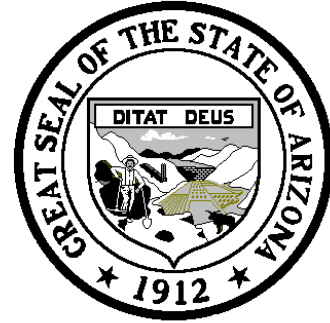


RECEIVED

By Chief Clerk's Office at 11:33 am, Dec 22, 2017

Sunset Review of the
Arizona Board of
Occupational Therapy Examiners



Report
November 2017

SENATE MEMBERS

Senator Nancy Barto, Co-Chair
Senator David Bradley
Senator Katie Hobbs
Senator Debbie Lesko
Senator Steve Montenegro

HOUSE MEMBERS

Representative Heather Carter, Co-Chair
Representative Regina Cobb
Representative Jay Lawrence
Representative Tony Navarrete
Representative Pamela Powers Hannley

TABLE OF CONTENTS

I. **Report**

- A. [Background](#)
- B. [Committee of Reference Sunset Review Procedures](#)
- C. [Committee Recommendations](#)

II. **Appendix**

- A. [Arizona Board of Occupational Therapy Examiners Response to the Sunset Factors](#)
- B. [Meeting Notice](#)
- C. [Minutes of the Committee of Reference Meeting](#)

Background

Pursuant to [A.R.S. § 41-2953](#), the Joint Legislative Audit Committee assigned the sunset review of the Arizona Board of Occupational Therapy Examiners (Board) to the Senate Health and Human Services and House Health Committee of Reference (COR).

The Board was established by Laws 1989, Chapter 296. The Board consists of five members: two public members who are not actively engaged in health care services and three occupational therapists who have three years of experience and are licensed. All board members are appointed by the Governor and must submit to a state and federal background check. The Board annually elects a chairperson and other officers from the existing members and is required to meet on a quarterly basis ([A.R.S. § 32-3402](#)). The Board is responsible for licensure, adopting rules, and report statute or rule violations to a county attorney, the attorney general, a federal agency or a state or national organization ([A.R.S. § 32-3404](#)).

Committee of Reference Sunset Review Procedures

The COR held one public meeting on Monday, November 27, 2017, to review and consider the Arizona Board of Occupational Therapy Examiners responses to the sunset factors (See *Appendix A*) and to receive public testimony (See *Appendix C*).

A video recording of the committee can be found at:
http://azleg.granicus.com/MediaPlayer.php?clip_id=19960

Committee Recommendations

The Committee of Reference recommended that the Legislature continue the Arizona Board of Occupational Therapy Examiners for eight years.

State Board of Occupational Therapy Examiners

Sunset Factors

September 2017

1. THE OBJECTIVE AND PURPOSE IN ESTABLISHING THE AGENCY AND THE EXTENT TO WHICH THE OBJECTIVE AND PURPOSE ARE MET BY PRIVATE ENTERPRISES IN OTHER STATES.

In 1990, the Arizona State Board of Occupational Therapy Examiners (ABOTE) was established to license and regulate Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs). The practice of Occupational Therapy is written under A.R.S. § 32-3401 *et. seq.* and A.A.C. Rules R4-43-101 *et. seq.*

The intent in establishing the Board was to provide consumer protection and to standardize Occupational Therapy practices by setting minimum standards of operations and principals of good practice.

Occupational Therapists and Occupational Therapy Assistants are employed in a variety of settings. The field of Occupational Therapy is expanding, therefore employment opportunities include public or private: educational facilities, hospitals, clinics, mental health centers, community health organizations, physician practices, and home health care agencies. Clients are served throughout the lifespan and with a variety of disabling conditions, with the primary focus on engagement in activities. Documentation is used in each of these environments to reflect a client's participation and performance in Occupational Therapy and a client's change in functional performance.

- **Evaluation** – A comprehensive overview of a client's functioning to determine if a client qualifies for intervention. Areas addressed during the evaluation include: motor control, cognitive ability, mental status, response to sensory stimulation, self-care skills, communication/interaction skills, and occupational performance. Evaluation tools frequently used could include both standardized and non-standardized assessments. Specific evaluative measures might entail client observation, interview with client and/or family members, review of previous medical and educational history, assessment of muscle strength and range of motion, developmental assessment, and samples of work-related materials.
- **Treatment** – Intervention activities specific to the disability, age, culture, and environment of the client to promote function and development. A treatment plan is completed with the client and other health team members to outline strategies to achieve mutually agreed upon goals and objectives. Treatment techniques focus on development of skills, and may involve environmental modifications,

modalities, assistive technology, or training in the use of adaptive devices or modified techniques to foster independence and success.

- **Assessment** – The review of a client’s status throughout the course of occupational therapy is conducted to verify progression toward identified goals. The treatment plan is periodically revised to reflect changes as well as determine when to terminate services.

The mission of the Board is to ensure the public’s health, safety, and welfare by licensing and regulating individuals who provide Occupational Therapy services.

The goals of the Board are to ensure the legal operations, ethical practices and quality practice in the OT and OTA profession by:

1. Ensure qualified applicants are issued a license or permit
2. Ensure license renewal applicants are issued a renewal license
3. Investigate and adjudicate complaints.

The Board has two primary programs: Licensing and Regulation of OTs and OTAs.

1. Licensing and Regulation – The Board strives to issue, renew or deny a license, permit, or registration within 30 days.
2. The Board receives, investigates, and adjudicates complaints consistent with an average turnaround of 120 days, and the Board takes disciplinary action when evidence of violations occur that jeopardize the health, safety, and/or welfare of the public.

Board staff did not identify any states that met the objective and purpose of the Board through private enterprises. According to the National Board for Certification in Occupational Therapy (NBCOT), all 50 states and the District of Columbia regulate the practice of occupational therapy through a state agency, of which all 50 states and the District of Columbia regulate occupational therapists and occupational therapy assistants.

2. THE EXTENT TO WHICH THE AGENCY HAS MET ITS STATUTORY OBJECTIVE AND PURPOSE AND THE EFFICIENCY WITH WHICH IT HAS OPERATED.

The Board carries out its statutory mandate and meets its objectives. The Board also efficiently operates as demonstrated below:

- A. Licensure – As required by A.R.S. § 32-3423, 32-3426, and 32-3428, the Board has been in compliance with its licensing time frames. Please refer to:
 - Tab 3 – Licensing Time Frame Compliance Reports for FY 2015-2017

Each new license application contains six items that must be reviewed and approved by staff and then the Board. In addition, each applicant for original licensure, license renewal, license reinstatement, or a limited permit that has not previously done so must submit a full set of fingerprints to the Board for the purpose of obtaining a state and federal criminal records background check pursuant to A.R.S. § 41-1750 and public law 92-544. Staff will review the results of each applicant's records background check and compare it with the applicant's disclosures on the application form. On average it takes no longer than 30 days to process a new application; however, extra time is occasionally required for the criminal records check when the applicant has indicated on the initial application that he or she has a criminal history. In Fiscal Year 2017, the Board received 448 initial applications. The average time frame for issuing an initial license was 30 days. Once licensed, the licensee must renew their license bi-annually.

During license renewal, each licensee must submit 3 items for staff review and approval. This process takes no longer than 30 days to complete. In FY 2017, the Board received 1,235 license renewal applications. The average time frame for issuing a renewal was 27 days.

- Tab 4 – Initial Application for Licensure
- Tab 5 – Bi-annual License Renewal Form

The initial application and bi-annual license renewal process will significantly improve for both the applicant and for Board staff when online licensing is implemented in early 2018. This should improve licensing time frames, which are already in compliance with A.R.S. § 32-3423, 32-3426, and 32-3428, and make the process more convenient for the applicant as it allows for electronic payment and eliminates the time it takes for paper applications to be mailed.

- B. Complaint Process – The anticipated time frame from receipt of a complaint to its resolution is 120 days.
- i) A.R.S. § 32-3442 and 32-3443 allows the Board to investigate complaints and hold hearings. The Board strives to resolve complaints that allege less serious violations within a 120 day time frame. An example of a complaint alleging a less serious violation is: failing to document or maintain client treatment records; or failing to prepare client reports within 30 days.
 - ii) In Fiscal Year 2017, the Board reviewed 7 complaints and 16 licensure incidents. The Board issued 5 disciplinary actions, 4 non-disciplinary actions, and 1 letter of concern; and dismissed 5 complaints. 6 complaints and 16 licensure incidents were resolved within 120 days, and there is 1 pending complaint matter.
 - iii) Complaints with more serious allegations such as billing for services not rendered; falsifying documents including applications; occupational therapy assistants practicing outside their training; or practicing occupational therapy without a license may take significantly longer to investigate. Investigations may include issuing subpoenas for client records and interviewing the

complainant, licensee, and any witnesses. At the conclusion of the investigation, the information is reported to the Board, and they evaluate and determine if there may be evidence of a possible violation. If the Board determines that a violation may have occurred, they will hold an informal interview with the licensee to determine possible disciplinary action.

- Tab 6 – 2017 2nd Quarter Performance Measures Table (calendar year)

C. Budget – The Board operates within its Legislative Appropriation. In fact, the Board has never over-spent its appropriation. Please refer to:

- Tab 7 – FY 2017 – 2018 Appropriations Report.

D. The Board has a very positive relationship with the regulated community. Please refer to:

- Tab 8 – Letter from the American Occupational Therapy Association, Inc.
Letter from the Arizona Occupational Therapy Association

3. THE EXTENT TO WHICH THE AGENCY SERVES THE ENTIRE STATE RATHER THAN SPECIFIC INTERESTS.

The Board has operated, and will continue to operate within the public interest as demonstrated by:

- A. Members of the Board possess the Occupational Therapy knowledge and expertise in areas such as:
- Client Evaluation and Assessment – Understanding of the patient/client occupational history and experiences including activities of daily living, development, activity demands, values, and needs including temporal, spiritual and cultural.
 - Client Intervention – Ability to implement a variety of strategies to improve a client’s functional skills.
 - Documentation – The ability to report and interpret results, justify treatment strategies, and modify interventions to facilitate development and determine cohesiveness of intervention with expected outcomes
- B. The licensure process provides public assurances that the OTs and OTAs provide quality service to clients, meet minimum licensure requirements and have principals of good practice.
- C. The complaint process provides due process for the licensees. The complainants are also involved in the process and have an opportunity to present their concerns at a public Board meeting.
- D. Open meeting laws are strictly followed and public record requests are provided in a timely manner.
- E. Any member of the public may call the Board office during regular working hours and receive public information regarding a licensee, to include dates of licensure,

accreditation and if applicable, any disciplinary actions or non-disciplinary letters of concern. Upon written request, copies of public records are available for a copying fee or review at the Board office.

- F. The Board continues to maintain a website (www.ot.az.gov) that provides Board information, meeting agendas, meeting minutes, statutes and rules, complaint forms, application forms, and licensee information. The Board also posts any proposed statutes or rules on the website.
- G. The Board takes very seriously the notification to all licensees of proposed amendments to rules and statutes. The matter is always placed on the Board agenda which is mailed upon request.
- H. The Board has identified the following change that should be made to the website:
 - a. The need to post the fingerprint process on the website.

Please refer to:

- Tab 9 – Board’s website

4. THE EXTENT TO WHICH RULES ADOPTED BY THE AGENCY ARE CONSISTENT WITH THE LEGISLATIVE MANDATE.

The Board’s administrative rules, Title 4 A.A.C. 43, articles 1 through 4, are authorized by the agency’s general rulemaking authority contained in A.R.S. §32-3404(A)(4).

Article 1, Article 2, Article 3, and Article 4 became effective in 1992.

Although current rules are consistent with its statutes, in 2014, the Board drafted proposed rule amendments to update and clarify several of its rules. The Board targeted seven specific rule amendments that were identified in their 2013 5-Year-Rules Review Report. They were: R4-43-101 Definitions; R4-43-102 Fees; R4-43-103 Service by the Board; R4-43-203 Continuing Education for Renewal of License; R4-43-402 Supervision of Occupational Therapy Aides and Other Unlicensed Personnel; R4-43-404 Limited Permit Practice; and R4-43-405 Display of License Certificate. The amendments were drafted and approved by the Board in December 2014. In January of 2015, Governor Ducey signed Executive Order 2015-01, imposing a moratorium on all executive agency rulemaking. Additional Executive Orders were issued in 2016 and 2017, preventing the Board from updating and clarifying its rules.

- Tab 10 – 2013 Five Year Review Report

In addition to the rule changes above, the Board drafted amendments to the following rules: R4-43-201 Initial Application; R4-43-205 Procedures for Processing License Applications; R4-43-401 Supervision of Occupational Therapy Assistants. Given there is still a rulemaking moratorium in place, the Board has not pursued amending these rules. All proposed rules were proposed to be amended to:

- Conform to current rulemaking format and style requirements;
- Improve the rules' clarity, conciseness, and understandability;
- Ensure consistency with state statutes and rules;
- Better protect the public; and
- Enhance regulatory oversight of Occupational Therapists and Occupational Therapy Assistants practicing in Arizona.

5. THE EXTENT TO WHICH THE AGENCY HAS ENCOURAGED INPUT FROM THE PUBLIC BEFORE ADOPTING ITS RULES AND THE EXTENT TO WHICH IT HAS INFORMED THE PUBLIC AS TO ITS ACTION AND THEIR EXPECTED IMPACT ON THE PUBLIC.

The Board complies with *A.R.S. 41-1023. Public participation; written statements; oral proceedings* in the promulgation of all Board rules. All proposed rule revisions are discussed at regularly scheduled Board meetings. The Board meetings comply with Open Meeting Laws and notices are sent to all interested parties and posted in accordance with state law. In the most recent proposed rulemaking, the Board considered the draft proposed rules at open meetings held throughout several open meetings in 2013 and 2014.

The Board solicits and considers comments it receives during the rules promulgation process. Because of the nature of the rule change, the Board often conducted informal meetings to better understand constituent concerns. The Board makes every effort to include stakeholders in the process and receive public comment prior to opening a docket and submitting a proposed rule package to GRRC.

In addition:

- The Board publishes its statutes and rules, including proposed rule packages on the Board's website.
- Proposed rules, including a notice of dates and locations of hearings being held to obtain public comment, are published in the Arizona Administrative Register.
- All new license applicants receive a copy of the statutes and rules with the application packet.

6. THE EXTENT TO WHICH THE AGENCY HAS BEEN ABLE TO INVESTIGATE AND RESOLVE COMPLAINTS THAT ARE WITHIN ITS JURISDICTION.

The Board's authority is sufficient to give it the ability to investigate and resolve complaints.

The Board maintains accurate and complete complaint information. Below is a list of established complaint-handling procedures that have been implemented since the sunset audit in 1996.

- A. The Board establishes a complaint file only when the information indicates a violation of its statutes or rules.
- B. The Board ensures each closed complaint file contains complete documentation. The complaint file includes:
 - i) A summary of the complaint
 - ii) a complaint number
 - iii) a statement of the nature of the violation
 - iv) background information regarding how and when the complaint was received
 - v) an outline of investigative actions
 - vi) a notice of hearing if one is warranted
 - vii) a final disposition or order including the date of the final decision
 - viii) notification letter of the action is sent to the complainant and licensee.
- C. The Board ensures that a copy of any disciplinary action is placed in the licensing file of the licensee.
- D. The Board has refined its investigative report writing process by providing an overview of the allegations made by complainants against licensees. A chronological framework is provided as well as a listing of the alleged violations of professional conduct codes contained in A.R.S. § 32-3401. Please refer to:

- Tab 11 – Board Action Sheet

7. THE EXTENT TO WHICH THE ATTORNEY GENERAL OR ANY OTHER APPLICABLE AGENCY OF STATE GOVERNMENT HAS THE AUTHORITY TO PROSECUTE ACTIONS UNDER THE ENABLING LEGISLATION.

Pursuant to A.R.S. § 32-3443(C), the board may investigate any person to the extent necessary to determine if the person is engaged in the unlawful practice of occupational therapy. If an investigation indicates that a person may be practicing occupational therapy unlawfully, the board shall inform the person of the alleged violation. If the person does not immediately cease the unlawful practice of occupational therapy, the board may refer the matter for criminal prosecution pursuant to section 32-3445.

32-3445. Violations; classification

A person is guilty of a class 1 misdemeanor who:

1. Obtains a license by fraud, by misrepresentation or in any manner other than that prescribed in this chapter.
2. Practices or assists in the practice of occupational therapy and is not licensed or exempt from the requirements of licensure pursuant to this chapter.
3. Violates any provision of this chapter.

8. THE EXTENT TO WHICH THE AGENCY HAS ADDRESSED DEFICIENCIES IN ITS ENABLING STATUTES THAT PREVENT IT FROM FULFILLING ITS STATUTORY MANDATE.

The Board has not addressed any deficiencies in its enabling statutes that prevent it from fulfilling its statutory mandate.

9. THE EXTENT TO WHICH CHANGES ARE NECESSARY IN THE LAWS OF THE AGENCY TO ADEQUATELY COMPLY WITH THE FACTORS LISTED IN THIS SUBSECTION.

The Board has not identified any statutes for amendment.

10. THE EXTENT TO WHICH THE TERMINATION OF THE AGENCY WOULD SIGNIFICANTLY HARM THE PUBLIC HEALTH, SAFETY OR WELFARE.

The Arizona Board of Occupational Therapy Examiners believes that the elimination of this Board would negatively impact the quality of the Occupational Therapy profession in the state of Arizona. The deregulation of Occupational Therapists and Occupational Therapy Assistants could lead to abuse in the health care sector and significantly reduce consumer (client) protection. The educational demands of the profession dictate a firm foundation in areas of anatomy, physiology, psychology, growth and development, disabilities, technology, and analysis of human performance. Rigorous training is essential in both the assessment and treatment process as demonstrated by successful completion in internships. During the internship process, an occupational therapy professional must demonstrate understanding and impact of physical disabilities and mental health on a client's function. Persons claiming to provide occupational therapy without such education and training could lead to serious consequences in client care.

Occupational Therapists frequently interact on an intimate basis with clients who may be vulnerable to improprieties or are unable to protect themselves due to the nature of their illness or disability. Without licensure there would be no vehicle for reporting and investigating such improprieties.

Practitioners in private practice are not subject to controls other than those provided by licensure. The internal and external control over a therapist's accountability is provided by larger facilities such as hospitals, educational facilities, and clinics. Such oversight does not occur with therapists within the private practice sector. As areas of practice continue to emerge in the occupational therapy profession, more practitioners may not have controls other than licensure.

11. THE EXTENT TO WHICH THE LEVEL OF REGULATION EXERCISED BY THE AGENCY COMPARES TO OTHER STATES AND IS APPROPRIATE AND WHETHER LESS OR MORE STRINGENT LEVELS OF REGULATION WOULD BE APPROPRIATE.

According to research done for Executive Order 2017-03, the Board believes the level of regulation is comparable to other states. The Board believes the level of regulation is appropriate, however the Board is cognizant that as changes in the occupational therapy profession occur, revisions to regulation may be needed.

12. THE EXTENT TO WHICH THE AGENCY HAS USED PRIVATE CONTRACTORS IN THE PERFORMANCE OF ITS DUTIES AND HOW EFFECTIVE USE OF PRIVATE CONTRACTORS COULD BE ACCOMPLISHED.

The Board has not utilized private contractors to a large extent. On occasion, the Board utilized contracts for professional rule writers. The Board could utilize the professional rule writer more frequently to accomplish its rule writing outcome more efficiently and effectively.

13. THE EXTENT TO WHICH THE AGENCY POTENTIALLY CREATES UNEXPECTED NEGATIVE CONSEQUENCES THAT MIGHT REQUIRE ADDITIONAL REVIEW BY THE COMMITTEE OF REFERENCE, INCLUDING INCREASING THE PRICE OF GOODS, AFFECTING THE AVAILABILITY OF SERVICES, LIMITING THE ABILITIES OF INDIVIDUALS AND BUSINESSES TO OPERATE EFFICIENTLY AND INCREASING THE COST OF GOVERNMENT.

The Board has not identified any unexpected negative consequences requiring additional review by the committee of reference. In fact, the Board has not increase fees and is currently participating in a project to provide online licensing, which will increase the applicant's ability to obtain a license in a timely manner, as well as improve the license verification and address change processes.

ADDITIONAL QUESTIONS:

1. AN IDENTIFICATION OF THE PROBLEMS OR THE NEEDS THAT THE AGENCY INTENDS TO ADDRESS.

A. The following are legislative considerations for the Board:

Amend all of the articles in statute to:

- Conform to current statute format and style requirements;
- Improve the statutes clarity, conciseness, and understandability;
- Ensure consistency with statutes and rules;
- Enhance regulatory oversight of occupational therapists and occupational therapy assistants

2. A STATEMENT, TO THE EXTENT PRACTICABLE, IN QUANTITATIVE AND QUALITATIVE TERMS, OF THE OBJECTIVES OF THE BOARD AND ITS ANTICIPATED ACCOMPLISHMENTS.

