of the source of the compensation.

(8) A licensee shall refer to or consult with other service providers whenever such a referral or consultation would be beneficial to care of the client. The referral or consultation process should be done in collaboration with the client.

(9) A licensee shall not exploit a client, or the parent/guardian of a minor client, sexually, physically, emotionally, financially, socially, or in any other manner.

(10) A licensee shall not engage in conduct that constitutes harassment or verbal or physical abuse of, or unlawful discrimination against, clients, the parent/guardian of a minor client, students, and/or colleagues.
(11) A licensee shall not engage in any sexual relationship or conduct, including dating, with any client, or engage in any conduct that may reasonably be interpreted by the client to be sexual, whether consensual or nonconsensual, while a practitioner-client relationship exists and for six months immediately following the termination of the practitioner-client relationship. In the case of minors, the practitioner-client relationship extends to the minor's parent or guardian.

(a) A licensee shall not intentionally expose or view a completely or partially disrobed client in the course of treatment if the exposure or viewing is not related to the client diagnosis or treatment under current practice standards.

(b) A licensee shall not engage in a conversation with a client that is sexually explicit and unrelated to the occupational therapy intervention plan.

(12) A licensee shall not engage in sexual harassment of clients, the parent/guardian of a minor client, students, and/or colleagues. Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature that results in:

(a) Withholding occupational therapy services to a client;

(b) Creating an intimidating, hostile, or offensive environment; or

(c) Interfering with the client's ability to recover.

(13) A licensee shall advocate for clients to obtain needed services through available means.

(14) A licensee shall provide accurate and relevant information to clients about the clients' care and to the public about occupational therapy services.

(a) A licensee shall not guarantee the results of any therapy, consultation, or therapeutic procedure. A guarantee of any sort, expressed or implied, oral or written, is contrary to professional ethics.

(b) A reasonable statement of prognosis is not improper, but successful
results are dependent upon many uncontrollable factors. Hence, any warranty is deceptive and unethical.

(15) A licensee license holder shall must obtain informed consent from the client.

(a) A licensee license holder, unless otherwise allowed by law, shall must not provide care without disclosing to the client or the client's representative, the benefits, substantial risks, if any, or alternatives to the recommended evaluation or intervention.

(b) Information relating to the practitioner-client relationship is confidential and may not be communicated to a third party not involved in that client's care without the prior written consent of the client or the client's representative or unless otherwise allowed by law. Information must be disclosed when required by law for the protection of the client or the public.

(16) A licensee license holder shall must safeguard the public from underutilization or overutilization of occupational therapy services.

(17) A licensee license holder shall must respect the rights and dignity of all clients and provide care as described in paragraphs (C)(17)(a), (C)(17)(b), and (C)(17)(c) of this rule.

(a) A licensee license holder shall must recognize individual differences with clients and shall must respect and be responsive to those differences.

(b) A licensee license holder shall must be guided by concern for the physical, psychosocial, and socioeconomic welfare of clients.

(c) A licensee license holder shall must recognize and understand the impact of the cultural components of age, economics, gender, geography, race, ethnicity, religious and political factors, marital status, sexual orientation, and disability of all clients.

(D) Cooperation.

In accordance with division (A)(19) of section 4755.11 of the Revised Code, licensees license holders shall must cooperate with an investigation by the occupational therapy section. Failure to cooperate is conduct detrimental to the best interest of the public and grounds for disciplinary action. Cooperation includes
responding fully and promptly to any questions raised by the occupational therapy section and providing copies of the medical records and other documents requested by the occupational therapy section. Failure to comply with paragraphs (D)(1) to (D)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) A **licensee** shall respond fully and truthfully to a request for information from the occupational therapy section.

(2) A **licensee** shall comply with a subpoena issued by the occupational therapy section.

(3) A **licensee** shall provide information or documents within the time frame specified by the occupational therapy section.

(4) A **licensee** shall appear and provide information at an interview requested by the occupational therapy section.

