



West Virginia Board of Occupational Therapy
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October 15, 2018

The Honorable Jim Justice
Governor of West Virginia
State Capitol, 1900 Kanawha Blvd. E
Charleston, WV 25305

In accordance with Executive Order No. 3-18, the West Virginia Board of Occupational Therapy presents herein our agency's Regulatory Review reports for all rules under our jurisdiction.

Each report includes a description of the rule, including the date of the first promulgation of the rule and any subsequent modifications, a determination of whether the rule should be continued without change, be modified or repealed, and the reasoning for said determination.

Respectfully yours,

Kathy Quesenberry, MSM, OTR/L

Kathy F. Quesenberry, MSM, OTR/L
WVBOT Chairperson

Martin Douglas, MS, OTR/L

Martin Douglas, MS, OTR/L
WVBOT Secretary/Treasurer

enc. Regulatory Review reports

cc: Legislative Rule Making Review Committee

**WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY
REGULATORY REVIEW REPORT
DUE NOVEMBER 1, 2018**

SERIES 1

**ADMINISTRATIVE RULES OF THE BOARD OF OCCUPATIONAL THERAPY AND
LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
ASSISTANTS**

DESCRIPTION: This rule is considered a general rule that covers several items regulated by the Board. These items include Powers and Duties of the Board, Application for Licenses and Limited Permits, Examination Process, Issuance of Licenses, Renewal of Licenses, Supervision requirements, Display of License or Limited Permit, Obtaining a Duplicate License, and Notice of Change of Address or Name.

According to the records available, the rule was first promulgated on November 24, 1979, with modifications effective on the following dates:

6/9/1993
7/1/1998
4/15/2006
7/1/2010

DETERMINATION: At this time, the Board proposes the rule be continued with no changes.

REASONS: In order to fulfill its purpose, one of the primary roles of the Board is to enact and enforce state regulations to restrict the practice of occupational therapy to individuals who have proven training and qualifications, by allowing only qualified individuals to obtain a license.

**WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY
REGULATORY REVIEW REPORT
DUE NOVEMBER 1, 2018**

SERIES 2

**DISCIPLINARY, COMPLAINT AND CONTESTED CASE HEARING PROCEDURES FOR
OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS**

DESCRIPTION: This rule specifies the procedures for the investigation and resolution of complaints against occupational therapists, occupational therapy assistants, limited permit holders and applicants, as well as the procedure for the adjudication of contested case hearings before the Board. The rule defines the Causes for Denial, Probation, Limitation, Discipline, Suspension or Revocation of Licenses, the process for the Disposition of Complaints, the Hearing Procedure, the Orders and Appeal process, and Procedures for Judicial Review.

According to the records available, the rule was first promulgated on March 1, 2001, with modifications effective on the following dates:

11/1/2009

DETERMINATION: At this time, the Board proposes the rule be continued with no changes.

REASONS: In order to fulfill its purpose, one of the primary roles of the Board is to develop and manage a process to receive and resolve complaints from the public regarding occupational therapy providers

**WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY
REGULATORY REVIEW REPORT
DUE NOVEMBER 1, 2018**

SERIES 3

FEES FOR SERVICES RENDERED BY THE BOARD

DESCRIPTION: This rule establishes the fees to be charged by the Board for services rendered, including Initial licensure fees, Limited Permit fees, Biennial license renewal fees, Late renewal fee, Verification of licensure fee, Mailing list fees, and Duplicate license cards and certificate fees.

According to the records available, the rule was first promulgated on July 1, 2010 with modifications effective on the date shown below. Fees were originally included in Series 1, Administrative Rules of the Board.

5/1/2012 Initial licensure fees and Limited Permit fees were reduced

DETERMINATION: The Board proposes the rule be modified to eliminate or reduce fees no longer required due to services now provided online. These include the Application packet fee and Mailing list fees. Remaining fees should remain unchanged.

REASONS: Applications are now available on the Board's website. Mailing lists are now available in electronic format. A small fee should still be charged to cover actual costs if mailing labels are requested. Remaining existing fees are adequate to maintain financial stability of the Board.

**WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY
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DUE NOVEMBER 1, 2018**

SERIES 4

CONTINUING EDUCATION AND COMPETENCE

DESCRIPTION: This rule establishes requirements for continuing education and competency for renewal of licensure of occupational therapists and occupational therapy assistants. It includes the Unit Requirements, Exemptions from the continuing education requirements, Approved Continuing Education activities, Documentation of Continuing Education activities, and an Audit process for compliance with continuing education and competency requirements.

According to the records available, the rule was first promulgated on July 1, 2010 with no modifications to date. Continuing Education and Competency was originally included in Series 1, Administrative Rules of the Board.

DETERMINATION: At this time, the Board proposes the rule be continued with no changes.

REASONS: In order to fulfill its purpose, one of the primary roles of the Board is to document and enforce continuing education requirements to ensure licensees maintain the skills and competency needed to provide safe and effective occupational therapy services.

**WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY
REGULATORY REVIEW REPORT
DUE NOVEMBER 1, 2018**

SERIES 5

**COMPETENCY STANDARDS FOR ADVANCED PRACTICE BY OCCUPATIONAL
THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS**

DESCRIPTION: This rule establishes competency standards for advanced practice by occupational therapists and occupational therapy assistants. Advanced Practice is defined as treatment techniques or arenas which require education and training obtained subsequent to the qualifying degree program or beyond current standards for the qualifying degree program.

According to the records available, the rule was first promulgated on July 1, 2010 with no modifications to date.

DETERMINATION: At this time, the Board proposes the rule be continued with no changes.

REASONS: In order to fulfill its purpose, one of the primary roles of the Board is to ensure licensees acquire the skills and competency needed to provide safe and effective occupational therapy services.

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SERIES 6

ETHICAL STANDARDS OF PRACTICE

DESCRIPTION: This rule establishes Ethical Standards of Practice to establish and maintain a high standard of integrity and dignity in the profession and to protect the public against unprofessional conduct on the part of persons licensed by the WV Board of Occupational Therapy as an Occupational Therapist or Occupational Therapy Assistant. A violation of any ethical standard of practice constitutes grounds for disciplinary action.

According to the records available, the rule was first promulgated on July 1, 2010 with no modifications to date.

DETERMINATION: At this time, the Board proposes the rule be continued with no changes.

REASONS: In order to fulfill its purpose, one of the primary roles of the Board is to protect consumers and assure the highest degree of professional care and conduct on the part of occupational therapists and occupational therapist assistants.