Licensing:

- The Board's legislative intent to issue licenses to Occupational Therapists and Occupational Therapy Assistants that meet the minimum requirements for licensure will continue.
- The Board will continue to meet the statutory time frames for issuing initial licenses, renewals, and permits.

Complaints:

- The Board will ensure the grounds for disciplinary action and the disciplinary processes are enforced, and in a timely manner.
- The Board will continue to work with licensees to correct deficiencies or violations through the disciplinary process to ensure patient protection.

3. AN IDENTIFICATION OF ANY OTHER BOARDS OR AGENCIES HAVING SIMILAR, CONFLICTING OR DUPLICATIVE OBJECTIVES, AND AN EXPLANATION OF THE MANNER IN WHICH THE BOARD AVOIDS DUPLICATION OR CONFLICT WITH OTHER SUCH AGENCIES.

The Arizona Board of Physical Therapy licenses Physical Therapists. They provide similar services to patients such as functional training in self-care and in home, community or work reintegration. However, the extent of their services include performing specific designated tasks related to therapeutic exercise, manual therapy techniques, therapeutic massage, pulmonary hygiene, debridement and wound care.

The main difference between occupational therapy and physical therapy is that occupational therapy focuses on improving a client's ability to perform activities of daily living (ADL) and physical therapy focuses on improving a client's ability to perform movement of the human body.

According to the National Board for Certification in Occupational Therapy, occupational therapy is unique in that it uses a holistic approach to look not only at the reasons a client's participation in activities has been impacted, but also at the client's roles and environment. The approach includes wellness promotion, rehabilitation, and habilitation.

The educational criteria for a Physical Therapist differs from the educational criteria required of an Occupational Therapist. It should be noted that recently, the Accreditation Council for Occupational Therapy Education (ACOTE), after identifying the optimal level of education for ethical, accountable, and efficient practice to meet society's occupational needs, mandated the entry-level degree for

occupational therapists to the doctoral level, and the entry-level degree for the occupational therapy assistant to the baccalaureate level by 2027.

The Board does not believe that the regulation provided by the Physical Therapy Board is conflicting or duplicative of the Board's legislative mandate or regulatory responsibilities.

4. AN ASSESSMENT OF THE CONSEQUENCES OF ELIMINATING THE BOARD OR OF CONSOLIDATING IT WITH ANOTHER BOARD OR AGENCY.

In addition to the Board's response to Sunset Factor 10, the Board believes the consolidation of the Board with another agency or agencies would be extremely detrimental to its licensees and the consumer for the following reasons:

1. The 90/10 regulatory boards serve a vast array of constituents. To consolidate the agencies and their regulatory needs, with such diversity, would require an infrastructure that would be very costly. The time, effort and costs to such a project, if done correctly, would take years.
2. The regulated community will lose "its own identity".
3. Bigger does not always mean better service and efficiency. In fact, while researching other state Boards' practices for Executive Order 2017-03, it was discovered that "umbrella" agencies took longer to process applications.
4. The regulated community will lose its "own" personnel/agency, the personnel/agency with the knowledge and experience of their specific profession or industry.
5. Economies of scale – the number of services that could be shared – accounting services, attorney general services, records storage, DOA building rent – are already being paid by the 90/10 board either by its 10% to the general fund, or direct payments.
6. The 90/10 regulatory boards are not a "drain" on the general fund, in fact, the board provides funding for the general fund and many of the other general fund agencies.
7. As a rule, the regulatory boards are well managed and respected by their specific professions/industries.
8. Consolidation may result in less specialized service to the regulated community.
9. Diversity in licensing and reporting requirements of the various professions and industries would not result in a lot of commonality.
10. The potential loss of the Board members if they are not provided the same amount of experience and knowledgeable staff support.



Douglas A. Ducey
Governor

ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

Members of the Board

Quenton McCallister, Chair
Dr. Donald Hosenfeld, Vice-Chair
Dana Hutchings, OT Member
Barbara Paulson, Public Member

Board Staff

Karen Whiteford, Executive Director
Vicki Egurrola, Administrative Assistant

Board Mission

To assure the public's health, safety and welfare by licensing and regulating individuals who provide occupational therapy services.

Board Description

The Board of Occupational Therapy Examiners is a regulatory board, which issues and bi-annually renews approximately 1600 licenses for the occupational therapy profession. By law, the Board requires that each applicant meet minimum standards of education, experience and competency. The Board also receives and investigates complaints, takes appropriate disciplinary action and responds to inquiries from the consumers as to the license status of individual occupational therapy professionals

4205 N. 7th Avenue, Ste. 305
Phoenix, Arizona 85013
(602) 589-8352
Fax: (602) 589-8354
www.ot.az.gov

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

32-3401. Definitions

In this chapter, unless the context otherwise requires:

1. "Board" means the board of occupational therapy examiners.
2. "Consultation" means the act or procedure of exchanging ideas or information or providing professional advice to another professional or responsible party regarding the provision of occupational therapy services.
3. "Evaluation" means an occupational therapist's assessment of treatment needs within the scope of practice of occupational therapy. Evaluation does not include making a medical diagnosis.
4. "Letter of concern" means a non-disciplinary advisory letter to notify a licensee that, while there is insufficient evidence to support disciplinary action, the licensee should modify or eliminate certain practices and that continuation of the activities that led to the information being submitted to the board may result in future action against the licensee's license.
5. "Occupational therapist" means a person who is licensed pursuant to this chapter to practice occupational therapy and who is a graduate of an accredited occupational therapy education program, completes the approved fieldwork and passes the examination as required by the board pursuant to section 32-3424.
6. "Occupational therapy" means the use of therapeutic activities or modalities to promote engagement in activities with individuals who are limited by physical or cognitive injury or illness, psychosocial dysfunction, developmental or learning disabilities, sensory processing or modulation deficits or the aging process in order to achieve optimum functional performance, maximize independence, prevent disability and maintain health. Occupational therapy includes evaluation, treatment and consultation based on the client's temporal, spiritual and cultural values and needs.
7. "Occupational therapy assistant" means a person who is licensed pursuant to this chapter, who is a graduate of an accredited occupational therapy assistant education program, who assists in the practice of occupational therapy and who performs delegated procedures commensurate with the person's education and training.
8. "Occupational therapy services" includes the following:
 - (a) Developing an intervention and training plan that is based on the occupational therapist's evaluation of the client's occupational history and experiences, including the client's daily living activities, development, activity demands, values and needs.
 - (b) Evaluating and facilitating developmental, perceptual-motor, communication, neuromuscular and sensory processing function, psychosocial skills and systemic functioning, including wound, lymphatic and cardiac functioning.
 - (c) Enhancing functional achievement, prevocational skills and work capabilities through the use of therapeutic activities and modalities that are based on anatomy, physiology and kinesiology, growth and development, disabilities, technology and analysis of human behavioral and occupational performance.

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

- (d) Evaluating, designing, fabricating and training the individual in the use of selective orthotics, prosthetics, adaptive devices, assistive technology and durable medical equipment as appropriate.
 - (e) Administering and interpreting standardized and non-standardized tests that are performed within the practice of occupational therapy, including manual muscle, sensory processing, range of motion, cognition, developmental and psychosocial tests.
 - (f) Assessing and adapting environments for individuals with disabilities or who are at risk for dysfunction.
9. "Supervision" means the giving of instructions by the supervising occupational therapist or the occupational therapy assistant that are adequate to ensure the safety of clients during the provision of occupational therapy services and that take into consideration at least the following factors:
- (a) Skill level.
 - (b) Competency.
 - (c) Experience.
 - (d) Work setting demands.
 - (e) Client population.
10. "Unprofessional conduct" includes the following:
- (a) Habitual intemperance in the use of alcohol.
 - (b) Habitual use of narcotic or hypnotic drugs.
 - (c) Gross incompetence, repeated incompetence or incompetence resulting in injury to a client.
 - (d) Having professional connection with or lending the name of the licensee to an unlicensed occupational therapist.
 - (e) Practicing or offering to practice occupational therapy beyond the scope of the practice of occupational therapy.
 - (f) Obtaining or attempting to obtain a license by fraud or misrepresentation or assisting a person to obtain or to attempt to obtain a license by fraud or misrepresentation.
 - (g) Failing to provide supervision according to this chapter and rules adopted pursuant to this chapter.
 - (h) Making misleading, deceptive, untrue or fraudulent representations in violation of this chapter.
 - (i) Having been adjudged mentally incompetent by a court of competent jurisdiction.
 - (j) Knowingly aiding a person who is not licensed in this state and who directly or indirectly performs activities requiring a license.
 - (k) Failing to report to the board any act or omission of a licensee or applicant or of any other person who violates this chapter.
 - (l) Engaging in the performance of substandard care by a licensee due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the person receiving occupational therapy services is established.

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

- (m) Failing to refer a client whose condition is beyond the training or ability of the occupational therapist to another professional qualified to provide such service.
- (n) Censure of a licensee or refusal, revocation, suspension or restriction of a license to practice occupational therapy by any other state, territory, district or country, unless the applicant or licensee can demonstrate that the disciplinary action is not related to the ability to safely and skillfully practice occupational therapy or to any act of unprofessional conduct prescribed in this paragraph.
- (o) Any conduct or practice that violates recognized standards of ethics of the occupational therapy profession, any conduct or practice that does or might constitute a danger to the health, welfare or safety of the client or the public or any conduct, practice or condition that does or might impair the licensee's ability to safely and skillfully practice occupational therapy.
- (p) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate this chapter.
- (q) Falsely claiming to have performed a professional service, billing for a service not rendered or charging or collecting an excessive fee for services not performed.
- (r) Sexually inappropriate conduct with a client. For the purposes of this subdivision, "sexually inappropriate conduct" includes:
 - (i) Engaging in or soliciting a sexual relationship, whether consensual or nonconsensual, with a current client or with a former client within three months after termination of occupational therapy services.
 - (ii) Making sexual advances, requesting sexual favors or engaging in other verbal conduct or inappropriate physical contact of a sexual nature with a person treated by an occupational therapist or occupational therapy assistant.
 - (iii) Intentionally viewing a completely or partially disrobed client in the course of treatment if the viewing is not related to treatment under current practice standards.
- (s) Knowingly making a false or misleading statement to the board on a license application or renewal form required by the board or any other verbal or written communications directed to the board or its staff.
- (t) Conviction of a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case conviction by a court of competent jurisdiction is conclusive evidence of the commission and the board may take disciplinary action after the time for appeal has lapsed, when judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order. For the purposes of this subdivision, "conviction" means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
- (u) Violating any federal law, state law, rule or regulation directly related to the practice of occupational therapy.
- (v) Engaging in false advertising of occupational therapy services.
- (w) Engaging in the assault or battery of a client.
- (x) Falsifying client documents or reports.

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

(y) Failing to document or maintain client treatment records or failing to prepare client reports within thirty days of service or treatment.

(z) Failing to renew a license while continuing to practice occupational therapy.

(aa) Signing a blank, undated or unprepared prescription form.

(bb) Entering into a financial relationship other than a normal billing process that leads to embezzlement or violates recognized ethical standards.

(cc) Failing to maintain client confidentiality without written consent of the client or unless otherwise required by law.

(dd) Promoting or providing treatment, intervention or a device or service that is unwarranted for the condition of the client beyond the point of reasonable benefit.

32-3402. Board of occupational therapy examiners; members; qualifications; terms; compensation; civil immunity

A. The board of occupational therapy examiners is established and consists of five members appointed by the governor. Each board member shall be a resident of the state at the time of appointment. The governor shall appoint two persons who are not engaged, directly or indirectly, in the provision of health care services to serve as public members. The other three members shall have at least three years of experience in occupational therapy or teaching in an accredited occupational therapy education program in this state immediately before appointment and shall be licensed under this chapter. The governor may select board members from a list of licensees submitted by the Arizona occupational therapy association, inc. or any other appropriate organization.

B. The term of office of board members is three years to begin and end on the third Monday in January. A member shall not serve more than two consecutive terms.

C. The board, at its first regular meeting after the start of each calendar year and as necessary, shall elect a chairperson and other officers from among its members. The board shall meet at least once each quarter in compliance with the open meeting requirements of title 38, chapter 3, article 3.1 and shall keep an official record of these meetings. Other meetings may be convened at the call of the chairperson or the written request of any two board members. A majority of the members of the board shall constitute a quorum.

D. Each member of the board is eligible to receive compensation in the amount of one hundred dollars for each regular or special board meeting the member attends and is eligible for reimbursement for all expenses necessarily and properly incurred in attending board meetings.

E. A board member is immune from civil liability for any actions that are within the scope of the board member's duties if they are taken without malice and in the reasonable belief that they are warranted by law.

32-3403. Executive director; personnel; duties; compensation

A. Subject to title 41, chapter 4, article 4, the board may employ and discharge an executive director and other officers and employees as it deems necessary and

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

designate their duties. Board personnel are eligible to receive compensation as determined pursuant to section 38-611.

B. The executive director shall:

1. Issue and document licenses approved by the board.
2. Keep a record of the status of licenses and licensees.
3. Keep a record of the status of applicants, including those whose applications are denied.
4. Perform tasks and duties assigned by the board.
5. Collect fees and maintain accounting records according to generally accepted accounting principles.

32-3404. Powers and duties; commissioners; committees

A. The board shall:

1. Administer, coordinate and enforce this chapter.
2. Evaluate the qualifications of applicants.
3. Prescribe examination requirements for licensure.
4. Adopt rules necessary to carry out this chapter.
5. Conduct informal meetings, formal interviews and hearings and keep records and minutes necessary to carry out its functions.
6. Prescribe educational programs required for licensure pursuant to this chapter.

B. The board may:

1. Appoint commissioners to assist in the performance of its duties.
2. Report any violations of this chapter or rules adopted pursuant to this chapter to a county attorney, the attorney general, a federal agency or a state or national organization.
3. Establish committees to assist in carrying out its duties for a time prescribed by the board. The board may require a committee appointed pursuant to this paragraph to make regular reports to the board.

C. Commissioners appointed pursuant to subsection B, paragraph 1 of this section shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses that they incur in the performance of their duties.

32-3405. Occupational therapy fund; deposit of receipts by board

A. The occupational therapy fund is established. Pursuant to sections 35-146 and 35-147, civil penalties imposed under section 32-3442, subsection K shall be deposited in the state general fund. The board shall deposit ten per cent of all other monies collected under this chapter in the state general fund and deposit the remaining ninety per cent in the occupational therapy fund. Monies in the occupational therapy fund may be used by the board for payment of all necessary board expenses, including compensation and expenses of board members and board staff on claims approved by the board.

B. Monies deposited in the occupational therapy fund are subject to section 35-143.01.

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

32-3421. Practicing without a license; prohibition; use of titles

A. Except as provided by section 32-3422, a person shall not do any of the following in this state unless licensed pursuant to this chapter:

1. Practice or assist in the practice of occupational therapy.
2. Claim to be an occupational therapist, an occupational therapy assistant or a provider of occupational therapy services.
3. Render occupational therapy services.

B. A person shall not use any of the following titles, or any letters, abbreviations or insignia of these titles, in connection with that person's name or place of business unless the person is licensed pursuant to this chapter:

1. Occupational therapist.
2. Licensed occupational therapist.
3. Occupational therapist registered.
4. Occupational therapy assistant.
5. Licensed occupational therapy assistant.
6. Certified occupational therapy assistant.

32-3422. Persons and practices not required to be licensed

This chapter does not prevent or restrict the practice, services or activities of:

1. A person engaging in the practice of that person's profession if the service is not practiced as or represented to be occupational therapy.
2. A person licensed in this state from engaging in the profession or occupation for which the person is licensed.
3. A person employed as an occupational therapist or occupational therapy assistant by the United States or any agency of the United States, if that person provides occupational therapy solely under the direction or control of the agency that employs that person.
4. A person pursuing a supervised course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program pursuant to section 32-3404, if the person is designated by a title that clearly indicates the person's status as a student or trainee.
5. A person fulfilling the supervised fieldwork experience requirements of section 32-3423, if the experience constitutes a part of the fieldwork experience necessary to meet the requirements of section 32-3423.
6. A person performing occupational therapy services in this state for purposes of continuing education, consultation or training, if these services are performed for no more than a cumulative total of sixty days in a calendar year in association with an occupational therapist licensed under this chapter, if either of the following is true:
 - (a) The person is licensed as an occupational therapist or occupational therapy assistant in good standing in another state.
 - (b) The person is certified by the national board for certification in occupational therapy, incorporated.

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

7. A person employed by a health care provider licensed pursuant to another chapter of this title if the person does not claim to be an occupational therapist or occupational therapy assistant and the services or activities constitute a part of the person's job duties.

32-3423. Application for licensure; qualifications

A. An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall:

1. Be of good moral character.
2. Successfully complete the academic and fieldwork requirements of an educational program subject to board review and standards prescribed by the board. The board shall require:
 - (a) For an occupational therapist, a minimum of nine hundred twenty-eight hours of supervised fieldwork experience as determined by the supervising institution, organization or sponsor.
 - (b) For an occupational therapy assistant, a minimum of six hundred eight hours of supervised fieldwork experience as determined by the supervising institution, organization or sponsor.
3. Pass an examination administered pursuant to section 32-3424.
4. Complete the application process and pay all fees required pursuant to this chapter.

B. The board may deny a license to an applicant who:

1. Commits a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case conviction by a court of competent jurisdiction is conclusive evidence of the commission.
2. Engages in any conduct that violates section 32-3401.

C. An applicant who is denied a license may request a hearing pursuant to title 41, chapter 6, article 10.

32-3424. Examination for licensure of occupational therapists and occupational therapy assistants

A. An applicant for licensure shall take a written examination approved and administered by the national board for certification in occupational therapy, incorporated. The examination shall test an applicant's knowledge of the basic and clinical services relating to providing occupational therapy services, techniques and methods.

B. The applicant shall arrange for the examination following successful completion of the academic and fieldwork requirements of section 32-3423 and submit evidence of successful completion of the examination.

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

32-3425. Licensure by endorsement

A. The board shall grant a license to any person certified before July 1, 1990 as a registered occupational therapist or a certified occupational therapy assistant by the American occupational therapy certification board, incorporated.

B. The board may waive the examination, education or experience requirements and grant a license to an applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia or a territory of the United States that requires standards for licensure considered by the board to be equivalent to the requirements of this chapter for licensure.

C. The board shall issue a license to a person who meets the requirements of this chapter on payment of all prescribed fees.

32-3426. Renewal of license; inactive status; notice of address or name change

A. Except as provided in section 32-4301, a license issued under this chapter is subject to renewal every two years and expires unless renewed. The board may reinstate an expired license if the licensee:

1. Complies with board rules for renewal of licenses.
2. Is not in violation of this chapter or board rules or orders.
3. Pays the fees prescribed pursuant to section 32-3427.

B. A licensee may request and the board may grant inactive status to a licensee who ceases to practice as an occupational therapist or occupational therapy assistant.

C. The board may establish by rule additional requirements for license renewal to require the successful completion of a prescribed number of hours of continuing education as a condition of licensure renewal.

D. A licensee must report to the board in writing a name change and any change in business or home address within thirty days after the change.

32-3427. Fees

A. The board by rule, shall establish and collect fees not to exceed:

1. One hundred dollars for application for a license.
2. Three hundred dollars for an initial license.
3. Three hundred dollars for renewal of a license.
4. Three hundred dollars for an application for reinstatement.
5. Seventy-five dollars for a limited license.
6. Fifty dollars for a duplicate license.

B. The board, by rule, shall establish and collect fees for renewal of an inactive status license.

32-3428. Limited license

A. The board may grant a limited license to a person who has not taken the licensure examination if that person was trained in this country and has completed the academic and fieldwork requirements of this chapter.

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

B. The board may grant a limited license to a foreign-trained person who has completed the academic and fieldwork requirements of this chapter if that person has not taken the licensure examination but submits proof of acceptance to take the licensure examination.

C. The holder of a limited license may practice occupational therapy only under the supervision of a licensed occupational therapist.

D. A limited license is valid for four months and becomes void if a person fails the examination. The limited license expires if a person passes the examination and is issued a license under section 32-3425, subsection C.

E. The board may reissue a limited license once.

32-3429. Foreign trained applicants

Foreign trained occupational therapists and occupational therapy assistants shall:

1. Satisfy the examination requirements of section 32-3424.
2. Provide proof of good moral character.
3. Complete the academic and supervised fieldwork requirements, substantially equal to those contained in section 32-3423 before taking the examination.
4. Submit a completed application as prescribed by the board.
5. Pay all applicable fees prescribed pursuant to section 32-3427.