(5) A **licensee** shall not deceive, or attempt to deceive, the occupational therapy section regarding any matter, including by altering or destroying any record or document.

(6) A **licensee** shall not interfere with an investigation or disciplinary proceeding by willful misrepresentation of facts before the agency or the occupational therapy section, or by use of threats or harassment against any client or witness to prevent the client or witness from providing evidence in a disciplinary proceeding or any other legal action.

(7) A **licensee** shall not refuse to provide testimony in an administrative hearing.

(E) A **licensee** shall self report to the occupational therapy section, within thirty days, any of the items outlined in paragraphs (E)(1) to (E)(7) of this rule. Failure to comply with paragraphs (E)(1) to (E)(7) of this rule may be grounds for disciplinary action pursuant to section 4755.11 of the Revised Code and in accordance with Chapter 119. of the Revised Code.

(1) Impairment by physical or mental illness, chemical use, or chemical dependency, that affects the applicant's or **licensee**'s ability to practice with reasonable skill and safety.
(2) Conviction of a felony or in intervention in lieu of a felony.

(3) Conviction of a misdemeanor when the act that constituted the misdemeanor occurred during the practice of occupational therapy.

(4) The termination, revocation, or suspension of membership by a state or national occupational therapy professional association.

(5) The termination, revocation, suspension, or sanctioning of a credential issued by a state or national occupational therapy credentialing organization.

(6) The termination, revocation, suspension, or sanctioning of a professional license in the state of Ohio or another state.

(7) A positive drug and/or alcohol screening.

(8) A finding of malpractice by a court of competent jurisdiction.
4755-7-10  

**Required credential to indicate licensure or student status.**

(A) All occupational therapists shall use the following credential following their signature to indicate licensure as an occupational therapist:

1. "OT/L" if the occupational therapist does not hold current NBCOT certification; or
2. "OTR/L" if the occupational therapist holds current NBCOT certification.

(B) All occupational therapy assistants shall use the following credential following their signature to indicate licensure as an occupational therapy assistant:

1. "OTA/L" if the occupational therapy assistant does not hold current NBCOT certification; or
2. "COTA/L" if the occupational therapy assistant holds current NBCOT certification.

(C) All student occupational therapists shall use one of the following to indicate student status:

1. Student occupational therapist;
2. Student OT; or
3. S/OT.

(D) All student occupational therapy assistants shall use one of the following to indicate student status:

1. Student occupational therapy assistant;
2. Student OTA; or
3. S/OTA.
As Reported by the Committee of Conference

133rd General Assembly
Regular Session
Am. Sub. S. B. No. 7
2019-2020

Senators Lehner, Hackett

Cosponsors: Senators McCollony, Hoagland, Huffman, S., Roegner, Fedor, Maharath, Craig, Uecker, Hottinger, Kunze, Antonio, Brenner, Burke, Coley, Dolan, Eklund, Gavarone, Hill, Huffman, M., Manning, Obhof, O'Brien, Peterson, Rulli, Sykes, Terhar, Thomas, Williams, Wilson, Yuko


A BILL

To amend sections 4743.04 and 5903.04 and to enact section 4743.041 of the Revised Code to require state occupational licensing agencies, under certain circumstances, to issue temporary licenses or certificates to members of the military and spouses who are licensed in another jurisdiction and have moved to Ohio for military duty.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4743.04 and 5903.04 be amended
and section 4743.041 of the Revised Code be enacted to read as follows:

**Sec. 4743.04.** (A) The renewal of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.10 of the Revised Code relating to service in the armed forces.

(B) Continuing education requirements applicable to the licensees under Title XLVII of the Revised Code are subject to the provisions of section 5903.12 of the Revised Code relating to active duty military service.

(C) A department, agency, or office of this state or of any political subdivision of this state that issues a license or certificate to practice a trade or profession may, pursuant to rules adopted by the department, agency, or office, issue a temporary license or certificate to practice the trade or profession to a person whose spouse is on active military duty in this state.

(D) A department, agency, or office of this state that issues a license or certificate to practice a trade or profession shall issue a temporary license or certificate to practice the trade or profession as provided in section 4743.041 of the Revised Code.

(E) The issuance of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.03 of the Revised Code relating to service in the armed forces.

**Sec. 4743.041.** (A) As used in this section:

"Active guard and reserve" has the meaning defined in 10

"Military duty" includes service in the uniformed services on active duty, in the active guard and reserve, and as a military technician dual status under 10 U.S.C. 10216.

"Uniformed services" has the meaning defined in 10 U.S.C. 101.

(B) Pursuant to division (D) of section 4743.04 of the Revised Code, a department, agency, or office of this state shall issue a temporary license or certificate to practice a trade or profession to an individual, provided that all of the following qualifications are met:

(1) The individual holds a valid license or certificate to practice the trade or profession issued by any other state or jurisdiction;

(2) The individual is in good standing in the state or jurisdiction of licensure or certification;

(3) The individual presents adequate proof to the department, agency, or office of this state that the individual or the individual's spouse is on military duty in this state; and

(4) The individual complies with sections 4776.01 to 4776.04 of the Revised Code if a department, agency, or office of this state requires an applicant under the law governing the applicable trade or profession to submit to a criminal records check to receive a license or certificate.

(C) A department, agency, or office of this state may, under this section, issue a regular license or certificate in lieu of issuing a temporary license or certificate, provided
that the applicant meets the requirements of this section, and
provided that the regular license is issued by the deadline
specified in division (D) of this section.

(D) If the department, agency, or office of this state
requires an individual under the law governing the applicable
trade or profession to submit to a criminal records check to
receive a license or certificate, and the individual applies for
a license or certificate under this section, the department,
agency, or office of this state shall, within twenty-four hours
after receiving the report under division (A) of section 4776.04
of the Revised Code, notify the applicant that the department,
agency, or office of this state has received the results of a
criminal records check. A department, agency, or office of this
state shall issue a temporary license or certificate or a
regular license under this section, provided that the applicant
meets the requirements of this section, within thirty days of
having received an application, or, if the applicant is subject
to a criminal records check, within fourteen days of having
received the results of a criminal records check. If the
department, agency, or office of this state finds that the
individual is under investigation by the licensing agency of any
other state or jurisdiction, the department, agency, or office
of this state may postpone issuing the license or certificate
until the investigation is complete and the licensing agency of
the other state or jurisdiction confirms that the individual is
in good standing. The department, agency, or office of this
state shall verify the standing of the license or certificate
issued by another state or jurisdiction when the temporary
license is up for renewal. No temporary license shall be valid
for a period of more than six years.

(E) A department, agency, or office of this state shall,
in accordance with Chapter 119. of the Revised Code, deny an individual a temporary license or certificate issued under this section or revoke an individual's temporary license or certificate issued under this section if any of the following circumstances occur:

(1) The individual's license or certificate issued by another state or jurisdiction expires or is revoked, or the individual is not in good standing;

(2) With respect to an individual who was eligible for a temporary license under this section as the spouse of an individual on military duty, six months have elapsed since the divorce, dissolution, or annulment of the marriage;

(3) The individual is disqualified from obtaining a license in the trade or profession because of a conviction, judicial finding of guilt, or plea of guilty to a disqualifying criminal offense specified on the list the department, agency, or office of this state makes available pursuant to division (C) of section 9.78 of the Revised Code.

(F) An individual with a temporary license or certificate or a regular license issued under this section may practice the trade or profession in this state only within the scope and practice that is permitted under Ohio law and that does not exceed the individual's training.

(G) Notwithstanding any other provision of the Revised Code, a department, agency, or office of this state shall waive all fees associated with the issuance of a temporary license or certificate issued under this section.

(H) Each department, agency, or office of this state that issues a license or certificate to practice a trade or
profession shall adopt rules under Chapter 119. of the Revised Code as necessary to implement this section.