32-3430. Fingerprinting

A. Each applicant for original licensure, license renewal, license reinstatement or a limited license pursuant to this chapter who has not previously done so shall submit a full set of fingerprints to the board at the applicant's or licensee's expense for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

B. If the board does not have any evidence or reasonable suspicion that the applicant has a criminal history and the applicant otherwise satisfies the requirements of section 32-3423, the board may issue a license or a limited license before it receives the results of a criminal records check.

C. The board shall suspend a license or a limited license of a person who submits an unreadable set of fingerprints and does not submit a new readable set of fingerprints within twenty days after being notified by the board.

D. This section does not affect the board's authority to otherwise issue, deny, cancel, terminate, suspend or revoke a license or a limited license.

32-3441. Proper use of title or designation of occupational therapists; license display; supervision; responsibilities

A. A person who is licensed pursuant to this chapter to practice as an occupational therapist and who is in good standing may use the title of licensed occupational therapist and the abbreviation "O.T.", "O.T./L.", "O.T.R." or "O.T.R./L.". A person who is licensed pursuant to this chapter to practice as a licensed occupational

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

therapy assistant and who is in good standing may use the title of licensed occupational therapy assistant and the abbreviation "O.T.A.", "O.T.A./L.", "C.O.T.A." or "C.O.T.A./L."

B. Each occupational therapist and occupational therapy assistant shall display the person's current license in each facility in which the person practices occupational therapy. If a facility is not available for the display of the license, the occupational therapist or the occupational therapy assistant must carry a board-issued wallet-sized license card during working hours.

C. The board may adopt rules reasonably related to sound client care governing an occupational therapist's supervision of licensed occupational therapy assistants or unlicensed personnel or students working with the occupational therapist.

D. An occupational therapist and an occupational therapy assistant are professionally and legally responsible for supervising client care given by unlicensed personnel or students. If an occupational therapist or occupational therapy assistant fails to adequately supervise client care given by unlicensed personnel or students, the board may take disciplinary action against the occupational therapist or occupational therapy assistant.

E. In all settings in which occupational therapy services are provided, an occupational therapist, during evaluation, intervention and outcome and discharge planning:

1. Must sign all clinical documentation performed by students.
2. Must be the primary clinical supervisor for level II occupational therapist and occupational therapy assistant students, including level II doctoral students. The occupational therapist's supervision of the student must initially be direct and subsequently may be decreased to less direct supervision as appropriate to the setting, the client's needs and the student's ability.

F. In all settings in which occupational therapy services are provided, an occupational therapy assistant, during evaluation, intervention and outcome and discharge planning:

1. Must sign all clinical documentation performed by students.
2. Must be under the direction of an occupational therapist.
3. May be the primary clinical educator for level I occupational therapist and occupational therapy assistant students and level II occupational therapy assistant students. The occupational therapy assistant's supervision of the student must initially be direct and subsequently may be decreased to less direct supervision as appropriate to the setting, the client's needs and the student's ability.

32-3442. Disciplinary action; informal meetings; formal interviews; hearings; penalties; reinstatement of license

A. The board may:

1. Receive written complaints filed against licensees and conduct investigations.
2. Conduct an investigation at any time on its own initiative without receipt of a written complaint if the board has reason to believe:

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

(a) That there may be a violation of this chapter, a rule adopted pursuant to this chapter or a written board order.

(b) That a licensee is or may be guilty of unprofessional conduct or is or may be acting outside the scope of practice.

(c) That a licensee is or may be incompetent.

B. Any occupational therapist, occupational therapy assistant or health care institution as defined in section 36-401 shall report to the board any information the occupational therapist, occupational therapy assistant, health care institution or individual may have that appears to show that an occupational therapist or an occupational therapy assistant is or may be guilty of unprofessional conduct or is or may be incompetent.

C. A person who provides information to the board in good faith pursuant to subsection A or B of this section is not subject to an action in civil damages as a result of providing the information.

D. Within sixty days of receipt of a written complaint pursuant to subsection A of this section or information pursuant to subsection B of this section, the board shall notify the licensee about whom information has been received as to the content of the complaint or information.

E. The board may request an informal meeting or a formal interview with the licensee or any other person to further its investigation or to resolve a complaint.

F. If a licensee refuses the board's request for an informal meeting or a formal interview, or in place of holding an informal meeting or a formal interview, the board shall hold a hearing pursuant to title 41, chapter 6, article 10.

G. If the results of an informal meeting or a formal interview indicate that suspension or revocation of the licensee's license or a civil penalty might be appropriate, the board shall notify the licensee of the time and place for a hearing pursuant to title 41, chapter 6, article 10.

H. If at the informal meeting or formal interview the board finds a violation of this chapter, but the violation is not of sufficient seriousness to merit a civil penalty or suspension or revocation of a license, it may take one or more of the following actions:

1. Issue a decree of censure.

2. Establish length and terms of probation best adapted to protect the public health and safety and rehabilitate or educate the licensee. Probation may include:

(a) Submission of the licensee to examinations to determine the mental or physical condition or professional competence of the licensee at the licensee's expense.

(b) Occupational therapy training or education that the board believes to be necessary to correct deficiencies.

(c) Review or supervision of the licensee's practice that the board finds necessary to identify and correct deficiencies in the practice, including a requirement that the licensee regularly report to the board on matters related to the licensee's probationary requirements.

(d) Restrictions on the nature and scope of practice to ensure that the licensee does not practice beyond the limits of the licensee's capabilities.

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

3. Issue a letter of concern.

4. Issue a non-disciplinary order requiring the licensee to complete a prescribed number of hours of continuing education in an area or areas prescribed by the board to provide the licensee with the necessary understanding of practice standards for licensees including current developments, skills, procedures or treatment interventions.

5. Dismiss the complaint.

I. In addition to the terms of probation described in subsection H, paragraph 2 of this section, probation may also include temporary suspension or restriction of the licensee's license to practice. A licensee's failure to comply with probation or any other board order is cause for a hearing pursuant to title 41, chapter 6, article 10.

J. At the licensee's expense the board may require any combination of a physical, mental or occupational therapy competence examination as part of a board investigation, including, if necessary, the taking of depositions as may be required to fully inform itself with respect to the allegations presented by the complaint. These examinations may include biological fluid testing.

K. Any licensee who, after a hearing, is found guilty of unprofessional conduct or incompetence is subject to the following:

1. A decree of censure.

2. Probation as provided in this section.

3. Suspension or revocation of the license.

4. Imposition of a civil penalty of not less than two hundred fifty dollars nor more than ten thousand dollars for each violation of this chapter.

5. Any combination of these sanctions for a period of time or permanently and under conditions as the board deems appropriate for the protection of the public health and safety.

L. A licensee shall return to the board a revoked or suspended license within fifteen days after it is revoked or suspended.

M. The board may reinstate a person's license that has been suspended for less than two years pursuant to this section if the person pays a renewal fee and a reinstatement fee as prescribed by the board by rule and completes the reapplication process as prescribed by the board.

N. The board may reinstate a person's license that has been suspended for more than two years pursuant to this section if the person does all of the following:

1. Reapplies for a license pursuant to section 32-3423.

2. To the board's satisfaction, demonstrates competency to practice.

3. Completes any other requirements prescribed by the board.

32-3443. Hearings and investigations; subpoenas

A. The board may issue subpoenas to compel attendance of witnesses and production of documents and administer oaths, take testimony, hear offers of proof and receive exhibits in evidence in connection with a board investigation or hearing. If a board subpoena is disobeyed, the board may invoke the aid of any court in this

Arizona Revised Statutes

Chapter 34

OCCUPATIONAL THERAPY

state in requiring the attendance and testimony of witnesses and the production of documentary evidence.

B. Any person appearing before the board may be represented by counsel.

C. The board may investigate any person to the extent necessary to determine if the person is engaged in the unlawful practice of occupational therapy. If an investigation indicates that a person may be practicing occupational therapy unlawfully, the board shall inform the person of the alleged violation. If the person does not immediately cease the unlawful practice of occupational therapy, the board may refer the matter for criminal prosecution pursuant to section 32-3445.

32-3444. [Judicial review](#)

Except as provided in section 41-1092.08, subsection H, final decisions of the board are subject to judicial review pursuant to title 12, chapter 7, article 6.

32-3445. [Violations; classification](#)

A person is guilty of a class 1 misdemeanor who:

1. Obtains a license by fraud, by misrepresentation or in any manner other than that prescribed in this chapter.
2. Practices or assists in the practice of occupational therapy and is not licensed or exempt from the requirements of licensure pursuant to this chapter.
3. Violates any provision of this chapter.

32-3446. [Substance abuse recovery program; consent agreement](#)

In lieu of a disciplinary proceeding prescribed by this article, the board may permit a licensee to actively participate in a board-approved substance abuse recovery program if:

1. The board has evidence that the licensee is an impaired professional.
2. The licensee has not been convicted of a felony relating to a controlled substance in a court of competent jurisdiction.
3. The licensee enters into a consent agreement and complies with all of the terms of the agreement, including making satisfactory progress in the program and adhering to any limitations on the licensee's practice imposed by the board to protect the public. If a licensee does not enter into a consent agreement, the board may begin an investigation and disciplinary proceedings.
4. As part of the agreement between the licensee and the board, the licensee signs a waiver that allows the substance abuse recovery program to release information to the board if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety.

Arizona Administrative Code
TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.
BOARD OF OCCUPATIONAL THERAPY EXAMINERS

(Authority: A.R.S. § 32-3401 et seq.)

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted effective October 14, 1992 (Supp. 92-4).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted again by emergency action effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted again by emergency action effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted again by emergency action effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted by emergency action effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Section

R4-43-101. Definitions

R4-43-102. Fees

R4-43-103. Service by the Board

ARTICLE 2. LICENSURE

Article 2, consisting of Sections R4-43-201 through R4-43-205, adopted effective October 14, 1992 (Supp. 92-4).

Article 2, consisting of Sections R4-43-201 through R4-43-204, adopted again by emergency action effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 2, consisting of Sections R4-43-201 through R4-43-204, adopted again by emergency action effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 2, consisting of Sections R4-43-201 through R4-43-204, adopted again by emergency action effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 2, consisting of Sections R4-43-201 through R4-43-204, adopted by emergency action effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Section

R4-43-201. Initial Application

R4-43-202. Renewal of License

R4-43-203. Continuing Education for Renewal of License

R4-43-204. Inactive License

R4-43-205. Procedures for Processing License Applications

R4-43-206. Renumbered

ARTICLE 3. HEARINGS

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted effective October 14, 1992 (Supp. 92-4).

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted again by emergency action effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted again by emergency action effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted again by emergency action effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted by emergency action effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Arizona Administrative Code
TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.
BOARD OF OCCUPATIONAL THERAPY EXAMINERS

Section

R4-43-301. Hearing Procedures

R4-43-302. Rehearing or Review of Decision

ARTICLE 4. REGULATORY PROVISIONS

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted effective October 14, 1992 (Supp. 92-4).

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted again by emergency action effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted again by emergency action effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted again by emergency action effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted by emergency action effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Section

R4-43-401. Supervision of Occupational Therapy Assistants

R4-43-402. Supervision of Occupational Therapy Aides and Other Unlicensed Personnel

R4-43-403. Designation of Title

R4-43-404. Limited Permit Practice

R4-43-405. Display of License Certificate

R4-43-406. Change of Name or Address

ARTICLE 1. GENERAL PROVISIONS

R4-43-101. Definitions

In addition to the definitions at A.R.S. § 32-3401, in this Chapter:

1. "Facility of Practice" means the principal location of an agency or organization where an occupational therapist or occupational therapy assistant practices occupational therapy.
2. "Good Moral Character" means an applicant has not been convicted of a felony or a misdemeanor within 5 years before application and never been convicted of a felony or misdemeanor involving moral turpitude.
3. "Health Care Professional" means a person certified as an Occupational Therapist or an Occupational Therapy Assistant by the American Occupational Therapy Certification Board or the National Board for Certification in Occupational Therapy, Inc. or any medical professional licensed by A.R.S. Title 32 or the equivalent if licensed outside of Arizona.
4. "Immediate area" means an occupational therapist is on the same floor and within 80 feet of an occupational therapy aide providing services to an occupational therapy patient.
5. "Immorality or misconduct that tends to discredit the occupational therapy profession" means:
 - a. Engaging in false advertising of occupational therapy services.
 - b. Engaging in assault and battery of a patient, client, or other person with whom

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

- the licensee has a professional relationship.
- c. Falsifying patient or client documentation or reports.
 - d. Failing to provide appropriate supervision of an occupational therapy assistant or unlicensed personnel performing occupational therapy.
 - e. Failing to provide a comprehensive occupational therapy service compatible with current research within ethical and professional standards, or failing to provide services based upon an evaluation of the patient or client needs and appropriate treatment procedures.
 - f. Failing to document or maintain patient treatment records, or failing to prepare patient or client reports within 30 days of service or treatment.
 - g. Failing to renew a license while continuing to practice occupational therapy.
 - h. Falsely claiming to have performed a professional service, charging for a service not rendered, or representing a service as the licensee's own when the licensee has not rendered the service or assumed supervisory responsibility for the service.
 - i. Obtaining a fee, a referral fee, or other compensation by fraud or misrepresentation.
 - j. Sexually inappropriate conduct with a client or patient, or with a former client or patient within 6 months after the termination of treatment.
 - k. Signing a blank, undated, or unprepared prescription form.
 - l. Using fraud, misrepresentation, or deception in assisting another person to obtain or attempt to obtain an occupational therapist or occupational therapy assistant license.
 - m. Violating any federal law, state law, administrative rules, or regulations concerning the practice of occupational therapy.
 - n. Violating rules or statutes concerning the training of unlicensed occupational therapy personnel or requiring an unlicensed person to provide occupational therapy services without proper training.
6. "Licensee" means a person licensed in Arizona as an occupational therapist or an occupational therapy assistant.
 7. "Occupational therapy aide," "unlicensed personnel," and "occupational therapy technician" mean a person who is not licensed as an occupational therapist or occupational therapy assistant, working under the continuous supervision of a licensed occupational therapist.
 8. "Physically present" means a supervising occupational therapist is present to observe the practice of occupational therapy.
 9. "Premises" means the building and the surrounding property in which the occupational therapy is practiced.
 10. "Person" means the same as in A.R.S. § 41-1001.
 11. "Supervision" means a collaborative process for the responsible periodic review and inspection of all aspects of occupational therapy services. The following levels of supervision are minimal. An occupational therapist may assign an increased level of supervision if necessary for the safety of a patient or client. The levels of supervision are:

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

- a. "Close supervision" means the supervising occupational therapist provides initial direction to the occupational therapy assistant and daily contact while on the premises.
 - b. "Continuous supervision" means the supervising occupational therapist is in the immediate area of the occupational therapy aide performing supportive services.
 - c. "General supervision" means the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 30-calendar days on a per patient or client basis while on the premises, with the supervising occupational therapist available by telephone or by written communication.
 - d. "Minimal supervision" means the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 30-calendar days while on the premises.
 - e. "Routine supervision" means the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 15-calendar days on a per patient or client basis while on the premises, with the supervising occupational therapist available by telephone or by written communication.
12. "Supportive Services" means clerical and maintenance activities, preparation of work area or equipment, and delegated, routine aspects of an intervention session with a patient or client that require no adaptations by an occupational therapy aide.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted with changes effective October 14, 1992 (Supp. 92-4).
Amended effective November 6, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2). Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).*

R4-43-102. Fees

- A.** The Board shall charge the following fees:
1. An applicant for licensure:
 - a. Application fee: \$100. This fee is in addition to the initial license fee.
 - b. Limited permit fee: \$35. Upon full licensure, the Board shall subtract \$35 from the initial licensure fee.
 2. A licensee:
 - a. Reinstatement fee: \$75. This reinstatement fee is in addition to the appropriate license renewal fee.
 - b. Duplicate license fee: \$10.
 3. An occupational therapist:
 - a. Initial license fee: \$135.

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

- b. Renewal license fee: \$135.
- c. Inactive status renewal fee: \$25.
- 4. An occupational therapy assistant:
 - a. Initial license fee: \$70.
 - b. Renewal license fee: \$70.
 - c. Inactive status renewal fee: \$15.
- B.** All fees set forth in subsection (A) are nonrefundable except as provided in A.R.S. § 41-1077.
 - 1. Initial application, initial licensure, limited permit, and returned or insufficient fund replacement checks shall be remitted in cash, cashier's check, or money order.
 - 2. Renewal, duplicate license, and reinstatement fees shall be remitted in cash, cashier's check, money order, or personal check.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted with changes effective October 14, 1992 (Supp. 92-4).
Amended effective September 15, 1994 (Supp. 94-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).*

R4-43-103. Service by the Board

Pursuant to A.R.S. § 41-1063(A), service may be made by, for and on behalf of the Board of any decision, order, subpoena, notice or other process by personal service or by mailing a copy by certified mail. Service by certified mail shall be made to the last address of record filed with the Board. Service upon an attorney who has appeared on behalf of a party constitutes service upon the party. If service is by certified mail, service is complete upon deposit in the United States mail.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted with changes effective October 14, 1992 (Supp. 92-4).*

Arizona Administrative Code
TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.
BOARD OF OCCUPATIONAL THERAPY EXAMINERS

ARTICLE 2. LICENSURE

R4-43-201. Initial Application

- A.** An applicant for an initial license to practice as an occupational therapist or an occupational therapy assistant shall submit an application form provided by the Board to the Board's office. The application and all supporting documentation shall be received by the Board at least 7 days before a Board meeting to be considered at that Board meeting.
- B.** The initial application form shall be signed by an applicant and include the following information on the applicant:
1. Applicant's last name, 1st name, and middle name;
 2. How applicant's name is to be shown on the licensure certificate;
 3. Other names used;
 4. Social security number;
 5. Residence address;
 6. Alternate mailing address if the residential address is to remain confidential;
 7. The type of license for which applying;
 8. The amount of the application and license fee to be submitted;
 9. Applicant's American Occupational Therapy Certification Board or National Board for Certification in Occupational Therapy, Inc. certification number, date of certification, and the number of times the applicant has taken the national examination;
 10. Education;
 11. Professional experience, field work, or both within the last 5 years;
 12. Employer's name, address, and telephone number;
 13. Current and previous occupational therapy or other professional license or certification numbers from other states and foreign countries and the status of the license or certification;
 14. Current and previous disciplinary actions;
 15. Affidavit of applicant.
- C.** An applicant shall submit or cause to be submitted on the applicant's behalf the following:
1. Application fee;
 2. Written verification received from:
 - a. The National Board For Certification In Occupational Therapy, Incorporated or the American Occupational Therapy Certification Board of a passing score on the examination administered by these entities; or
 - b. Certified letters of good standing issued by each state that has previously issued the applicant an occupational therapy license, provided at least 1 of the states requires standards for licensure equivalent to the requirements for licensure in this Chapter and A.R.S. §§ 32-3401 et seq.
 3. Recommendation of good moral character from 2 health care professionals on a form that shall include the following:
 - a. Applicant's last name, 1st name, and middle initial, and other names used by

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

- applicant;
 - b. Applicant's mailing address;
 - c. Applicant's American Occupational Therapy Certification Board or the National Board For Certification In Occupational Therapy certification number;
 - d. Period of time the health care professional has known the applicant;
 - e. Period of time the health care professional has worked with the applicant;
 - f. A statement that the health care professional considers the applicant to be of good moral character;
 - g. Address, city, state, and zip code where the health care professional worked with the applicant;
 - h. A description of the professional relationship or professional experience with the applicant and why the health care professional recommends the applicant for an occupational therapy license;
 - i. Name, address, and telephone number of the health care professional;
 - j. The professional license or certification number and issuing agency of the health care professional;
 - k. The health care professional's signature and date.
- D.** An applicant applying for a limited permit shall submit the application and information listed in subsections (B), (C), and this subsection. An Arizona licensed occupational therapist assuming the professional and legal responsibility for supervision of a limited permit applicant shall complete and sign a Direct Supervision Agreement for a Limited Permit form with the Board. The occupational therapist shall file the Direct Supervision Agreement for a Limited Permit form with the Board before the Board shall issue a limited permit. The Direct Supervision Agreement for a Limited Permit form shall contain the following:
1. Applicant's last name, 1st name, middle name, and other names used by the applicant;
 2. Date the form is completed and signed by the supervising occupational therapist;
 3. Name of the supervising occupational therapist;
 4. Arizona license number of the supervising occupational therapist;
 5. Limited permittee's employment address;
 6. Supervisor's mailing address;
 7. Supervisor's employment address and employment telephone number;
 8. Description of supervision;
 9. Signature of the supervising occupational therapist.
- E.** The Board shall retain the application and documents filed in support of the application.
- F.** If the Board denies an application, the applicant may, within 30 days of service of the notice of denial, make a written request for a hearing to review the Board's decision. The hearing shall be conducted under A.R.S. Title 41, Chapter 6, Article 10.
- G.** In a hearing conducted on a denial of a license, the applicant has the burden of proof.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-202. Renewal of License