(I) Each department, agency, or office of this state that issues a license or certificate to practice a trade or profession, shall, upon the conclusion of the state fiscal year, prepare a report on the number and type of temporary licenses or certificates that were issued during the fiscal year under this section. The report shall be provided to the director of veterans services not later than thirty days after the end of the fiscal year. The director shall compile the reports and make them available to the public.

(J) A license or certificate issued under this section shall be considered a license issued under the laws regulating the practice of the applicable occupation or profession in this state. Provisions of law applicable to a license issued to an applicant who does not obtain a license under this section apply in the same manner to licenses issued under this section.

Sec. 5903.04. Each licensing agency shall adopt rules under Chapter 119. of the Revised Code to establish and implement all of the following:

(A) A process to obtain from each applicant documentation and additional information necessary to determine if the applicant is a service member or veteran, or the spouse or surviving spouse of a service member or veteran;

(B) A process to record, track, and monitor applications that have been received from a service member, veteran, or the spouse or surviving spouse of a service member or veteran; and

(C) A process to prioritize and expedite certification or licensing for each applicant who is a service member, veteran,
or the spouse or a surviving spouse of a service member or veteran.

In establishing these processes, the licensing agency shall include any special accommodations that may be appropriate for applicants facing imminent deployment, and for applicants for a temporary license or certificate under division (D) of section 4743.04 of the Revised Code.

Section 2. That existing sections 4743.04 and 5903.04 of the Revised Code are hereby repealed.
Continuing education.

(A) Pursuant to division (C) of section 4755.06 of the Revised Code, no person shall qualify for licensure renewal as an occupational therapist or occupational therapy assistant unless the license holder has shown to the satisfaction of the occupational therapy section that the license holder has completed twenty contact hours of continuing education activities within the two year renewal cycle.

(1) If the license was valid for a period of twelve months or less, the license holder shall complete ten contact hours of continuing education within the renewal cycle, including one contact hour of ethics, jurisprudence, or cultural competence pursuant to paragraph (A)(5) of this rule. The category limits contained in paragraph (B) of this rule do not apply if the license was valid for twelve months or less.

(B) Acceptable continuing education activities may include:
(1) Activities sponsored or approved by the occupational therapy section, the American occupational therapy association (AOTA), the Ohio occupational therapy association (OOTA), the national board for certification in occupational therapy, or offered by an AOTA approved provider.

(2) Attending professional workshops, seminars, and/or conferences. There is no limit of contact hours in this category.

   (a) Credit is obtained by attending presentations that have either been sponsored or approved by the occupational therapy section, AOTA, OOTA, offered by an AOTA approved provider, or which meets the following criteria:

      (i) It contributes directly to professional competency;

      (ii) It relates directly to the clinical practice, management, or education of occupational therapy practitioners; and

      (iii) It is conducted by people who have demonstrated expertise in the subject matter of the program.

   (b) Prior approval from the section is not required if paragraphs (B)(2)(a)(i) to (B)(2)(a)(iii) of this rule have been met.

   (c) Proof of content shall be demonstrated by the original workshop or conference brochure, agenda, notes, or materials given to participants during the presentations.

   (d) Copies of continuing education unit certificates or other original documents indicating credits awarded may also be used as verification of participation. If no other form of verification is available, license holders may obtain from the board verification of participation forms, which are to be signed by each presenter at the conclusion of each presentation. If a presentation is made by a panel of people, only one signature is required.

(3) Presentations of occupational therapy programs, workshops, or seminars. The presentation shall be to health or education professionals and/or students, be at least one contact hour in length and relate to the clinical practice, management, or education of occupational therapy practitioners. Two contact hours will be awarded for each hour of presentation. A maximum of eight
contact hours may be earned in this category. Proof of presentation is the workshop, conference, or seminar contract, or the brochure, agenda, or other printed materials describing content and audience. Continuing education credit will not be awarded for subsequent presentations of the same material.