- A.** A licensee shall renew a license by submitting to the Board a renewal application, proof of completion of the continuing education requirements in R4-43-203, and paying the renewal fee within 2 years of initial licensure or last license renewal date.
- B.** The renewal application form provided by the Board shall include the following:
1. Applicant's last name, first name, middle initial, and other names used by the applicant;
 2. How applicant's name is to be shown on the renewal license;
 3. Residence address;
 4. Alternate mailing address if the residential address is to remain confidential;
 5. Current Arizona Board of Occupational Therapy Examiners license number;
 6. Type of renewal license for which applying;
 7. The amount of the renewal fee;
 8. Disciplinary actions since initial licensure;
 9. Hours and titles of continuing education completed;
 10. Total hours of continuing education completed;
 11. Social security number;
 12. Employer's name, address, and telephone number;
 13. Signature and date.
- C.** Unless otherwise required by A.R.S. § 32-3202, a license that is not renewed within 2 years of the date of issuance expires by operation of law. A licensee may reinstate within 180 calendar days of the expiration date upon payment of the required renewal fee, a reinstatement fee under R4-43-102(A)(2)(a) and submittal of proof of completion of the continuing education requirements in R4-43-203.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Former Section R4-43-202 repealed; new Section R4-43-202 renumbered from R4-43-203 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

R4-43-203. Continuing Education for Renewal of License

- A.** A licensee shall complete continuing education for renewal of a license as follows:
1. Occupational Therapist, 20 clock-hours for renewal of a 2-year license; and
 2. Occupational Therapy Assistant, 12 clock-hours for renewal of a 2-year license.
- B.** A licensee shall complete the continuing education clock hours in subsection (A) within the 2-year period before the date the licensee's license expires, or if requesting a return to active status license, within the 2-year period before the date the licensee submits the return to active status request to the Board.
- C.** Continuing education shall contribute to professional competency and the practice of occupational therapy. The Board shall determine if continuing education hours contribute directly to the professional competency and if the continued education hours relate to the clinical practice of occupational therapy.
- D.** A licensee may fulfill the licensee's continuing education requirement by completing any of the following:
1. A professional workshop, seminar, or conference and submitting proof of attendance as follows:
 - a. The American and Arizona Occupational Therapy Association's original check-in sheet displaying the organization's name, official stamp, hours, and licensee's name; or
 - b. Photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock-hours, date of attendance, name of the workshop, seminar, or conference, licensee's name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
 2. Self-study or formal study through course work and submitting a photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock hours, dates of attendance, name of the study or course work, licensee's name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
 3. Viewing a taped video presentation and submitting a photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock-hours, dates of attendance, name of the study or course work, licensee's name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
 4. Undergraduate, graduate college, or university course work of a grade "C" or better and submitting a course completion notification sheet and a statement describing how the course extends the licensee's professional skill and knowledge;
 5. Publishing:
 - a. A book, for a maximum credit of 10 clock-hours, and submitting a copy of the book;
 - b. An article, for a maximum credit of 4 clock-hours, and submitting a copy of the article;
 - c. A chapter of a book, for a maximum of 5 clock-hours, and submitting a copy of

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

- the chapter or book;
- d. A film, for a maximum of 6 clock-hours, and submitting a copy of the film; or
 - e. A videotape, for a maximum of 6 clock-hours, and submitting a copy of videotape;
6. Presenting a program, workshop, seminar, or conference of not less than 1.5 hours in duration for a maximum of 4 clock-hours and submitting a brochure, agenda, or similar printed material describing:
- a. The content of the presentation, workshop, seminar, or conference;
 - b. The date, duration, and location of the presentation conference, workshop, or seminar; and
 - c. The name of the presenting licensee or a signed certificate or letter from the program organizer if other than the presenting licensee; or
7. In-service training related to clinical occupational therapy services excluding safety, fire evacuation, and cardiopulmonary resuscitation (CPR), for a maximum of 4 clock-hours and submitting:
- a. A letter from the supervising occupational therapist or other immediate supervisor; and
 - b. A licensee's statement consisting of:
 - i. Specific topics,
 - ii. Presenters,
 - iii. Dates,
 - iv. Times,
 - v. Location, and
 - vi. How the training or in-service relates to the clinical practice of occupational therapy or contributes to professional competency.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted with changes effective October 14, 1992 (Supp. 92-4).
Amended effective September 15, 1994 (Supp. 94-3). Former Section R4-43-203 renumbered to R4-43-202; new Section R4-43-203 renumbered from R4-43-204 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).*

R4-43-204. Inactive License

- A.** A licensee may transfer an active license into inactive status if the licensee's license is current and in good standing.
- B.** The licensee shall not practice during the time the license is inactive.
- C.** A licensee may renew or reactivate an inactive license by:
 - 1. Submitting a renewal application under R4-43-202;
 - 2. Paying the licensure renewal fee under R4-43-102 or, if reactivating an inactive

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

license, paying the renewal fee less the last inactive status fee paid by the applicant; and

3. Meeting the continuing education requirements under R4-43-203.

Historical Note

R4-43-204 adopted by emergency effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-43-204 adopted by emergency action permanently adopted as R4-43-205, new Section R4-43-204 adopted effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended effective December 5, 1997 (Supp. 97-4). Former Section R4-43-204 renumbered to R4-43-203; new Section R4-43-204 renumbered from R4-43-205 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-205. Procedures for Processing License Applications

A. Initial application for a license or permit.

1. Within 60 calendar days after receipt of an initial application for a license or permit, the Board shall perform an administrative completeness review and notify the applicant in writing that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what documentation or information is missing.
2. If the Board has notified an applicant that an application is incomplete within the 60-day administrative completeness review timeframe, the timeframe is suspended from the date of the notice.
3. An applicant with an incomplete application shall submit all missing documentation and information within 60 days from the date of the notice. If the applicant fails to do so for an initial license or permit, the Board may close the applicant's file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
4. Except for a limited permit application, an application is not complete until the applicant has fully complied with the application requirements of A.R.S. Title 32, Chapter 34 and this Article. A limited permit application is complete when the Board receives all of the information required in R4-43-201(D) except for the exam score in R4-43-201(C)(2)(a).
5. If an applicant for an initial license or permit cannot submit all missing documentation or information within 60 days from the date of the notice, the applicant may request an extension by submitting a written request to the Board post marked or delivered not later than 60 days from the date of the notice. The written request for an extension shall explain the reasons for the applicant's inability to meet the 60-day deadline.
6. Under A.R.S. § 32-3403(A), the Executive Director's duties shall include review of requests for an extension. The Executive Director shall grant an extension request, if the extension will enable the applicant to submit the missing documentation or

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

information, but shall not grant an extension of more than 60 days. The Executive Director shall notify the applicant in writing of the decision to grant or deny the request for an extension.

7. If the applicant fails to submit all missing documentation and information within the extension period, the Board may close the applicant's file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
 8. After receipt of all missing documentation or information within the administrative completeness timeframe specified in this Section, the Board shall notify the applicant in writing that the application is complete.
 9. The Board shall perform the substantive review and issue or deny the license or permit no later than 60 days after receipt of a complete application. For this subsection, the date of receipt is the date of the notice advising the applicant that the application is complete.
- B.** Renewal license application, request to transfer into inactive status, or application to return to active status.
1. Within 60 calendar days after receipt of an application described in subsection (B)(2), the Board shall perform an administrative completeness review and notify the applicant in writing that the application is complete or incomplete.
 2. The following applications are governed by this subsection:
 - a. A renewal license application;
 - b. A request to transfer into inactive status by a licensee with an unexpired license; and
 - c. A renewal application to return to active status.
 3. If the Board has notified an applicant that an application is incomplete within the 60-day administrative completeness review timeframe, the timeframe is suspended from the date of the notice.
 4. An application is not complete until the applicant has fully complied with all of the application requirements of A.R.S. Title 32, Chapter 34 and this Article.
 5. After receipt of all missing documentation and information within the administrative completeness timeframe specified in this Section, the Board shall notify the applicant that the application is complete.
 6. The substantive review timeframe runs from the date of the Board's notice advising the applicant that the application is complete until the Board grants or denies the renewal or transfer. The substantive review timeframe is 60 days.
 7. A timely submittal renewal application causes the license to remain in effect until further notice by the Board.
 8. If a licensee fails to submit a renewal application before the expiration date, the applicant may seek reinstatement under R4-43-202(C) if applicable or reapply under R4-43-201.
- C.** For the purposes of A.R.S. § 41-1073, the Board establishes the following timeframes for any license or permit it issues:
1. Administrative completeness review timeframe: 60 days.
 2. Substantive review timeframe: 60 days.
 3. Overall timeframe: 120 days.

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

Historical Note

R4-43-204 adopted by emergency effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Former R4-43-204 now adopted as R4-43-205 effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Former Section R4-43-205 renumbered to R4-43-204; new Section R4-43-205 renumbered from R4-43-206 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-206. Renumbered

Historical Note

Adopted effective October 21, 1997 (Supp. 97-4). Section R4-43-206 renumbered to R4-43-205 by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

ARTICLE 3. HEARINGS

R4-43-301. Hearing Procedures

The Board shall conduct all hearings held under A.R.S. § 32-3442 et seq. in accordance with A.R.S. Title 41, Chapter 6, Article 10 and rules issued by the Office of Administrative Hearings.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted without change effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-302. Rehearing or Review of Decision

- A.** The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and rules established by the Office of Administrative Hearings.
- B.** A party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.
- C.** A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D.** The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

1. Irregularity in the proceedings of the Board, or any order or abuse of discretion, that deprived the moving party of a fair hearing;
 2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive penalty;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
 7. That the Board's decision is a result of passion or prejudice; or
 8. That the findings of fact or decision is not justified by the evidence or is contrary to law.
- E.** The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.
- F.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days, for good cause as described in subsection (I).
- G.** Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- H.** If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.
- I.** The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and:
1. A ruling on the motion will further administrative convenience, expedition, or economy; or
 2. A ruling on the motion will avoid undue prejudice to any party.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted with changes effective October 14, 1992 (Supp. 92-4).
Amended by final rulemaking at 5 A.A.R. 1614, effective May 6, 1999 (Supp. 99-2).*

Arizona Administrative Code
TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.
BOARD OF OCCUPATIONAL THERAPY EXAMINERS

ARTICLE 4. REGULATORY PROVISIONS

R4-43-401. Supervision of Occupational Therapy Assistants

- A.** Only a licensed occupational therapist shall:
1. Prepare an initial treatment plan, initiate or re-evaluate a client or patient's treatment plan, or authorize in writing a change of a treatment plan;
 2. Delegate duties to a licensed occupational therapy assistant, designate an assistant's duties, and assign a level of supervision; and
 3. Authorize a patient discharge.
- B.** A licensed occupational therapy assistant shall not:
1. Evaluate or develop a treatment plan independently;
 2. Initiate a treatment plan before a client or patient is evaluated and a treatment plan is prepared by an occupational therapist;
 3. Continue a treatment procedure appearing harmful to a patient or client until the procedure is reevaluated by an occupational therapist; or
 4. Continue or discontinue occupational therapy services unless the treatment plan is approved or re-approved by a supervising occupational therapist.
- C.** A supervising occupational therapist shall supervise a licensed occupational therapy assistant as follows:
1. Not less than routine supervision if the occupational therapy assistant has less than 12 months work experience in a particular practice setting or with a particular skill.
 2. Not less than general supervision if the occupational therapy assistant has more than 12 months but less than 24 months of experience in a particular practice setting or with a particular skill.
 3. Not less than minimal supervision if an occupational therapy assistant has more than 24 months of experience in a particular practice setting or with a particular skill.
 4. Increased level of supervision, if necessary, for the safety of a patient or client.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted with changes effective October 14, 1992 (Supp. 92-4).
Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).*

R4-43-402. Supervision of Occupational Therapy Aides and Other Unlicensed Personnel

- A.** An occupational therapy aide shall not provide occupational therapy services in any setting. However, an occupational therapy aide may provide supportive services

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

assigned by an occupational therapist or occupational therapy assistant after the aide is specifically trained to provide the supportive services by an occupational therapist.

- B.** An occupational therapy aide shall receive continuous supervision.
- C.** An occupational therapy aide shall not act independently.
- D.** An occupational therapy aide shall not perform the following tasks:
 1. Evaluate a client or patient;
 2. Prepare a treatment plan;
 3. Make entries in client or patient record regarding client or patient status;
 4. Develop, plan, adjust, or modify treatment procedures;
 5. Interpret referrals or prescriptions for occupational therapy services;
 6. Continue a task if there is a change in the client's or patient's condition;
 7. Perform any task without adequate training or skills; and
 8. Perform any task requiring licensure under A.R.S. § 32-3401-3445.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted with changes effective October 14, 1992 (Supp. 92-4).
Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).*

R4-43-403. Designation of Title

An unlicensed person who works in a facility of practice shall use 1 of the following titles:

1. A person practicing under a limited permit shall use the term "Limited Permit" following the person's name.
2. An occupational therapy aide shall use the term "OT Aide" following the occupational therapy aide's name.
3. An occupational therapy student enrolled in an accredited program in occupational therapy shall use the term "OT Student" following the student's name.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted without change effective October 14, 1992 (Supp. 92-4).
Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).*

R4-43-404. Limited Permit Practice

- A.** Any change or addition of a supervising occupational therapist requires the filing of a new Direct Supervision Agreement for a Limited Permit form by the supervisor under

Arizona Administrative Code

TITLE 4. PROFESSIONS AND OCCUPATIONS CHAPTER 43.

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

R4-43-201(D). The supervisor shall submit the Direct Supervision Agreement for a Limited Permit form within 7 days of any change or addition of a supervising occupational therapist.

- B.** The supervising occupational therapist shall co-sign all patient records documenting patient treatment and progress.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted with changes effective October 14, 1992 (Supp. 92-4).
Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).*

R4-43-405. Display of License Certificate

Each licensee shall display a current license certificate issued by the Board in a prominent place in each facility of practice. A licensee may use a copy of the license certificate to satisfy this requirement.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted with changes effective October 14, 1992 (Supp. 92-4).
Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).*

R4-43-406. Change of Name or Address

- A.** A licensee shall notify the Board in writing within 30 days of a legal name change. A copy of the official document evidencing the name change shall be included. The Board shall issue a duplicate license certificate reflecting the name change.
- B.** A licensee shall notify the Board in writing within 30 days of a change in mailing address.

Historical Note

*Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).
Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).
Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Emergency expired. Emergency rule adopted again effective September, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).
Adopted without change effective October 14, 1992 (Supp. 92-4).
Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).*

TITLE 4. PROFESSIONS AND OCCUPATIONS**CHAPTER 43. BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

(Authority: A.R.S. § 32-3401 et seq.)

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted effective October 14, 1992 (Supp. 92-4).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted again by emergency action effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted again by emergency action effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted again by emergency action effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted by emergency action effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Section

R4-43-101.	Definitions
R4-43-102.	Fees
R4-43-103.	Service by the Board

ARTICLE 2. LICENSURE

Article 2, consisting of Sections R4-43-201 through R4-43-205, adopted effective October 14, 1992 (Supp. 92-4).

Article 2, consisting of Sections R4-43-201 through R4-43-204, adopted again by emergency action effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 2, consisting of Sections R4-43-201 through R4-43-204, adopted again by emergency action effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 2, consisting of Sections R4-43-201 through R4-43-204, adopted again by emergency action effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 2, consisting of Sections R4-43-201 through R4-43-204, adopted by emergency action effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Section

R4-43-201.	Initial Application
R4-43-202.	Renewal of License
R4-43-203.	Continuing Education for Renewal of License
R4-43-204.	Inactive License
R4-43-205.	Procedures for Processing License Applications
R4-43-206.	Renumbered

ARTICLE 3. HEARINGS

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted effective October 14, 1992 (Supp. 92-4).

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted again by emergency action effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted again by emergency action effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted again by emergency action effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted by emergency action effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Section

R4-43-301.	Hearing Procedures
R4-43-302.	Rehearing or Review of Decision

ARTICLE 4. REGULATORY PROVISIONS

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted effective October 14, 1992 (Supp. 92-4).

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted again by emergency action effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted again by emergency action effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted again by emergency action effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted by emergency action effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

Section

R4-43-401.	Supervision of Occupational Therapy Assistants
R4-43-402.	Supervision of Occupational Therapy Aides and Other Unlicensed Personnel
R4-43-403.	Designation of Title
R4-43-404.	Limited Permit Practice
R4-43-405.	Display of License Certificate
R4-43-406.	Change of Name or Address

ARTICLE 1. GENERAL PROVISIONS**R4-43-101. Definitions**

In addition to the definitions at A.R.S. § 32-3401, in this Chapter:

1. "Facility of Practice" means the principal location of an agency or organization where an occupational therapist or occupational therapy assistant practices occupational therapy.
2. "Good Moral Character" means an applicant has not been convicted of a felony or a misdemeanor within 5 years before application and never been convicted of a felony or misdemeanor involving moral turpitude.
3. "Health Care Professional" means a person certified as an Occupational Therapist or an Occupational Therapy Assistant by the American Occupational Therapy Certification Board or the National Board for Certification in Occupational Therapy, Inc. or any medical professional licensed by A.R.S. Title 32 or the equivalent if licensed outside of Arizona.
4. "Immediate area" means an occupational therapist is on the same floor and within 80 feet of an occupational therapy aide providing services to an occupational therapy patient.
5. "Immorality or misconduct that tends to discredit the occupational therapy profession" means:
 - a. Engaging in false advertising of occupational therapy services.

- b. Engaging in assault and battery of a patient, client, or other person with whom the licensee has a professional relationship.
 - c. Falsifying patient or client documentation or reports.
 - d. Failing to provide appropriate supervision of an occupational therapy assistant or unlicensed personnel performing occupational therapy.
 - e. Failing to provide a comprehensive occupational therapy service compatible with current research within ethical and professional standards, or failing to provide services based upon an evaluation of the patient or client needs and appropriate treatment procedures.
 - f. Failing to document or maintain patient treatment records, or failing to prepare patient or client reports within 30 days of service or treatment.
 - g. Failing to renew a license while continuing to practice occupational therapy.
 - h. Falsely claiming to have performed a professional service, charging for a service not rendered, or representing a service as the licensee's own when the licensee has not rendered the service or assumed supervisory responsibility for the service.
 - i. Obtaining a fee, a referral fee, or other compensation by fraud or misrepresentation.
 - j. Sexually inappropriate conduct with a client or patient, or with a former client or patient within 6 months after the termination of treatment.
 - k. Signing a blank, undated, or unprepared prescription form.
 - l. Using fraud, misrepresentation, or deception in assisting another person to obtain or attempt to obtain an occupational therapist or occupational therapy assistant license.
 - m. Violating any federal law, state law, administrative rules, or regulations concerning the practice of occupational therapy.
 - n. Violating rules or statutes concerning the training of unlicensed occupational therapy personnel or requiring an unlicensed person to provide occupational therapy services without proper training.
6. "Licensee" means a person licensed in Arizona as an occupational therapist or an occupational therapy assistant.
7. "Occupational therapy aide," "unlicensed personnel," and "occupational therapy technician" mean a person who is not licensed as an occupational therapist or occupational therapy assistant, working under the continuous supervision of a licensed occupational therapist.
8. "Physically present" means a supervising occupational therapist is present to observe the practice of occupational therapy.
9. "Premises" means the building and the surrounding property in which the occupational therapy is practiced.
10. "Person" means the same as in A.R.S. § 41-1001.
11. "Supervision" means a collaborative process for the responsible periodic review and inspection of all aspects of occupational therapy services. The following levels of supervision are minimal. An occupational therapist may assign an increased level of supervision if necessary for the safety of a patient or client. The levels of supervision are:
- a. "Close supervision" means the supervising occupational therapist provides initial direction to the occupational therapy assistant and daily contact while on the premises.
 - b. "Continuous supervision" means the supervising occupational therapist is in the immediate area of the occupational therapy aide performing supportive services.
 - c. "General supervision" means the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 30-calendar days on a per patient or client basis while on the premises, with the supervising occupational therapist available by telephone or by written communication.
 - d. "Minimal supervision" means the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 30-calendar days while on the premises.
 - e. "Routine supervision" means the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 15-calendar days on a per patient or client basis while on the premises, with the supervising occupational therapist available by telephone or by written communication.
12. "Supportive Services" means clerical and maintenance activities, preparation of work area or equipment, and delegated, routine aspects of an intervention session with a patient or client that require no adaptations by an occupational therapy aide.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended effective November 6, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2). Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).