(4) Preparation to teach a clinical course in occupational therapy. The course shall be taught in an occupational therapy program accredited by the accreditation council for occupational therapy education (ACOTE). Credit will only be awarded for preparation for a new course or substantive changes to an existing course. One contact hour will be awarded for each hour of preparation. A maximum of eight contact hours may be earned in this category. Proof of presentation is the course syllabus or other printed materials describing the content and goals of the course.

(5) Publications of books, articles, or films related to clinical practice, management, or education of occupational therapy. A maximum of five contact hours for each published article, ten contact hours for a published book, five contact hours for a chapter in a book, and ten contact hours for a film may be earned in these categories. Co-authorship is acceptable. The item shall be published within the current renewal cycle. Proof of completion is the published article, title page of the book, or film. There is no limit of contact hours in this category.

(6) Undergraduate or graduate courses. A maximum of ten contact hours may be earned per completed course. Courses shall be related to the management, practice, or education of occupational therapy. Proof of completion is an unofficial college or university transcript. An official college or university transcript may be requested at the discretion of the occupational therapy section. Proof of content is the catalog description. There is no limit of contact hours in this category.

(7) Supervision of fieldwork.

(a) Continuing education credit can be earned by supervising level I students. One contact hour may be earned for each student supervised, with a maximum of six contact hours per renewal cycle.

(b) Continuing education credit can be earned by supervising level II students. Six contact hours may be earned per student for eight weeks of supervision. Eight contact hours may be earned per student for twelve weeks of supervision. There is no limit of contact hours for level II supervision.
(c) A license holder shall be a signing rater on the American occupational therapy association fieldwork performance evaluation (FWPE) to be eligible for continuing education credit. If more than one license holder is a signing rater on the FWPE, the contact hours earned shall be divided between the signing raters.

(d) Proof of student supervision is a certificate of supervision from the student's school.

(8) Self-study. Formal study packages, such as printed text, multi-media, or internet based activities, related to the clinical practice, management, or education of occupational therapy are acceptable. There is no limit of contact hours in this category. Proof of completion is the certificate of completion and/or a copy of the post test results.

(9) Distance learning. Credit for distance learning requires that there be opportunity for interaction with the program presenter and that the content is related to the clinical practice, management, or education of occupational therapy. The agenda and certificate of participation are required to verify completion. There is no limit of contact hours in this category.

(10) Apprenticeships. Supervised clinical experience aimed at developing specialized skills in occupational therapy is acceptable. Five contact hours shall be credited for each forty hour week. There is no limit to the amount of contact hours that can be earned under this category. Proof of completion is a signed letter from the clinical supervisor describing length and type of education experiences and an evaluation of the occupational therapist's or occupational therapy assistant's performance.

Apprenticeships shall be served under the supervision of a licensed occupational therapist whose license is in good standing and who has demonstrated expertise in the practice of occupational therapy or other people who have demonstrated expertise in specialized techniques as approved by the occupational therapy section.

(11) Research projects. A maximum of ten contact hours may be earned in this category. The hours will be granted only for completed, published or unpublished research projects related to the theory, clinical practice, management, or education of occupational therapy. Proof of completion is the published article or unpublished manuscript.

(12) Informal independent study. One contact hour will be given for reading an
evidence based book chapter or research journal article relating to the clinical practice, management, or education of occupational therapy practitioners and identifying how the information presented can be applied to one's own practice, management, or education situation. Proof of completion is a copy of the article's title page and the first page, and a written report summarizing the information and outlining how it can be applied by the license holder. One hour will be awarded for each chapter/article. A maximum of four contact hours may be earned in this category per renewal cycle.

(13) Jurisprudence examination. One contact hour may be earned for completing and passing the Ohio occupational therapy jurisprudence examination. This contact hour may be utilized only once per renewal cycle for continuing education credit. Proof of completion is the graded examination. This contact hour may be used to fulfill the ethics, jurisprudence, or cultural competence requirement established in paragraph (A)(5) of this rule.

(14) Mentorship. Continuing education credit can be earned by mentoring a student completing a graduate level research/capstone project at an ACOTE accredited entry level or a post professional occupational therapist education program. One contact hour may be earned for every eighty hours of mentorship completed, with a maximum of four contact hours per renewal cycle. Proof of mentorship will be a certificate from the student's school and a time log documenting the mentor's activities and the time spent completing those activities. Faculty members mentoring students enrolled in the faculty member's own program are not eligible for continuing education credit for mentorship.

(14) Mentorship. A maximum of four hours per renewal cycle can be earned by any of the following:

(a) Continuing education credit can be earned by mentoring a student completing a graduate level research/capstone project at an ACOTE accredited entry-level or a post-professional occupational therapist education program. One contact hour may be earned for every eighty hours of mentorship completed, with a maximum of four contact hours per renewal cycle. Proof of mentorship will be a certificate from the student’s school and a time log documenting the mentor’s activities and the time spent completing those activities. Faculty members mentoring students enrolled in the faculty member’s own program are not eligible for continuing education credit for mentorship.

(b) Continuing education credit can be earned by mentoring a practitioner in the first year of practice or any practitioner entering a practice area or attempting to achieve certification in a practice area in which the
mentee has no prior experience. One contact hour may be earned for every eighty hours of mentorship completed, with a maximum of four contact hours per renewal cycle. Proof of mentorship will be a written contract which includes the signatures of the mentor and the practitioner who has agreed to be mentored. The contract must also include a time log documenting the mentor’s activities and the time spent completing those activities.

(c) Continuing education credit can be earned by mentoring a practitioner of an AOTA Fellowship Program. The mentor must spend a minimum of 340 hours with the fellow while the fellow delivers occupational therapy services in the identified practice area. Four contact hours may be earned for each AOTA Fellowship Program mentorship with only one mentorship eligible for contact hours per renewal cycle. Proof of mentorship will be the written contract developed by the AOTA Fellowship Program and documentation of successful completion by this program.

(15) Volunteer services to indigent and uninsured persons pursuant to section 4745.04 of the Revised Code. To qualify under this rule, volunteer services shall:

(a) Be provided at a free clinic or other non-profit organization that offers health care services based on eligibility screenings identifying the client as an "indigent and uninsured person" as that term is defined in division (A)(7) of section 2305.234 of the Revised Code.

(b) Be documented in writing in the form of a certificate or a written statement on letterhead from an administrative official at the organization where services were rendered, specifying at a minimum the license holder's name, license number, date(s) of qualifying volunteer services, number of hours of services, and describing the services that were rendered.

(c) Not be credited for license holders in a paid position at the organization at which the services are rendered.

(d) Be occupational therapy or occupational therapy assistant services provided in compliance with the Revised Code and Administrative Code.

(e) Be credited as one hour of CE for each sixty minutes spent providing services as a volunteer, not to exceed four hours of the total biennial CE requirement.
(f) Not count toward the one contact hour of ethics, jurisprudence, or cultural competence education per renewal cycle as required by paragraph (A)(5) of this rule.

(16) Competency assessment or knowledge/skills assessment activities. Credit for completion of competency assessment or knowledge/skill assessment activities, or both, completed either online or in person. A certificate of completion or similar document that includes the participant's name, activity, date, contact hours awarded, and sponsoring organization shall be submitted as proof of completion.

(C) Continuing education credit will not be granted to standard employer required annual competency training, such as CPR, blood-born pathogens, or HIPAA.

(D) The occupational therapy section shall conduct an audit of the continuing education records of not less than five per cent of the license holders each renewal year.

(1) License holders chosen for audit shall submit to the board by the date specified by the board copies of all records and documentation of the continuing education activities used to meet the requirements of paragraph (A) of this rule.

(2) Failure to provide proof of the required number of continuing education hours, in the appropriate categories, for the specified time period will result in the commencement of disciplinary action.

(3) Failure to respond to or acknowledge receipt of an audit notice will result in the commencement of disciplinary action.

(E) An occupational therapist or occupational therapy assistant license shall not be renewed unless the license holder certifies that the person completed the required number of continuing education hours specified in paragraph (A) of this rule.