R4-43-102. Fees

- A.** The Board shall charge the following fees:
- 1. An applicant for licensure:
 - a. Application fee: \$100. This fee is in addition to the initial license fee.
 - b. Limited permit fee: \$35. Upon full licensure, the Board shall subtract \$35 from the initial licensure fee.
 - 2. A licensee:
 - a. Reinstatement fee: \$75. This reinstatement fee is in addition to the appropriate license renewal fee.
 - b. Duplicate license fee: \$10.
 - 3. An occupational therapist:
 - a. Initial license fee: \$135.
 - b. Renewal license fee: \$135.
 - c. Inactive status renewal fee: \$25.
 - 4. An occupational therapy assistant:
 - a. Initial license fee: \$70.
 - b. Renewal license fee: \$70.
 - c. Inactive status renewal fee: \$15.
- B.** All fees set forth in subsection (A) are nonrefundable except as provided in A.R.S. § 41-1077.

Board of Occupational Therapy Examiners

1. Initial application, initial licensure, limited permit, and returned or insufficient fund replacement checks shall be remitted in cash, cashier's check, or money order.
2. Renewal, duplicate license, and reinstatement fees shall be remitted in cash, cashier's check, money order, or personal check.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-103. Service by the Board

Pursuant to A.R.S. § 41-1063(A), service may be made by, for and on behalf of the Board of any decision, order, subpoena, notice or other process by personal service or by mailing a copy by certified mail. Service by certified mail shall be made to the last address of record filed with the Board. Service upon an attorney who has appeared on behalf of a party constitutes service upon the party. If service is by certified mail, service is complete upon deposit in the United States mail.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4).

ARTICLE 2. LICENSURE**R4-43-201. Initial Application**

- A.** An applicant for an initial license to practice as an occupational therapist or an occupational therapy assistant shall submit an application form provided by the Board to the Board's office. The application and all supporting documentation shall be received by the Board at least 7 days before a Board meeting to be considered at that Board meeting.
- B.** The initial application form shall be signed by an applicant and include the following information on the applicant:
 1. Applicant's last name, 1st name, and middle name;
 2. How applicant's name is to be shown on the licensure certificate;
 3. Other names used;
 4. Social security number;
 5. Residence address;
 6. Alternate mailing address if the residential address is to remain confidential;
 7. The type of license for which applying;
 8. The amount of the application and license fee to be submitted;
 9. Applicant's American Occupational Therapy Certifica-

tion Board or National Board for Certification in Occupational Therapy, Inc. certification number, date of certification, and the number of times the applicant has taken the national examination;

10. Education;
 11. Professional experience, field work, or both within the last 5 years;
 12. Employer's name, address, and telephone number;
 13. Current and previous occupational therapy or other professional license or certification numbers from other states and foreign countries and the status of the license or certification;
 14. Current and previous disciplinary actions;
 15. Affidavit of applicant.
- C.** An applicant shall submit or cause to be submitted on the applicant's behalf the following:
 1. Application fee;
 2. Written verification received from:
 - a. The National Board For Certification In Occupational Therapy, Incorporated or the American Occupational Therapy Certification Board of a passing score on the examination administered by these entities; or
 - b. Certified letters of good standing issued by each state that has previously issued the applicant an occupational therapy license, provided at least 1 of the states requires standards for licensure equivalent to the requirements for licensure in this Chapter and A.R.S. §§ 32-3401 et seq.
 3. Recommendation of good moral character from 2 health care professionals on a form that shall include the following:
 - a. Applicant's last name, 1st name, and middle initial, and other names used by applicant;
 - b. Applicant's mailing address;
 - c. Applicant's American Occupational Therapy Certification Board or the National Board For Certification In Occupational Therapy certification number;
 - d. Period of time the health care professional has known the applicant;
 - e. Period of time the health care professional has worked with the applicant;
 - f. A statement that the health care professional considers the applicant to be of good moral character;
 - g. Address, city, state, and zip code where the health care professional worked with the applicant;
 - h. A description of the professional relationship or professional experience with the applicant and why the health care professional recommends the applicant for an occupational therapy license;
 - i. Name, address, and telephone number of the health care professional;
 - j. The professional license or certification number and issuing agency of the health care professional;
 - k. The health care professional's signature and date.
 - D.** An applicant applying for a limited permit shall submit the application and information listed in subsections (B), (C), and this subsection. An Arizona licensed occupational therapist assuming the professional and legal responsibility for supervision of a limited permit applicant shall complete and sign a Direct Supervision Agreement for a Limited Permit form with the Board. The occupational therapist shall file the Direct Supervision Agreement for a Limited Permit form with the Board before the Board shall issue a limited permit. The Direct Supervision Agreement for a Limited Permit form shall contain the following:

1. Applicant's last name, 1st name, middle name, and other names used by the applicant;
 2. Date the form is completed and signed by the supervising occupational therapist;
 3. Name of the supervising occupational therapist;
 4. Arizona license number of the supervising occupational therapist;
 5. Limited permittee's employment address;
 6. Supervisor's mailing address;
 7. Supervisor's employment address and employment telephone number;
 8. Description of supervision;
 9. Signature of the supervising occupational therapist.
- E.** The Board shall retain the application and documents filed in support of the application.
- F.** If the Board denies an application, the applicant may, within 30 days of service of the notice of denial, make a written request for a hearing to review the Board's decision. The hearing shall be conducted under A.R.S. Title 41, Chapter 6, Article 10.
- G.** In a hearing conducted on a denial of a license, the applicant has the burden of proof.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-202. Renewal of License

- A.** A licensee shall renew a license by submitting to the Board a renewal application, proof of completion of the continuing education requirements in R4-43-203, and paying the renewal fee within 2 years of initial licensure or last license renewal date.
- B.** The renewal application form provided by the Board shall include the following:
1. Applicant's last name, first name, middle initial, and other names used by the applicant;
 2. How applicant's name is to be shown on the renewal license;
 3. Residence address;
 4. Alternate mailing address if the residential address is to remain confidential;
 5. Current Arizona Board of Occupational Therapy Examiners license number;
 6. Type of renewal license for which applying;
 7. The amount of the renewal fee;
 8. Disciplinary actions since initial licensure;
 9. Hours and titles of continuing education completed;
 10. Total hours of continuing education completed;
 11. Social security number;
 12. Employer's name, address, and telephone number;
 13. Signature and date.
- C.** Unless otherwise required by A.R.S. § 32-3202, a license that is not renewed within 2 years of the date of issuance expires by operation of law. A licensee may reinstate within 180 calendar days of the expiration date upon payment of the required

renewal fee, a reinstatement fee under R4-43-102(A)(2)(a) and submittal of proof of completion of the continuing education requirements in R4-43-203.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Former Section R4-43-202 repealed; new Section R4-43-202 renumbered from R4-43-203 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-203. Continuing Education for Renewal of License

- A.** A licensee shall complete continuing education for renewal of a license as follows:
1. Occupational Therapist, 20 clock-hours for renewal of a 2-year license; and
 2. Occupational Therapy Assistant, 12 clock-hours for renewal of a 2-year license.
- B.** A licensee shall complete the continuing education clock hours in subsection (A) within the 2-year period before the date the licensee's license expires, or if requesting a return to active status license, within the 2-year period before the date the licensee submits the return to active status request to the Board.
- C.** Continuing education shall contribute to professional competency and the practice of occupational therapy. The Board shall determine if continuing education hours contribute directly to the professional competency and if the continued education hours relate to the clinical practice of occupational therapy.
- D.** A licensee may fulfill the licensee's continuing education requirement by completing any of the following:
1. A professional workshop, seminar, or conference and submitting proof of attendance as follows:
 - a. The American and Arizona Occupational Therapy Association's original check-in sheet displaying the organization's name, official stamp, hours, and licensee's name; or
 - b. Photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock-hours, date of attendance, name of the workshop, seminar, or conference, licensee's name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
 2. Self-study or formal study through course work and submitting a photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock hours, dates of attendance, name of the study or course work, licensee's name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
 3. Viewing a taped video presentation and submitting a photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock-hours, dates of attendance, name of the study or course work, licensee's name, and information necessary to contact the sponsoring organization or instructor for verifica-

Board of Occupational Therapy Examiners

- tion of attendance;
4. Undergraduate, graduate college, or university course work of a grade "C" or better and submitting a course completion notification sheet and a statement describing how the course extends the licensee's professional skill and knowledge;
 5. Publishing:
 - a. A book, for a maximum credit of 10 clock-hours, and submitting a copy of the book;
 - b. An article, for a maximum credit of 4 clock-hours, and submitting a copy of the article;
 - c. A chapter of a book, for a maximum of 5 clock-hours, and submitting a copy of the chapter or book;
 - d. A film, for a maximum of 6 clock-hours, and submitting a copy of the film; or
 - e. A videotape, for a maximum of 6 clock-hours, and submitting a copy of videotape;
 6. Presenting a program, workshop, seminar, or conference of not less than 1.5 hours in duration for a maximum of 4 clock-hours and submitting a brochure, agenda, or similar printed material describing:
 - a. The content of the presentation, workshop, seminar, or conference;
 - b. The date, duration, and location of the presentation conference, workshop, or seminar; and
 - c. The name of the presenting licensee or a signed certificate or letter from the program organizer if other than the presenting licensee; or
 7. In-service training related to clinical occupational therapy services excluding safety, fire evacuation, and cardiopulmonary resuscitation (CPR), for a maximum of 4 clock-hours and submitting:
 - a. A letter from the supervising occupational therapist or other immediate supervisor; and
 - b. A licensee's statement consisting of:
 - i. Specific topics,
 - ii. Presenters,
 - iii. Dates,
 - iv. Times,
 - v. Location, and
 - vi. How the training or in-service relates to the clinical practice of occupational therapy or contributes to professional competency.
- C. A licensee may renew or reactivate an inactive license by:
1. Submitting a renewal application under R4-43-202;
 2. Paying the licensure renewal fee under R4-43-102 or, if reactivating an inactive license, paying the renewal fee less the last inactive status fee paid by the applicant; and
 3. Meeting the continuing education requirements under R4-43-203.

Historical Note

R4-43-204 adopted by emergency effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-43-204 adopted by emergency action permanently adopted as R4-43-205, new Section R4-43-204 adopted effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended effective December 5, 1997 (Supp. 97-4). Former Section R4-43-204 renumbered to R4-43-203; new Section R4-43-204 renumbered from R4-43-205 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-205. Procedures for Processing License Applications

- A. Initial application for a license or permit.
1. Within 60 calendar days after receipt of an initial application for a license or permit, the Board shall perform an administrative completeness review and notify the applicant in writing that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what documentation or information is missing.
 2. If the Board has notified an applicant that an application is incomplete within the 60-day administrative completeness review timeframe, the timeframe is suspended from the date of the notice.
 3. An applicant with an incomplete application shall submit all missing documentation and information within 60 days from the date of the notice. If the applicant fails to do so for an initial license or permit, the Board may close the applicant's file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
 4. Except for a limited permit application, an application is not complete until the applicant has fully complied with the application requirements of A.R.S. Title 32, Chapter 34 and this Article. A limited permit application is complete when the Board receives all of the information required in R4-43-201(D) except for the exam score in R4-43-201(C)(2)(a).
 5. If an applicant for an initial license or permit cannot submit all missing documentation or information within 60 days from the date of the notice, the applicant may request an extension by submitting a written request to the Board post marked or delivered not later than 60 days from the date of the notice. The written request for an extension shall explain the reasons for the applicant's inability to meet the 60-day deadline.
 6. Under A.R.S. § 32-3403(A), the Executive Director's duties shall include review of requests for an extension. The Executive Director shall grant an extension request, if the extension will enable the applicant to submit the

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Former Section R4-43-203 renumbered to R4-43-202; new Section R4-43-203 renumbered from R4-43-204 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-204. Inactive License

- A. A licensee may transfer an active license into inactive status if the licensee's license is current and in good standing.
- B. The licensee shall not practice during the time the license is inactive.

missing documentation or information, but shall not grant an extension of more than 60 days. The Executive Director shall notify the applicant in writing of the decision to grant or deny the request for an extension.

7. If the applicant fails to submit all missing documentation and information within the extension period, the Board may close the applicant's file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
 8. After receipt of all missing documentation or information within the administrative completeness timeframe specified in this Section, the Board shall notify the applicant in writing that the application is complete.
 9. The Board shall perform the substantive review and issue or deny the license or permit no later than 60 days after receipt of a complete application. For this subsection, the date of receipt is the date of the notice advising the applicant that the application is complete.
- B.** Renewal license application, request to transfer into inactive status, or application to return to active status.
1. Within 60 calendar days after receipt of an application described in subsection (B)(2), the Board shall perform an administrative completeness review and notify the applicant in writing that the application is complete or incomplete.
 2. The following applications are governed by this subsection:
 - a. A renewal license application;
 - b. A request to transfer into inactive status by a licensee with an unexpired license; and
 - c. A renewal application to return to active status.
 3. If the Board has notified an applicant that an application is incomplete within the 60-day administrative completeness review timeframe, the timeframe is suspended from the date of the notice.
 4. An application is not complete until the applicant has fully complied with all of the application requirements of A.R.S. Title 32, Chapter 34 and this Article.
 5. After receipt of all missing documentation and information within the administrative completeness timeframe specified in this Section, the Board shall notify the applicant that the application is complete.
 6. The substantive review timeframe runs from the date of the Board's notice advising the applicant that the application is complete until the Board grants or denies the renewal or transfer. The substantive review timeframe is 60 days.
 7. A timely submittal renewal application causes the license to remain in effect until further notice by the Board.
 8. If a licensee fails to submit a renewal application before the expiration date, the applicant may seek reinstatement under R4-43-202(C) if applicable or reapply under R4-43-201.
- C.** For the purposes of A.R.S. § 41-1073, the Board establishes the following timeframes for any license or permit it issues:
1. Administrative completeness review timeframe: 60 days.
 2. Substantive review timeframe: 60 days.
 3. Overall timeframe: 120 days.

Historical Note

R4-43-204 adopted by emergency effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency

expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Former R4-43-204 now adopted as R4-43-205 effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Former Section R4-43-205 renumbered to R4-43-204; new Section R4-43-205 renumbered from R4-43-206 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-206. Renumbered

Historical Note

Adopted effective October 21, 1997 (Supp. 97-4). Section R4-43-206 renumbered to R4-43-205 by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

ARTICLE 3. HEARINGS

R4-43-301. Hearing Procedures

The Board shall conduct all hearings held under A.R.S. § 32-3442 et seq. in accordance with A.R.S. Title 41, Chapter 6, Article 10 and rules issued by the Office of Administrative Hearings.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted without change effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-302. Rehearing or Review of Decision

- A.** The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and rules established by the Office of Administrative Hearings.
- B.** A party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.
- C.** A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D.** The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
 1. Irregularity in the proceedings of the Board, or any order or abuse of discretion, that deprived the moving party of a fair hearing;
 2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;
 3. Accident or surprise that could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 5. Excessive penalty;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
 7. That the Board's decision is a result of passion or prejudice; or
 8. That the findings of fact or decision is not justified by the evidence or is contrary to law.

- E. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.
- F. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days, for good cause as described in subsection (I).
- G. Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- H. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.
- I. The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and:
 1. A ruling on the motion will further administrative convenience, expedition, or economy; or
 2. A ruling on the motion will avoid undue prejudice to any party.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 5 A.A.R. 1614, effective May 6, 1999 (Supp. 99-2).

ARTICLE 4. REGULATORY PROVISIONS

R4-43-401. Supervision of Occupational Therapy Assistants

- A. Only a licensed occupational therapist shall:
 1. Prepare an initial treatment plan, initiate or re-evaluate a client or patient's treatment plan, or authorize in writing a change of a treatment plan;
 2. Delegate duties to a licensed occupational therapy assistant, designate an assistant's duties, and assign a level of supervision; and
 3. Authorize a patient discharge.
- B. A licensed occupational therapy assistant shall not:
 1. Evaluate or develop a treatment plan independently;
 2. Initiate a treatment plan before a client or patient is evaluated and a treatment plan is prepared by an occupational therapist;
 3. Continue a treatment procedure appearing harmful to a patient or client until the procedure is reevaluated by an occupational therapist; or
 4. Continue or discontinue occupational therapy services unless the treatment plan is approved or re-approved by a supervising occupational therapist.
- C. A supervising occupational therapist shall supervise a licensed occupational therapy assistant as follows:
 1. Not less than routine supervision if the occupational ther-

- apy assistant has less than 12 months work experience in a particular practice setting or with a particular skill.
2. Not less than general supervision if the occupational therapy assistant has more than 12 months but less than 24 months of experience in a particular practice setting or with a particular skill.
3. Not less than minimal supervision if an occupational therapy assistant has more than 24 months of experience in a particular practice setting or with a particular skill.
4. Increased level of supervision, if necessary, for the safety of a patient or client.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).

R4-43-402. Supervision of Occupational Therapy Aides and Other Unlicensed Personnel

- A. An occupational therapy aide shall not provide occupational therapy services in any setting. However, an occupational therapy aide may provide supportive services assigned by an occupational therapist or occupational therapy assistant after the aide is specifically trained to provide the supportive services by an occupational therapist.
- B. An occupational therapy aide shall receive continuous supervision.
- C. An occupational therapy aide shall not act independently.
- D. An occupational therapy aide shall not perform the following tasks:
 1. Evaluate a client or patient;
 2. Prepare a treatment plan;
 3. Make entries in client or patient record regarding client or patient status;
 4. Develop, plan, adjust, or modify treatment procedures;
 5. Interpret referrals or prescriptions for occupational therapy services;
 6. Continue a task if there is a change in the client's or patient's condition;
 7. Perform any task without adequate training or skills; and
 8. Perform any task requiring licensure under A.R.S. § 32-3401-3445.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).

R4-43-403. Designation of Title

An unlicensed person who works in a facility of practice shall use 1

of the following titles:

1. A person practicing under a limited permit shall use the term "Limited Permit" following the person's name.
2. An occupational therapy aide shall use the term "OT Aide" following the occupational therapy aide's name.
3. An occupational therapy student enrolled in an accredited program in occupational therapy shall use the term "OT Student" following the student's name.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted without change effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).

R4-43-404. Limited Permit Practice

- A. Any change or addition of a supervising occupational therapist requires the filing of a new Direct Supervision Agreement for a Limited Permit form by the supervisor under R4-43-201(D). The supervisor shall submit the Direct Supervision Agreement for a Limited Permit form within 7 days of any change or addition of a supervising occupational therapist.
- B. The supervising occupational therapist shall co-sign all patient records documenting patient treatment and progress.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective Octo-

ber 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-405. Display of License Certificate

Each licensee shall display a current license certificate issued by the Board in a prominent place in each facility of practice. A licensee may use a copy of the license certificate to satisfy this requirement.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

R4-43-406. Change of Name or Address

- A. A licensee shall notify the Board in writing within 30 days of a legal name change. A copy of the official document evidencing the name change shall be included. The Board shall issue a duplicate license certificate reflecting the name change.
- B. A licensee shall notify the Board in writing within 30 days of a change in mailing address.

Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted without change effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

**Arizona Board of Occupational Therapy Examiners
License Time Frames
Compliance Level Summary Form**

Fiscal Year 2015

License Type (with A.R.S. or A.A.C. cite)	# of Applications Received	# Issued Within Time Frame	# Denied Within Time Frame	# Acted Upon Outside of Time Frame	\$ Amount of Fees Returned	\$ Amount of Fees Excused	\$ Amount of Penalties Paid
Occupational Therapist Initial Appl. A.R.S. § 32-3421	201	201	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapist Renewals A.R.S. § 32-3426	739	739	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapy Assistant Initial Appl. A.R.S. § 32-3421	138	137	1	0	\$0.00	\$0.00	\$0.00
Occupational Therapy Assistant Renewals A.R.S. § 32-3426	280	280	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapist Limited Permit A.R.S. § 32-3428	8	8	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapy Assistant Limited Permit A.R.S. § 32-3428	9	9	0	0	\$0.00	\$0.00	\$0.00
TOTALS	1375	1374	1	0	\$0.00	\$0.00	\$0.00

**Arizona Board of Occupational Therapy Examiners
License Time Frames
Compliance Level Summary Form**

Fiscal Year 2016

License Type	# of Applications Received	# Issued Within Time Frame	# Denied Within Time Frame	# Acted Upon Outside of Time Frame	\$ Amount of Fees Returned	\$ Amount of Fees Excused	\$ Amount of Penalties Paid
Occupational Therapist Initial Appl. A.R.S. § 32-3421	240	240	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapist Renewals A.R.S. § 32-3426	1089	1085	0	4	\$0.00	\$0.00	\$0.00
Occupational Therapy Assistant Initial Appl. A.R.S. § 32-3421	151	151	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapy Assistant Renewals A.R.S. § 32-3426	473	473	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapist Limited Permit A.R.S. § 32-3428	13	13	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapy Assistant Limited Permit A.R.S. § 32-3428	20	20	0	0	\$0.00	\$0.00	\$0.00
TOTALS	1986	1982	0	4	\$0.00	\$0.00	\$0.00

**Arizona Board of Occupational Therapy Examiners
License Time Frames
Compliance Level Summary Form**

Fiscal Year 2017

License Type	# of Applications Received	# Issued Within Time Frame	# Denied Within Time Frame	# Acted Upon Outside of Time Frame	\$ Amount of Fees Returned	\$ Amount of Fees Excused	\$ Amount of Penalties Paid
Occupational Therapist Initial Appl. A.R.S. § 32-3421	289	289	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapist Renewals A.R.S. § 32-3426	850	849	0	1			
Occupational Therapy Assistant Initial Appl. A.R.S. § 32-3421	159	159	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapy Assistant Renewals A.R.S. § 32-3426	385	384	0	1			
Occupational Therapist Limited Permit A.R.S. § 32-3428	13	13	0	0	\$0.00	\$0.00	\$0.00
Occupational Therapy Assistant Limited Permit A.R.S. § 32-3428	18	18	0	0	\$0.00	\$0.00	\$0.00
TOTALS	1714	1712	0	2	\$0.00	\$0.00	\$0.00



Arizona Board of Occupational Therapy Examiners

INITIAL LICENSE APPLICATION INSTRUCTIONS

Please do not include this page with your application when submitting it to the Board.

PLEASE READ ALL INSTRUCTIONS

The Board WILL **NOT** review an application until **ALL** documentation has been received. This includes the Criminal History Check.

Check the type of licensure for which you are applying. Submit fees with the application either in the form of a **MONEY ORDER OR CASHIER'S** check for the **TOTAL** amount due. **PERSONAL CHECKS WILL NOT BE ACCEPTED.** Payment methods other than cash should be made out to the Arizona Board of Occupational Therapy. **DO NOT MAIL CASH.** All Fees are **NON-REFUNDABLE.**

A **LIMITED LICENSE** may be issued to a non-licensed person who is waiting to take the NBCOT examination. Limited licensees may practice Occupational Therapy only under the **DIRECT** supervision of a licensed Occupational Therapist. The Occupational Therapist must be on the premises at all times while the limited licensee is providing Occupational Therapy services. A limited license is valid for four months and becomes void if a person fails the examination. The limited license expires if a person passes the examination and is issued a license under A.R.S. § 32-3425 (C).

SUMMARY OF DOCUMENTS REQUIRED

OCCUPATIONAL THERAPIST	OCCUPATIONAL THERAPY ASSISTANT	LIMITED LICENSE
Completed application, signed and notarized	Completed application, signed and notarized	Completed application, signed and notarized
NBCOT verification of certification– must be sent directly from the office of NBCOT	NBCOT verification of certification– must be sent directly from the office of NBCOT	Letter of completion from your college/university.
Two (2) Professional recommendation forms with original signatures.	Two (2) Professional recommendation forms with original signatures.	Two (2) Professional recommendation forms with original signatures.
Payment for application to include fingerprinting fee.	Payment for application to include fingerprinting fee.	Payment for application to include fingerprinting fee.
Completed fingerprint card*. The Board DOES NOT ACCEPT FINGERPRINT CLEARANCE CARDS and will not review an application until the criminal background report is received back from the AZ Department of Public Safety (DPS) – This can take up to 3 weeks or more before received.	Completed fingerprint card*. The Board DOES NOT ACCEPT FINGERPRINT CLEARANCE CARDS and will not review an application until the criminal background report is received back from the AZ Department of Public Safety (DPS) – This can take up to 3 weeks or more before received.	Completed fingerprint card*. The Board DOES NOT ACCEPT FINGERPRINT CLEARANCE CARDS and will not review an application until the criminal background report is received back from the AZ Department of Public Safety (DPS) – This can take up to 3 weeks or more before received.
Certified letters of good standing issued by each state previously licensed in.	Certified letters of good standing issued by each state previously licensed in.	Direct Supervision Agreement Form completely filled out and signed.
Statement of Citizenship and Alien Status – Requires both the signed and completed form along with a copy of the document(s) being used to verify employment eligibility.	Statement of Citizenship and Alien Status – Requires both the signed and completed form along with a copy of the document(s) being used to verify employment eligibility.	Statement of Citizenship and Alien Status – Requires both the signed and completed form along with a copy of the document(s) being used to verify employment eligibility.

**Fingerprint cards can be obtained from local law enforcement or the Board Office.*

NO FAXED DOCUMENTS WILL BE ACCEPTED!

Federal and State laws require the Arizona State Board of Occupational Therapy Examiners to obtain an applicant's social security number in connection with an application for a license. 42 U.S.C. §666(a)(13); A.R.S. §§25-320(K) and 25-502(E). The social security number, which will be kept confidential from the public, will be used "to aid the Department of Economic Security in locating parents or their assets or to enforce child support orders." A.R.S. §§ 25-320(K), 25-502(E).



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

4205 N. 7th Avenue, Suite 305 • Phoenix, Arizona 85013 • (602) 589-8352

www.ot.az.gov

APPLICATION FOR LICENSURE AS AN OCCUPATIONAL THERAPIST OR AN OCCUPATIONAL THERAPY ASSISTANT

CHECK ALL THAT APPLY <input checked="" type="checkbox"/>	INITIAL LICENSE APPLICATION	FEES
	APPLICATION FEE <i>(all applicants must pay this fee)</i>	\$100.00
	FINGERPRINT PROCESSING FEE <i>(all applicants must pay this fee)</i>	\$22.00
	LICENSE FEE <i>(choose one)</i>	
	OCCUPATIONAL THERAPIST	\$135.00
	OCCUPATIONAL THERAPY ASSISTANT	\$70.00
	LIMITED LICENSE <i>(Must provide proof of completion of educational requirements)</i> If applying for a limited license, you must pay the application fee plus the limited license fee for a total of <u>\$135.00</u> . The limited license fee will be subtracted from the license fee at the time the applicant passes the NBCOT exam and requests full licensing.	\$ 35.00
	TOTAL AMOUNT SUBMITTED	

PERSONAL INFORMATION *(Type or Print)*

Name	Last	First	Middle
Other names used	Maiden	Also Known As – AKA	
Home address	Number/Street	City	State Zip code
Telephone Number	Home	Work	Cell
Email address			
Social Security Number		Date of Birth (mm/dd/yyyy)	
Place of Birth	City	County/Province	State/Country
Gender	<input type="checkbox"/> Male	<input type="checkbox"/> Female	
		<input type="checkbox"/> US Citizen	<input type="checkbox"/> YES <input type="checkbox"/> NO

ATTACH REQUIRED STATEMENT OF CITIZENSHIP & ALIEN STATUS ALONG WITH SUPPORTING LEGAL DOCUMENTATION.

CURRENT EMPLOYMENT (*Type or Print*)

Name of Employer		Employer Phone Number		
Employer Address	Number/Street	City	State	Zip code

NBCOT Certification Number		Date Granted	
-----------------------------------	--	---------------------	--

PROFESSIONAL EXPERIENCE AND/OR FIELDWORK:

List **ALL** employment for the last four (4) years in chronological order, beginning with your present position.

1. Name of Business	Job Title
Name of Employer	Description of Duties
Address/Phone Number of Business	Dates of Employment From: To:
Reason for Resignation/Termination	

2. Name of Business	Job Title
Name of Employer	Description of Duties
Address/Phone Number of Business	Dates of Employment From: To:
Reason for Resignation/Termination	

3. Name of Business	Job Title
Name of Employer	Description of Duties
Address/Phone Number of Business	Dates of Employment From: To:
Reason for Resignation/Termination	

4. Name of Business	Job Title
Name of Employer	Description of Duties
Address/Phone Number of Business	Dates of Employment From: To:
Reason for Resignation/Termination	

EDUCATIONAL INFORMATION:

List Colleges/Universities attended (*List most recent first*)

School Name, City, State, Country	Dates of Attendance From (mm/yy) To (mm/yy)	Date of Graduation	Type of Degree or Certification

PROFESSIONAL LICENSES OR CERTIFICATIONS:

List all active and inactive licenses or certifications

Type of License or Certification Agency Name and Address	Issue Date	Expiration Date	License or Certification Number

Are the above licenses in good standing?		YES		NO
--	--	-----	--	----

If other than Arizona, did your prior state of residence require a license? Name of State:		YES		NO

ALL Questions MUST be answered:

1. Have you ever had any application for any professional license refused or denied by any licensing authority?		YES		NO
2. Have you ever been refused or denied the privilege of taking an examination required for any professional licensure?		YES		NO
3. Have you ever voluntarily surrendered any healthcare license?		YES		NO
4. Have you ever had any healthcare license revoked?		YES		NO
5. Have you ever been the subject of disciplinary action or are you currently under investigation with regard to your healthcare license, been sanctioned by any healthcare licensing authority, healthcare association, licensed healthcare facility or healthcare staff of such facility?		YES		NO
6. Has disciplinary action been taken against you by any licensing agency with regard to any professional license? Including, but not limited to, restricted, terminated, voluntarily or involuntarily resigned or withdrawn.		YES		NO
7. Are there any pending complaints, investigations, or disciplinary actions against you with any healthcare licensing authority, healthcare association, licensed healthcare facility or healthcare staff of such facility?		YES		NO
8. Have you ever been arrested, charged with, convicted of, pardoned or had a record expunged or vacated of any felony or misdemeanor? A “yes” answer is required even if you entered a diversion program.		YES		NO
9. Have you ever been arrested for, charged with or convicted of a violation of any federal or state drug law(s) or rule(s) whether or not a sentence was imposed or suspended?		YES		NO

NOTE: In the event the response to any of the questions numbered 1 through 9 is “YES”, the applicant must file a detailed report concerning the above matters with the application, including any charge, date of such charge, the complete name and address of all bodies of jurisdiction, the result of any hearings, and the disposition of such charge(s) IN ADDITION, the applicant must submit photocopies of any complaints, hearings, settlements or judgments.

VERIFICATION BY OATH OR AFFIRMATION

The undersigned verifies that he/she is the person referred to in the foregoing application; that the statements are true in every respect; that he/she has not suppressed any information that would affect this application; that he/she will conform to ethical standards of conduct in the profession of occupational therapy and obey the laws of the State of Arizona and the Rules established by the Board of Occupational Therapy Examiners; that he/she has read and understands that failure to disclose the requested information or disclosure of false information or disclosure of misleading information may constitute fraud and may result in denial of licensure/certification or disciplinary action, up to and including revocation, taken against an issued license or certificate. Failure to disclose the requested information or disclosure of false or misleading information may also result in criminal prosecution.

AFFIDAVIT OF APPLICANT

I, _____, under oath, do promise and swear that if this application is accepted and if I should be granted a license to practice as an occupational therapist or an occupational therapy assistant in this State, I will obey the Laws of the State of Arizona as they relate to the Board of Occupational Therapy Examiners and the associated rules established by the Board of Occupational Therapy Examiners, and maintain the honor and dignity of the profession. I have read these Arizona Revised Statutes and Rules and agree to be held accountable for any actions that may violate these Statutes and Rules.

It is understood and agreed that if I should fail to keep the above agreement, or if I have made any false statements in this application, that my license may be suspended or revoked by the Board at any time. By virtue of this application, I do solemnly swear or affirm that I am of good moral character, and that I understand the instructions and terms as set forth in this application form, that I have personally completed this form, that the information given in this application is true, correct, and complete to the best of my knowledge. I hereby authorize the Board of Occupational Therapy Examiners to verify any and all information contained in this application, including information maintained in applicable data banks, and to transmit this information to the licensing authority of the state to which this application is made. I authorize the licensing authority of the state where application is submitted to review state files pertaining to my licensure and practice, and all law enforcement records, administrative records, motor vehicle records, and court documents to confirm the accuracy and completeness of the information provided herein. This application and signature shall act as authorization of entities in possession of applicable information to release such information to the licensing authority.

I understand that my application is a public record. Further, I authorize all current and previous employers to release all relevant information about my employment to the Board (including moral character competency and reason for termination of employment, if applicable). I further state, under penalty of perjury, that all statements made by me and exhibits attached within this application are true, complete, and accurate.

I understand that my fingerprint card submitted with my application will be used to check the Federal Bureau of Investigations (FBI) criminal history records to determine my suitability for licensure. FBI criminal history information obtained as a result of fingerprinting often has arrest information but no disposition of charges listed (i.e. "dismissed", "convicted", etc.). If the official record received by the Board reflects an arrest, I will be required to provide official documentation obtained from the court regarding the disposition of the arrest, even if the charge was ultimately dismissed.

In the event I feel my criminal history record is inaccurate or incomplete, I understand that I will be afforded the opportunity to challenge the accuracy of the record and assure that the record is complete, pursuant to Title 28, Code of Federal Regulations (CFR), section 16.34.

Signature of Applicant: _____ Date: _____

State: _____

County: _____

Subscribed and sworn to before me this _____ day of _____, 20____ by the affiant, who personally appeared before me.

NOTARY PUBLIC SIGNATURE

My Commission expires: _____
(Official Stamp)

All applicants are required to notify the Board immediately of any change of address, phone number or name. (A.A.C. R4-43-406)
Pursuant to A.R.S. § 32-3208, licensees must report misdemeanors or felonies to the Board within ten (10) business days after the charge is filed.
A.R.S. § 41-1030 (B) An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.
A.R.S. 41~1030 (D) This section may be enforced in a private civil action and relief may be awarded against the State. The Court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against the State for a violation of this section. A.R.S. 41-1030 (E) A State employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the Agency's adopted personnel policy. A.R.S. 41-1030 (F) This section does not abrogate the immunity provided by Section 12-820.01 OR 12-820.02.



ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

4205 N. 7th Avenue, Suite 305 • Phoenix, Arizona 85013
(602) 589-8352 • WWW.OT.AZ.GOV

APPLICATION FOR **RENEWAL** OF LICENSURE AS AN OCCUPATIONAL THERAPIST OR AN OCCUPATIONAL THERAPY ASSISTANT

LICENSE NUMBER _____

CHECK ONLY ONE	APPLICATION TYPE	FEES
RENEWAL APPLICATION <i>(Must provide proof of completion of educational requirements)</i>		
	OCCUPATIONAL THERAPIST	\$135.00
	OCCUPATIONAL THERAPY ASSISTANT	\$70.00
INACTIVE APPLICATION <i>(License must be current to apply for inactive status)</i>		
	OCCUPATIONAL THERAPIST	\$25.00
	OCCUPATIONAL THERAPY ASSISTANT	\$15.00
	TOTAL AMOUNT SUBMITTED	

PERSONAL INFORMATION *(Type or Print)*

Name	Last	First	Middle
Other names used	Maiden	Also Known As – AKA	
Home address	Number/Street	City	State Zip code
Telephone Number	Home	Work	Cell
Email address			
Social Security Number		Date of Birth (mm/dd/yyyy)	
Gender	<input type="checkbox"/> Male	<input type="checkbox"/> Female	US Citizen¹ <input type="checkbox"/> YES <input type="checkbox"/> NO

¹Attach the required statement of citizenship and alien status along with selected proof of status if you have not previously done so. The necessary forms are available on the website: www.ot.az.gov

The State Attorney General has determined that in order to be in compliance with the law, documentation MUST be submitted with initial application AND/OR with a license renewal if documentation has not been previously submitted. If previously submitted and NO CHANGE has occurred in your citizenship status, sign the following affirmation statement.

POSITIVE AFFIRMATION OF NO CHANGE IN CITIZENSHIP STATUS

By signing, I certify that the document(s) previously submitted are correct and still applicable to my citizenship status or right to work in the United States.

Signature

Date

CURRENT EMPLOYMENT (Type or Print)

Name of Employer		Phone Number		
Employer Address	Number/Street	City	State	Zip code

CONTINUING EDUCATION (*Proof of completion of all continuing education must be included with application. See page 3 of the application for the type of proof required.*)

Pursuant to A.R.S. §32.3426 and in accordance with A.A.C. R4-43-203(A)(1)(2), an occupational therapist shall complete 20 clock hours of continuing education for renewal of a 2-year license; and an occupational therapy assistant shall complete 12 clock hours of continuing education for a renewal of a 2-year license.

A. Professional workshops, self/formal study courses or video presentation, see R4-43-203(D)

Hours Names of professional workshops, self/formal study courses or video presentation

B. Completion of an undergraduate or graduate course at a college or university, see R4-43-203(D)

Hours Course Title

--	--

Proof of a grade "C" or better, and a personal statement describing how the course extends the licensee's professional skill and knowledge is required.

C. Publication of a book, see R4-43-203(D)(5)(a) – max 10 clock hours, must include copy of book

Hours Title of book

		Max of 10 hours
--	--	-----------------

D. Publication of a chapter of a book, see R4-43-203(D)(5)(c) – max 5 clock hours, must include copy of chapter

Hours Title of chapter of the book

		Max of 5 hours
--	--	----------------

E. Publication of an article, see R4-43-(D)(5)(b) – max 4 clock hours, must submit copy of article

Hours Title of the article

		Max of 4 hours
--	--	----------------

F. Publication of a film or video tape, see R4-43-203(D)(5)(d & e) – max 6 clock hours, must submit copy of video

Hours Title of the film or video tape

		Max of 6 hours
--	--	----------------

G. Presentation of a course or program, see R4-43-203(D)(6) – not less and 1.5 hours in duration for a max of 4 clock hours, must submit brochure, agenda, or similar describing a. Content of presentation, date, duration and location of presentation, name of presenting licensee or a signed certificate or letter from the program organizer.

Hours Name of course or program presented

		Max of 4 hours
--	--	----------------

H. In-Service, see R4-43-203(D)(7) – relating to clinical occupational therapy services excluding safety, fire evacuation, and cardiopulmonary resuscitation (CPR), max of 4 clock hours must submit a. A letter from supervising occupational therapist or other immediate supervisor and; b. a licensee statement of specific topics, presenters, dates, times, location and how the training or in-service relates to the clinical practice of occupational therapy or contributes to professional competency.

Hours Name of the In-Service *(Attach a statement)*

		Max of 4 hours

I. _____ TOTAL OF ALL TRAINING HOURS

A licensee may fulfill continuing education requirement by completing any of the following:

1. A professional workshop, seminar, or conference and submitting proof of attendance as follows:
 - a. The American and Arizona Occupational Therapy Association’s original check-in sheet displaying the organization’s name, official stamp, hours, and licensee’s name; or
 - b. Photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock-hours, date of attendance, name of the workshop, seminar, or conference, licensee’s name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
2. Self-study or formal study through course work and submitting a photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock hours, dates of attendance, name of the study or course work, licensee’s name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
3. Viewing a taped video presentation and submitting a photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock-hours, dates of attendance, name of the study or course work, licensee’s name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
4. Undergraduate, graduate college, or university course work of a grade “C” or better and submitting a course completion notification sheet and a statement describing how the course extends the licensee’s professional skill and knowledge;
5. Publishing:
 - a. A book, for a maximum credit of 10 clock-hours, and submitting a copy of the book;
 - b. An article, for a maximum credit of 4 clock-hours, and submitting a copy of the article;
 - c. A chapter of a book, for a maximum of 5 clock-hours, and submitting a copy of the chapter or book;
 - d. A film, for a maximum of 6 clock-hours, and submitting a copy of the film; or
 - e. A videotape, for a maximum of 6 clock-hours, and submitting a copy of videotape;
6. Presenting a program, workshop, seminar, or conference of not less than 1.5 hours in duration for a maximum of 4 clock-hours and submitting a brochure, agenda, or similar printed material describing:
 - a. The content of the presentation, workshop, seminar, or conference;
 - b. The date, duration, and location of the presentation conference, workshop, or seminar; and
 - c. The name of the presenting licensee or a signed certificate or letter from the program organizer if other than the presenting licensee; or
7. In-service training related to clinical occupational therapy services excluding safety, fire evacuation, and cardiopulmonary resuscitation (CPR), for a maximum of 4 clock-hours and submitting:
 - a. A letter from the supervising occupational therapist or other immediate supervisor; and
 - b. A licensee’s statement consisting of:
 - i. Specific topics,
 - ii. Presenters,
 - iii. Dates,
 - iv. Times,
 - v. Location, and
 - vi. How the training or in-service relates to the clinical practice of occupational therapy or contributes to professional competency.