A license holder who falsifies a renewal application may be disciplined by the occupational therapy section for violating section 4755.11 of the Revised Code.
<table>
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<tr>
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<td>APP-000280994</td>
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<tr>
<td>Abby Arrington</td>
<td>APP-000316976</td>
<td></td>
</tr>
<tr>
<td>Melissa Perkowski</td>
<td>APP-000310509</td>
<td></td>
</tr>
<tr>
<td>Kristen Schenkelberg</td>
<td>APP-000310535</td>
<td></td>
</tr>
</tbody>
</table>
ENFORCEMENT STATISTICS FOR OCCUPATIONAL THERAPY SECTION MEETING

Date: 01/16/2020

Statistics:

“New” cases opened since the last meeting: 99

Cases “closed” since the last meeting: 83

Cases “currently open”: 11

Active consent agreements: 3

Adjudication orders being monitored: 1

*Statistics as of 01/07/2020
<table>
<thead>
<tr>
<th>Meeting No.</th>
<th>Name</th>
<th>Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANUARY 2020</td>
<td>Ashley McGhee, OTA</td>
<td>I am a COTA/L and I am taking a level II OTA student. I currently have an OTR/L who is a new grad. She co-signs my notes so I wanted to see if she is able to co-sign the student's notes once I sign off on them? I know she is unable to supervise students for a year. Thank you!</td>
</tr>
</tbody>
</table>
Interstate Professional Licensing Compact

AOTA is working on creating an interstate professional licensing compact for occupational therapy to address licensure portability. The Occupational Therapy Licensure Compact legislation must be passed into law in each state where it will apply. The goal for this multi-year initiative is to begin state participation by 2024. An interstate licensing compact would:

- Allow licensed occupational therapists and occupational therapy assistants to practice across state lines (e.g., telehealth)
- Improve consumer access to occupational therapy
- Enhance mobility of occupational therapy practitioners (e.g., spouses of relocating military families, staff of travel therapy companies)
- Improve continuity of care
- Address competition issues raised by the Federal Trade Commission and others
- Preserve and strengthen the state licensure system
- Enhance the exchange of licensure, investigatory, and disciplinary information between member states.

An interstate licensing compact would not change state occupational therapy practice acts or the scope of practice. See the Council of State Governments for more information about licensure compacts.

Latest News

*This will be updated as the initiative gets underway.*

August 2019

Established contract with the Council of State Governments (CSG) National Center for Interstate Compacts. CSG will partner with AOTA during each of the following steps.

September 2019

**September 23** - AOTA® and NBCOT® announce that they will collaborate over the next 4 years to create an interstate licensure compact for the occupational therapy profession. Major funding from NBCOT will support the licensure compact initiative; AOTA and state associations will lead advocacy efforts to enact compact legislation in the states. [Read the AOTA NBCOT joint statement.]

**September 24** - CSG staff held a webinar for state leaders and state regulators - Interstate Licensure Compact for the Occupational Therapy Profession. [Go to the webinar on YouTube]
October 2019

The Council of State of Governments (CSG) convened the first meeting of the Occupational Therapy Interstate Licensure Compact Advisory Group from October 29 to 30 at the Hall of the States in Washington, DC.

General Timeline

August 2019–June 2020

- Launch research project
- Develop and convene advisory group
- Develop drafting team to develop compact language
- Circulate compact draft for review

July 2020–June 2021

- Circulate compact draft for review (cont.)
- Develop comprehensive resource kit
- Develop educational boiler-plate legislative testimony for committee hearings and other events
- Develop a comprehensive legislative strategy
- Convene a national legislative briefing of 1 legislator and 1 licensing board member from each state
- Track legislative introductions and enactments
- Attend legislative hearings/meetings

July 2022–July 2023

- Conduct pre-commission transition activities. These include state notifications, commissioner appointments, etc.
- Hold inaugural commission meeting

2024

- Interstate professional licensing compact in place