DISCIPLINARY QUESTIONS

Before answering the next questions, read the following: **The fact that a conviction has been pardoned, expunged, dismissed, deferred, reclassified or that your civil rights have been restored, does not mean that you answer this question “no”; you would have to answer “yes” and give details on each conviction.**

1. Since your license was granted or your last renewal, whichever is later, have you been arrested, convicted, entered a plea of guilty, nolo contendere or no contest or have you been sentenced, served time in jail or prison, or had prosecution deferred in any felony or undesignated offense?

Yes No

If yes, provide a **written explanation** of the details of each conviction and sentence. Return the written explanation, a copy of the police report and court documents for each conviction indicating type of conviction, conviction date, and sentence including the date of absolute discharge of the sentence for each **felony** conviction with your application.

2. Since your last renewal, have you had any drug or alcohol related arrests or convictions?

Yes No

If yes, provide a **written explanation** of the details of each conviction and sentence. Return the written explanation and court documents for each conviction indicating type of conviction, conviction date and sentence.

3. Are you currently under investigation or is a disciplinary action pending against your Occupational therapy license you hold in any state or territory of the United States?

Yes No

If yes, include a detailed explanation and a copy of the paperwork regarding the current investigation or pending disciplinary action with your application.

Please be advised that failure to provide the requested documents will delay the processing of your application.

VERIFICATION BY OATH OR AFFIRMATION

The undersigned verifies that he/she is the person referred to in the foregoing application; that the statements are true in every respect; that he/she has not suppressed any information that would affect this application; that he/she will conform to ethical standards of conduct in the profession of occupational therapy and obey the laws of the State of Arizona and the Rules established by the Board of Occupational Therapy Examiners; that he/she has read and understands that failure to disclose the requested information or disclosure of false information or disclosure of misleading information may constitute fraud and may result in denial of licensure/certification or disciplinary action, up to and including revocation, taken against an issued license or certificate. Failure to disclose the requested information or disclosure of false or misleading information may also result in criminal prosecution.

**AND
AFFIDAVIT OF APPLICANT**

I, _____, under oath, do promise and swear that if this application is accepted and if I should be granted a license to practice as an occupational therapist or an occupational therapy assistant in this State, I will obey the Laws of the State of Arizona as they relate to the Board of Occupational Therapy Examiners and the associated rules established by the Board of Occupational Therapy Examiners, and maintain the honor and dignity of the profession. I have read these Arizona Revised Statutes and Rules and agree to be held accountable for any actions that may violate these Statutes and Rules.

It is understood and agreed that if I should fail to keep the above agreement, or if I have made any false statements in this application, that my license may be suspended or revoked by the Board at any time. By virtue of this application, I do solemnly swear or affirm that I am of good moral character, and that I understand the instructions and terms as set forth in this application form, that I have personally completed this form, that the information given in this application is true, correct, and complete to the best of my knowledge. I hereby authorize the Board of Occupational Therapy Examiners to verify any and all information contained in this application, including information maintained in applicable data banks, and to transmit this information to the licensing authority of the state to which this application is made. I authorize the licensing authority of the state where application is submitted to review state files pertaining to my licensure and practice, and all law enforcement records, administrative records, motor vehicle records, and court documents to confirm the accuracy and completeness of the information provided herein. This application and signature shall act as authorization of entities in possession of applicable information to release such information to the licensing authority.

I understand that my application is a public record. Further, I authorize all current and previous employers to release all relevant information about my employment to the Board (including moral character competency and reason for termination of employment, if applicable). I further state, under penalty of perjury, that all statements made by me and exhibits attached within this application are true, complete, and accurate.

Signature of Applicant: _____ **Date:** _____

A.R.S. 41-1030 (B) An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition. A.R.S. 41~1030 (D) This section may be enforced in a private civil action and relief may be awarded against the State. The Court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against the State for a violation of this section. A.R.S. 41-1030 (E) A State employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the Agency's adopted personnel policy. A.R.S. 41-1030 (F) This section does not abrogate the immunity provided by Section 12-820.01 OR 12-820.02

The procedures for obtaining a change, correction, or updating of your FBI criminal history record are set forth in Title 28, Code of Federal Regulations (CFR), Section 16.30 through 16.34. Information on how to review and challenge your FBI criminal history record can be found at www.fbi.gov under "Identity History Summary Checks" or by calling (304) 625-5590.

To obtain a copy of your Arizona criminal history in order to review/update/correct the record, you can contact the Arizona Department of Public Safety Criminal History Records Unit at (602) 223-2222 to obtain a fingerprint card and a Review and Challenge packet. Information on the review and challenge process can be found on the DPS website (www.dps.gov).

BOARD OF OCCUPATIONAL THERAPY EXAMINERS

2017 SECOND QUARTER PERFORMANCE MEASURES TABLE

		Target	Actual
	Administrative		
1.	Percent of requests for public records processed within 15 business days of receipt	78%	100%
2.	Percent of notices issued to respondents and complainants for dismissed cases within 5 business days of Board action	73%	0 dismissed complaints
3.	Percent of Decree of Censure and Board Orders issued to the licensee within 5 business days of Board action	73%	100%
4.	Percent of informal interview notices issued to relevant licensees at least 30 business days prior to the schedule of interview	75%	100%
5.	Percent of request for license verification processed within 10 business days of receipt	80%	Not tracked in FY17
6	Percent of initial licensure applications reviewed and granted/denied during the time frames established by Board rule	100%	100%
	Other		
7.	Percent of renewal application reviewed and granted/denied during the time frames established by the Board	100%	100%
8.	Percent of continuing education audited within 60 calendar days following the licensure period	78%	100%
	Percent of performance measure whose target values were met (7 of 8)	82%	88%

Board of Occupational Therapy Examiners

	FY 2016 ACTUAL	FY 2017 ESTIMATE	FY 2018 APPROVED
OPERATING BUDGET			
<i>Full Time Equivalent Positions</i>	1.5	1.5	1.5
Personal Services	97,100	91,000	91,000
Employee Related Expenditures	42,500	46,100	49,100
Professional and Outside Services	300	0	0
Travel - In State	500	1,300	1,300
Other Operating Expenditures	28,800	30,300	40,300
Equipment	0	2,000	2,000
AGENCY TOTAL	169,200	170,700	183,700 ^{1/}

FUND SOURCES

Other Appropriated Funds

Occupational Therapy Fund	169,200	170,700	183,700
SUBTOTAL - Other Appropriated Funds	169,200	170,700	183,700
SUBTOTAL - Appropriated Funds	169,200	170,700	183,700
TOTAL - ALL SOURCES	169,200	170,700	183,700

AGENCY DESCRIPTION — The board examines and licenses occupational therapists and occupational therapy assistants, investigates complaints and holds hearings to enforce standards of practice.

Operating Budget

The budget includes \$183,700 and 1.5 FTE Positions from the Occupational Therapy Fund in FY 2018 for the operating budget. These amounts fund the following adjustments:

Multi-Function Printer

The budget includes a one-time increase of \$10,000 from the Occupational Therapy Fund in FY 2018 for a new multi-function printer.

Statewide Adjustments

The budget includes an increase of \$3,000 from the Occupational Therapy Fund in FY 2018 for statewide adjustments. *(Please see the Agency Detail and Allocations section.)*

Other Issues

Statewide 90/10 E-Licensing

The budget includes a FY 2018 transfer of \$45,900 from the agency's fund to the Arizona Department of Administration for a statewide 90/10 e-licensing project. *(Please see the Department of Administration - Automation Projects Fund for details regarding this information technology project.)*

^{1/} General Appropriation Act funds are appropriated as a Lump Sum by Agency.



WELCOME TO THE BOARD OF OCCUPATIONAL THERAPY WEBSITE

DEFINITION OF OCCUPATIONAL THERAPY

The **World Federation of Occupational Therapists** defines occupational therapy as a profession concerned with promoting health and well-being through occupation. The primary goal of occupational therapy is to enable people to participate in the activities of everyday life. Occupational therapists achieve this outcome by enhancing the individual's ability to participate, by modifying the environment, or by adapting the activity to better support participation.

Another way of thinking about the ideas contained in these definitions could be: occupational therapy is about understanding the importance of an activity to an individual, being able to analyze the physical, mental and social components of the activity and then adapting the activity, the environment and/or the person to enable them to resume the activity. Occupational therapists would ask, "Why does this person have difficulties managing his or her daily activities (or occupations), and what can we adapt to make it possible for him or her to manage better and how will this then impact his or her health and well-being?"

IMPORTANT INFORMATION FOR OTS AND OTAS

ATTACHMENT	SIZE
Notice Regarding Reporting Criminal Charges	100.66 KB

FISCAL YEAR 2018 BUDGET

ATTACHMENT	SIZE
FY2018 Budget Request	735.35 KB

Find A Therapist!

A person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and nondisciplinary actions and orders, by contacting the board directly.

MEETINGS

AUGUST 2017

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

OFFICE HOURS

Monday to Friday
 8:00 a.m. to 5:00 p.m.
 Except Holidays





Arizona Board of Occupational Therapy Examiners

- ABOUT US
- NEWS AND EVENTS
- CONSUMER INFORMATION
- THERAPIST INFORMATION
- REGULATION ROLLBACK

Board Members

STAFF MEMBERS

KAREN WHITEFORD

Executive Director

karen.whiteford@otboard.az.gov

Phone Number: (602)389-8333

VICKI EGURROLA

Licensing Administrator

vicki.egurrola@otboard.az.gov

Phone Number: 602-389-8332

QUENTON MCCALLISTER

Chair, Occupational Therapist

Quenton earned his A.A.S. in occupational therapy at Pima Medical Institute in Tucson, AZ in 2011 and his B.A. in general education from Marshall University in 2012. Quenton earned his Masters in Occupational Therapy in 2014.

DONALD HOSENFELD

Vice-Chair, Occupational Therapist

Donny earned his B.A. in Occupational Therapy from Keuka College in 2002. He received his advanced masters degree in Occupational Therapy in 2008 from A.T. Still University in Mesa, Arizona and continued his educational journey, earning his Doctor of Occupational from Chatham University in the spring of 2013.

Donny is the owner of Don's Occupational Therapy Services, LLC and has worked in the school, clinic and home health care settings. Donny has over 12 years of pediatric experience and has worked with children with a variety of disabilities with a primary focus on improving functional performance. His capstone dissertation focused on the importance of home programs and the effectiveness of carry over from the clinic/school setting to the home environment. He is an advocate for functional independence for his clients and their families.

DANA HUTCHINGS

Occupational Therapist

Dana earned her Master's of Science in Occupational Therapy from The University of Arizona School of Health Sciences in 2005.

Dana has over 14 years of experience working with pediatrics in both home-based and clinical settings. In 2002, Dana started Sunrise Therapy Services in which she employs speech, occupational, and physical therapies. She has built a reputation of honesty and quality.

Dana resides in Scottsdale Arizona with her husband and two children.

BARBARA PAULSON

Public Member

After moving to Arizona, Barbara worked as a teacher in Early Childhood Special Educations from 1991 to 2003. In 2003, until her retirement in 2012, she was employed as an Educational Program Specialist in Exceptional Student Services at the Arizona Department of Educations. Her responsibilities included monitoring special education programs to determine compliance with state and federal regulations as well as statewide teacher trainings.

Barbara is a member of St. Mary's Food Bank's Volunteer Posse. She also volunteers weekly at Homeward Bound, a non-profit serving the needs of families going through homelessness.

Barbara lives in Phoenix, thoroughly enjoying her retirement lifestyle and frequent trips to spend time with her daughter and son-in-law in North Carolina.

ABOUT THE BOARD

The Arizona Board of Occupational Therapy Examiners was established by the Arizona Legislature to regulate this profession. As such the Board issues and renews licenses for the occupational therapy profession. By law, the Board requires that each applicant meet minimum standards of education, experience and competency. The Board also receives and investigates complaints, takes appropriate disciplinary action, and responds to inquiries from consumers as to the license status of individual occupational therapy professionals.

ABOUT US

[Members](#)

[FAQ](#)

[Links](#)

[Rules](#)

[Statutes](#)

Find A Therapist!

A person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and nondisciplinary actions and orders, by contacting the board directly.

MEETINGS

6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

OFFICE HOURS

Monday to Friday

8:00 a.m. to 5:00 p.m.

Except Holidays





Board Meetings

Select Year

-Year ▾

September Board Meeting

August Board Meeting

ATTACHMENT	SIZE
Agenda	232.62 KB

July Board Meeting

ATTACHMENT	SIZE
Agenda	135.91 KB
Minutes	428.04 KB

June Board Meeting

ATTACHMENT	SIZE
Agenda	85.46 KB
Minutes	347.39 KB

May Board Meeting

NEWS AND EVENTS

[News](#)

[Meetings](#)

[Regulation Rollback](#)

Find A Therapist!

A person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and nondisciplinary actions and orders, by contacting the board directly.

MEETINGS

← **AUGUST 2017** →

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

OFFICE HOURS

Monday to Friday

8:00 a.m. to 5:00 p.m.



Complaints

COMPLAINTS AGAINST AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT

A.R.S. 32-3442 provides the Board with the authority to pursue complaints against Occupational Therapists or Occupational Therapy Assistants who may be in violation of the statutes governing the Board. If anyone feels that the services of an Occupational Therapist or Occupational Therapy Assistant violates the statutes, the following form may be used to file the complaint:

- [Complaint Form](#)

Generally the Board has jurisdiction over Arizona licensed occupational therapists, occupational therapy assistants and persons who hold themselves out as occupational therapists or occupational therapy assistants in Arizona.

CONSUMER INFORMATION

Therapist Search

Complaints

Find A Therapist!

A person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and nondisciplinary actions and orders, by contacting the board directly.

MEETINGS

Calendar for August 2017

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12



Therapists Forms

FORMS

There are a variety of forms required for different licensing actions. Below, by category, are the forms you will need to complete for each type of action:

DISCLOSURE STATEMENT

INITIAL APPLICATION - first time submission

- Initial Application
- Professional Recommendation Form (2 are required)
- Arizona Statement of Citizenship
- Verification of Licensure from Other States
- List of Acceptable Documents for Proof of Citizenship

In addition, you will need to have the National Board for Certification in Occupational Therapy (NBCOT) provide verification of your passing the board exam. The following is the link to their website where you will find the information you need to accomplish this part of the application process.

NBCOT Verification

Finally, you will need to submit your fingerprints. Fingerprints can be done at most any police station. Below are instructions for having your fingerprints done. These instructions include a **sample** of the fingerprint card. **DO NOT use this sample in place of an actual card.**

Fingerprinting Instruction Form

PAYMENT FOR INITIAL APPLICATIONS MUST BE MADE BY MONEY ORDER OR CASHIER'S CHECK.

LIMITED PERMITS

If an individual has completed their school requirement but has not yet taken their NBCOT exam, they may apply for a limited permit. In order to obtain a limited permit all of the documents listed above for the initial application must be submitted. In addition the following documents must be included:

- An official transcript from the educational institution issuing the degree or an official letter of completion on the educational institution's letterhead.
- Direct Supervision Form

THERAPIST INFORMATION

Forms

[Initial Application](#)

[Continuing Education](#)

Find A Therapist!

A person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and nondisciplinary actions and orders, by contacting the board directly.

MEETINGS

Calendar for August 2017

S	M	T	W	T	F	S
			1	2	3	4
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

OFFICE HOURS

Monday to Friday

- Direct Supervision Form

RENEWAL APPLICATION

If you have previously submitted documentation of your citizenship or right to work in the United States and if nothing regarding that information has changed then you will not be required to resubmit the information.

As such, we are requesting that you sign the positive affirmation, included in the renewal section of the application below, certifying that nothing has changed with regard to your citizenship or right to work status.

- Renewal Application
- Arizona Statement of Citizenship
- List of Acceptable Documents for Proof of Citizenship
- Continuing Education - see Continuing Education for details but be sure to provide copies that verify attendance at the continuing education event.

PAYMENT FOR RENEWALS CAN BE MADE BY CASH (DO NOT MAIL CASH), CHECK, MONEY ORDER OR CASHIER'S CHECK

OTHER RELATED FORMS

If you need the Board to verify your Arizona License to another state please use the following form to submit your request:

- Verification of Arizona License
- Change of Address, Name or Employer
- Request for Public Record (to include mailing lists)
- Public Record Statute
- Small Business Bill of Rights

Monday to Friday

8:00 a.m. to 5:00 p.m.

Except Holidays



USEFUL LINKS

Links

- Arizona Occupational Therapy Association
- American Occupational Therapy Association, Inc.
- The National Board for Certification in Occupational Therapy, Inc. (NBCOT®)
- The Arizona Ombudsman, Citizens' Aide
- Important Numbers
- Small Business Bill of Rights



Regulation Rollback

We were asked by Governor Ducey's Office to provide the following information:

"Regulation Rollback" is a strategic step in our state's ongoing work to make Arizona the best state in the nation for businesses and consumers alike.

We've made great progress in growing our economy and streamlining state government over the past two years. We still have a lot of work to do to make sure outdated regulations aren't slowing us down.

No longer will regulations remain in place "just because they're on the books and nobody's bothered to change them."

"Regulation Rollback" is offering a new online service to crowd source recommendations on how to update Arizona's regulatory system.

At Redtape.AZ.gov, associations, organizations, and individuals across the state can recommend ways to improve or eliminate outdated regulations.

We need your help. You are the experts. Visit this portal for your opportunity to provide specific input to the Governor's office on an outdated rule or regulation that stifles Arizona's consumers and job creators.

Submit your suggestions here:

www.Redtape.AZ.gov

We thank you for your help in highlighting ways to improve state government and to better serve Arizonans.

Find A Therapist!

A person may obtain additional public records related to any licensee or certificate holder, including dismissed complaints and nondisciplinary actions and orders, by contacting the board directly.

MEETINGS

Calendar for August 2017:

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

OFFICE HOURS

Monday to Friday:



**Arizona Board of Occupational Therapy Examiners
Five-Year-Review Report
Title 4, Chapter 43, Articles 1 through 4**

Introduction

The Board adopted rules, as authorized by statute, to provide policies and procedures for issuance and renewal of licenses, for receiving, investigating, and resolving complaints, and for responding to inquiries from consumers as to the license status of individual occupational therapists (OTs) and occupational therapy assistants (OTAs). R4-43-103 was last amended in 1992. R4-43-102, R4-43-201 through R4-43-205, R4-43-301, R4-43-302, and R4-43-404 through R4-43-406 were last amended in 1999. R4-43-101 and R4-43-401 through R4-43-403 were last amended in 2000.

The Board's previous Five-Year- Review of these rules that was approved by GRRC Council on July 1, 2008. The Five-Year- Review Report approved by Council during that time concluded that three rules identified in 2003 would be amended in 2008 and that thirteen additional rules would require minor revisions due to legislation that was introduced. The Board proposed to amend the thirteen rules by June of 2009. The Board drafted revised rules in late 2008 and opened a docket in January 2009. Soon after the docket opening, the Governor issued a rules moratorium.

Subsequent to the 2008 The Five-Year- Review Report, the Boards statutes were updated in late 2008 with the passage of SB1128 and then again in 2013 with the passage of SB1105. In light of the statutory changes the Board has identified 4 rules that require modification.

1. Authorization of rules by existing statutes:

A.R.S. § 32-3404- Provides general authority for the rules

A.R.S. § 32-3426- Provides specific authority for rules R4-43-202, R4-43-204 and R4-43-406.

A.R.S. § 32-3427- Provides specific authority for rule R4-43-102.

A.R.S. § 32-3441- Provides specific authority for rules R4-43-401 AND R4-43-402.

2. Objective of the rules:

The objective of the rules is to establish the Board's policies and procedures for regulating the Occupational Therapy community as authorized by statute. Specifically, the rules do the following: prescribe procedures for issuance and renewal of licenses; prescribe procedures for receiving, investigating, and resolving complaints; and for

responding to inquiries from consumers as to the license status of individual occupational therapists and occupational therapy assistants.

ARTICLE 1. GENERAL PROVISIONS

R4-43-101 Definitions

R4-43-101 was adopted to provide the definitions relating to the policies and procedures of the Board for administering the issuance and renewal of licenses, for receiving, investigating, and resolving complaints, and for responding to the protected and the regulated public regarding the license status of occupational therapy practitioners.

R4-43-102 Fees

R4-43-102 was adopted to provide the regulated public with the various fees for licensure and the forms of acceptable payment.

R4-43-103 Service by the Board

R4-43-103 was adopted to provide the protected and the regulated public with the Board's process for service of official Board decisions, orders, subpoenas and notices as prescribed by A.R.S. § 41-1063.

ARTICLE 2. LICENSURE

R4-43-201 Initial Application

R4-43-201 was adopted to provide potential applicants with the steps and requirements necessary to apply for a license as an occupational therapist or an occupational therapy assistant.

R4-43-202 Renewal License

R4-43-202 was adopted to provide licensees with the steps and requirements necessary to apply for the renewal of a license as an occupational therapist or an occupational therapy assistant as provided for in ARS § 32-3426 (A)(1).

R4-43-203 Continuing Education for Renewal of License

R4-43-203 was adopted to provide licensees with the steps and requirements necessary to complete continuing education units required in to apply for a renewal license as provided for in ARS § 32-3426 (C).

R4-43-204 Inactive License

R4-43-204 was adopted to provide licensees with a mechanism to inactivate a license and provide licensees with the steps required to reactivate an inactive license.

R4-43-205 Procedures for Processing License Applications

R4-43-205 was adopted to inform applicants of the steps involved and time frames required in processing a license.

ARTICLE 3. HEARINGS

R4-43-301 Hearing Procedures

R4-43-301 was adopted to inform licensees and the public of the statutory authorities by which the Board will conduct hearings.

R4-43-302 Rehearing or Review of Decision

R4-43-302 was adopted to inform licensees and the public of the statutory authorities by which the Board will rehear or review a previous decision, provide the process of requesting a rehearing and the reasons why the Board may review a decision.

ARTICLE 4. REGULATORY PROVISIONS

R4-43-401 Supervision of Occupational Therapy Assistants

R4-43-401 was adopted to inform licensees that only a licensed occupational therapist may supervise an occupational therapy assistant and advise licensees of the required levels of supervision based on the occupational therapy assistants experience level.

R4-43-402 Supervision of Occupational Therapy Aides and Other Unlicensed Personnel.

R4-43-402 was adopted to inform licensees that an occupational therapy aide may not provide occupational therapy services and that an occupational therapy aide shall receive continuous supervision.

R4-43-403 Designation of Title

R4-43-403 was adopted to inform the public of the titles that unlicensed personnel and students shall use.

R4-43-404 Limited Permit Practice

R4-43-404 was adopted to set out the Boards requirements for a limited permit and inform licensees as to who is qualified for a limited permit.

R4-43-405 Display of License Certificate

R4-43-405 was adopted to inform licensees and the public of the requirement to display valid licenses at the treatment facility.

R4-43-406 Change of Name or Address

R4-43-406 was adopted to inform licensees of the requirement to keep name and address changes up-to-date so that the Board can contact them when necessary.

3. Analysis of effectiveness of the rules in achieving the objective:

The rules for articles 1-4 effectively achieve their stated objectives.

4. Analysis of consistency with state and federal statutes and rules:

The rules in Articles 1 through 4 are consistent with the Arizona Administrative Procedure Act, A.R.S. Title 41, Chapter 6, Articles 1-10. To the extent necessary, the Arizona Board of Occupational Therapy's rules are consistent with those of the Office of the Secretary of State. There are no federal statutes or regulations with which the Arizona Board of Occupational Therapy rules must be consistent.

The rules in Articles 1 are not consistent with Arizona Revised Statutes Title 32- Professions and Occupations, A.R.S Title 32, Chapter 34 Articles 1-3. Specifically, Senate Bill 1128 of the Forty-eighth Legislature was signed into law in 2008. Under 32-3401 Definitions, terms were added that will need to be included in rule. See the proposed course of action for rules affected by these legislative changes and the Board's suggested changes.

In addition, Senate Bill 1105 of the Fifty- first Legislature was signed into law in 2013. It revises the following statutes: A.R.S. §32-3401 definitions, A.R.S. § 32-3402, A.R.S. § 32-3404, A.R.S. §3 2-3423, A.R.S. § 32-3441, A.R.S. § 32-3442; amends title 32, chapter 34, article 3 of the Arizona Revised Statutes by adding section 32-3446. No additional rules are anticipated with the addition of A.R.S. § 32-3446. See the proposed course of action for rules affected by these legislative changes and the Board's suggested changes.

Although these rules are currently inconsistent with the Boards enabling statutes, the Board is enforcing the rules to the extent that they are consistent with statute.

5. Status of enforcement of the rules:

The Arizona Board of Occupational Therapy Examiners enforces all the following rules to the extent that they are consistent with statute.

6. Analysis of clarity, conciseness, and understandability of the rules:

The Board considers the language of the rules to be clear, concise, and understandable.

7. Written criticisms of the rules received within the last five years:

The Board has not received any written criticisms regarding any of the rules within the last five years.

8. Comparison of economic, small business, and consumer impact with economic impact statement:

The Economic impact of the 2000 rulemaking was as anticipated for the four rules covered, except that changes are now necessary in R4-43-101 to account for statutory changes. The economic impact of the remaining rules is to provide the procedures

necessary to regulate the OTs and OTAs. The rule provides all of the requirements necessary for the Board to enforce the statute and rule, including discipline of the licensees. On the whole, the rules have a minimal to moderate economic impact on the licensed professionals and the public. The economic impact of the rules on the public is to protect the public from the licensure of persons who may harm them in the course of receiving occupational therapy services.

The Board, in 2003, reported in its economic impact statement (EIS) that fee increases proposed at that time would increase license renewal fees by 34%. The Board further reported that the need for increasing fees came about due to a legislated mandate to go from annual licensing to bi-annual licensing. The EIS stated that the Boards revenues had dropped significantly as a result.

In the Boards last The Five-Year- Review Report was approved in 2008; The Board reported that the revenue disparity reported in 2003 would be dealt with in a rule amendment to be filed later that year. Due to circumstances explained in later in this report, the rules were never amended however; adjustments were made to the fee structure to cover the Boards operating expenses.

In 2008 the Board licensed 1717 occupational therapists and 565 occupational therapy assistants. Currently, 1949 occupational therapists and 774 occupational therapy assistants are licensed by the Board or a 16% increase from 2008 to 2013. Additionally, the Board's budget in 2008 was roughly \$167,930 compared to the Board's current budget of \$162,700 or a 3% decrease from 2008.

The Board will amend its fee rule in July of 2014 to make the rules consistent with the current fee structure. R4-43-102 sets the renewal fees at \$135.00 for an Occupational Therapist and \$70.00 for an Occupational Therapy Assistant. The renewal fees currently being charged are \$200.00 and \$100.00 respectively. The adjustment of renewal fees in rule will not have an economic impact on licensees because the higher fees have been charged since 2003. The Board will also amend additional rules in December of 2014 to be consistent with statutory revisions made in 2008 and in 2013. These revisions will also not cause an impact on consumers or small businesses.

The Board should experience moderate costs to write and implement the proposed rules, and the related economic, small business, and consumer impact statement.

9. Any analysis submitted to the agency by another person that compares the rule's impact on this state's business competitiveness to the impact on businesses in other states:

None.

10. If applicable, that the agency completed the course of action indicated in the agency's previous five-year review:

It was noted in the 2008 The Five-Year- Review Report that the Board would amend three rules identified in the 2003 The Five-Year- Review Report. The report stated that a

docket had been opened in January of 2008 and proposed rule revisions for June of 2008. The Board further proposed that thirteen additional rules would be amended in June of 2009 pending the passing of legislation. Soon after the docket opening, the Governor issued a rules moratorium and the proposed rules were never amended. In a recent review of the Boards past minutes from January of 2008 through September 2013, it was determined that the subject of requesting an exemption from the Governor's rules moratorium was never discussed. It should also be noted that that from April of 2007 until June of 2010 the Board went through 4 Executive Directors. During that time frame, draft rules were attempted but never fully completed due to the lack of continuity.

11. A determination that the rule imposes the least burden and costs to persons regulated by the rule, including paperwork and other compliance costs necessary to achieve the underlying regulatory objective:

The Board believes that with the proposed changes the rules will impose the least burden and costs to the community regulated by the rules. The Board is making every effort to ensure the policies, procedures, paperwork and compliance costs effectively work for the regulated community, but that they are also efficient, cost effective and necessary to achieving the regulatory objectives for the Board.

12. If applicable, a statement that the agency is in compliance with A.R.S. § 41-1037 General Permit:

The rules were not adopted after July 29, 2010. Therefore, analysis related to general permits is not required for the rules in this report. .

13. Stringency Compared with Federal Law:

There are no applicable federal laws with which to compare the stringency of the rules.

14. Course of Action:

The Board plans to submit a rulemaking to Council by December 2014 The Board plans to amend its current rules based on legislation passed since its last two Five-Year-Review Reports. Specifically, the Board plans to amend the following rules:

R4-43-101 Definitions- SB 1128 passed in 2008 and SB 1105 passed in 2013 made modifications to several definitions and added a few new ones. The changes to the statute, brought about by passage of these two pieces of legislation, will require changes to this rule. Specifically, SB1128 revised the definitions of consultation, occupational therapist, occupational therapy, occupational therapy assistant occupational services and unprofessional conduct. SB 1128 removed the definition for direct supervision and added definitions for letter of concern and supervision. SB 1125 modified the definition of

supervision and added to definition of unprofessional conduct. The Board plans to submit a rulemaking to Council by December 2014.

R4-43-102 Fees- Revisions are required to reflect the current fee structure. Under a previous Executive Director, the Boards fees for the renewal of a license were adjusted to meet operating costs. The Board went from an annual renewal to a bi-annual renewal causing a significant decrease in revenues. The issue of fee increases was addressed in the 2003 and later in the 2008 Five-Year- Review Report. A draft rule amendment to increase fees for license renewal never made it to the Council due to a high staff turnover causing a lack of continuity in the Board staff. The Board will present a final rule package to the Council in July 2014 to specifically address fees.

R4-43-103 Service by the Board- A revision is required to update the statute citation referenced.

R4-43-201 Initial application- No revisions are required at this time.

R4-43-202 Renewal of License- No revisions are required at this time.

R4-43-203 Continuing Education for Renewal of License- To maintain consistency with national certification requirements, the Board desires revisions to allow an occupational therapists supervision of a student's fieldwork count as continuing education and to add language requiring all licensees to complete a course on the Arizona Board of Occupational Therapy rules and statutes. The Board plans to submit a rulemaking to Council by December 2014.

R4-43-204 Inactive License- No revisions are required at this time.

R4-43-205 Procedures for Processing License Applications - No revisions are required at this time.

R4-43-301 Hearing Procedures- No revisions are required at this time.

R4-43-302 Rehearing or Review of Decision- No revisions are required at this time.

R4-43-401 Supervision of Occupational Therapy Assistants- No revisions are required at this time.

R4-43-402 Supervision of Occupational Therapy Aides and Other Unlicensed Personnel- SB1105 made revisions to A.R.S. § 32-3441 that may require rule revisions to address the change from non-licensed employees and volunteers to unlicensed personnel and students. The Board plans to submit a rulemaking to Council by December 2014.

R4-43-403 Designation of Title- No revisions are required at this time.

R4-43-404 Limited Permit Practice- SB 1128 revised in A.R.S. §32- 3428 the term Limited Permit to Limited License. A revision will be required for consistency. See the proposed course of action for the Boards time frame for revisions. The Board plans to submit a rulemaking to Council by December 2014.

R4-43-405 Display of License Certificate- SB 1105 revised A.R.S. § 32- 3441 by adding the carrying of a wallet sized card as an additional requirement. A revision will be required to add a wallet sized card to the rule for consistency. The Board plans to submit a rulemaking to Council by December 2014.

R4-43-406 Change of Name and Address- No changes are required at this time.

The Board will continue to work with the public to ensure that these rules not only meet the objectives of the Board, but also consider the needs of the licensees who are required licenses to carry out the practice of occupational therapy. The Board will immediately go

to work on a rules package to specifically address R4-43-102. The Board will present to the Council a final rules package in July 2014.

To accomplish the course of action, the Board has formed a committee consisting of members of the Board and the licensing community to review the current rules and suggest revisions to the Board to be included in a rule package. The Board plans to submit a rulemaking to Council by December 2014.

BOARD ACTION SHEET

Complaint Number: _____ Date Filed: _____

Name of Licensee/Applicant: _____

Complainant: _____

License Number: _____

Board Action(s):

Allegation(s): Sufficient Evidence of Violation Insufficient Evidence
(List allegations here)

1. Knowingly making a false or misleading statement on the license application regarding an arrest on 12/26/1974 (Offense: Theft)

Violations of Law:

- ARS §32-3401 Unprofessional Conduct (see list) _____
- ARS §32-3421 Licensure _____
- ARS § 32-3441 Practice of OT by unlicensed person; use of title or designation of OT; license display; supervision; responsibility _____
- A.A.C. R443-101 Definitions (see list) _____
- A.A.C. R443-401 Supervision of OTA's _____
- A.A.C. R443-402 Supervision of OT Aides _____
- A.A.C. R443-403 Designation of Title _____
- A.A.C. R443-404 Limited Permit Practice _____
- A.A.C. R443-405 Display of License Cert. _____
- A.A.C. R443-406 Change of Name or Address _____

Board Action(s):

1. Initial Review (ARS §32-3442) Date: _____

- Further Investigation
- Informal Meeting ARS 32-3442 (E)
- Formal Interview ARS 32-3442 (E)
- Letter of Concern ARS 32-3442(H)(3)

2. Investigation Complete:

No Informal Meeting Necessary (ARS §32-3442)

Can offer a Consent Agreement with the following terms:

Limit, restrict or rehabilitate the licensee, protect the public, ensure Licensee's ability to safely practice occupational therapy (licensee must sign within 30 days or complaint will proceed to Formal Hearing):

Probation:

- 3-Months 6-Months 9-Months 12-Months Other _____
- Continuing Education (prior Board approval required)
- Hours _____ Subject: _____
- To be completed within: _____ months
- Reports to the Board
 - Monthly Quarterly Other _____
- Practice Monitor ARS §32-3442 (c)
- Substance Abuse and Treatment Rehabilitation program ARS §32-3442(F)
- Mental Health Counseling:
 - Any costs of the probation are those of the License holder
 - License holder must report in writing, termination of probation
 - Other terms: _____

Informal Meeting **Formal Interview ARS §32-3442(E) Date: _____**

- Issue a decree of censure.
- Probation may include:
 - Submission of the licensee to examinations to determine the mental or physical condition or professional competence of the licensee at the licensee's expense.
 - Continuing Education (prior Board approval required)
 - Hours _____ Subject: _____
 - Monitoring to include _____.
 - Restrictions on the nature and scope of practice
 -
- Issue a letter of concern.
- Issue a non-disciplinary order
 - Continuing Education (prior Board approval required)
 - Hours _____ Subject: _____
- Dismiss the complaint.

Vote to Formal Hearing (no sooner than 60 days from date of vote).

- Censure
 - Civil Penalty
 - Amount: _____ Payable Within: _____
- Probation (see options 2.a.)
- Surrender of License
 - Period of time _____
- Revocation
 - Period of time _____
- Impose Fine not less than \$250.00– not more than \$10,000.00 per violation

Proposed Motions:

- I move that the Board finds insufficient evidence of a violation and *dismiss* complaint number _____ against (licensee) _____.
- I move that the Board finds insufficient evidence of a violation and dismiss complaint number _____ against licensee _____ and issue a *Letter of Concern*.
- The Board's concern is, _____

- Based on the information received following the investigation, I move that the Board finds sufficient evidence of a violation of (cite statute/rule) for unprofessional conduct in complaint number _____ involving (licensee) _____, and the Board offers a *consent agreement* to be signed within 30 days or the matter will be forwarded to a Formal Hearing. The consent agreement shall include the following conditions (list checked conditions above).
- Based on the information received following the investigation, I move that the Board finds sufficient evidence of a violation of (cite statute/rule) for unprofessional conduct in complaint number _____, involving licensee) _____, and the Board schedule an Informal or Formal Hearing.

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SENATE HEALTH AND HUMAN SERVICES AND HOUSE HEALTH COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE: ARIZONA ACUPUNCTURE BOARD OF EXAMINERS ARIZONA DEPARTMENT OF ECONOMIC SECURITY ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

Date: Monday, November 27, 2017

Time: 10:00 A.M.

Place: HHR 1

AGENDA

1. Call to Order
2. Sunset Review of the State of Arizona Acupuncture Board of Examiners
 - Presentation by the Office of the Auditor General
 - Response by the State of Arizona Acupuncture Board of Examiners
 - Public Testimony
 - Discussion
 - Recommendation by the Committee of Reference
3. Sunset Review of the Arizona Department of Economic Security
 - Presentation by the Office of the Auditor General
 - a) Child Care Services
 - b) Division of Developmental Disabilities
 - c) Information Technology
 - d) Vocational Rehabilitation Service Program
 - Response by the Arizona Department of Economic Security
 - Public Testimony
 - Discussion
 - Recommendation by the Committee of Reference
4. Sunset Review of the Arizona Regulatory Board of Physician Assistants
 - Response by the Arizona Regulatory Board of Physician Assistants
 - Public Testimony
 - Discussion
 - Recommendation by the Committee of Reference

5. Sunset Review of the Arizona Board of Occupational Therapy Examiners
 - Response by the Arizona Board of Occupational Therapy Examiners
 - Public Testimony
 - Discussion
 - Recommendation by the Committee of Reference
6. Adjourn

Members:

Senator Nancy Barto, Co-Chair
Senator David Bradley
Senator Katie Hobbs
Senator Debbie Lesko
Senator Steve Montenegro

Representative Heather Carter, Co-Chair
Representative Regina Cobb
Representative Jay Lawrence
Representative Tony Navarrete
Representative Pamela Powers Hannley

11/2/17
jy

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

ARIZONA STATE LEGISLATURE

SENATE HEALTH AND HUMAN SERVICES AND HOUSE HEALTH COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE: ARIZONA ACUPUNCTURE BOARD OF EXAMINERS ARIZONA DEPARTMENT OF ECONOMIC SECURITY ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

Minutes of the Meeting
November 27, 2017
10:00 a.m., House Hearing Room 1

Members Present:

Senator Nancy Barto, Co-Chair
Senator David Bradley
Senator Katie Hobbs
Senator Debbie Lesko
Senator Steve Montenegro

Representative Heather Carter, Co-Chair
Representative Jay Lawrence
Representative Tony Navarrete
Representative Pamela Powers Hannley

Members Excused:

Representative Regina Cobb

Staff:

Rick Hazelton, House Research Analyst
Jessica Newland, Senate Research Assistant Analyst

Co-Chair Carter called the meeting to order at 10:09 a.m. and attendance was noted. Representative Carter made statements regarding the content and order of the meeting.

SUNSET REVIEW OF THE STATE OF ARIZONA ACUPUNCTURE BOARD OF EXAMINERS

Presentation by the Office of the Auditor General

Katie Grzybowski, Office of the Auditor General (OAG), distributed and explained a PowerPoint entitled "State of Arizona Acupuncture Board of Examiners" (Attachment A). Ms. Grzybowski gave an overview of the State of Arizona Acupuncture Board of Examiners. Ms. Grzybowski explained the Board's response to the audit and answered questions posed by the Committee.

Response by the State of Arizona Acupuncture Board of Examiners

Mario Fontes, Secretary, State of Arizona Acupuncture Board of Examiners, stated that the Board has been without a full-time Executive Director, but thanked the OAG for making their findings and working with them to address them.

Pete Gonzalez, previous Executive Director and current Acting Director, State of Arizona Acupuncture Board of Examiners, explained that he retired but was asked to return temporarily when the position was vacated. Mr. Gonzalez explained that a plan of action has been decided upon but due to staffing changes has not been fully enacted. Mr. Gonzalez spoke regarding the OAG findings and the Board's attempt to answer them and answered questions posed by the Committee.

Mr. Fontes answered questions posed by the Committee.

Mr. Gonzalez answered additional questions posed by the Committee.

Ms. Grzybowski answered additional questions posed by the Committee.

Public Testimony

Catherine Niemiec, President/Founder, Arizona Institute of Herbal Medicine & Acupuncture, testified in support of the State of Arizona Acupuncture Board of Examiners and the need for its continuation. Ms. Niemiec answered questions posed by the Committee.

Mr. Gonzalez answered additional questions posed by the Committee.

Ms. Grzybowski answered additional questions posed by the Committee.

Mr. Gonzalez answered additional questions posed by the Committee.

Discussion

The Committee members discussed what motion they want to move forward.

Recommendation by the Committee of Reference

Senator Barto moved the Arizona Acupuncture Board of Examiners be continued for one year and that the Board continue to address the concerns related to the Auditor General recommendation implementation, a follow up report shall be submitted by the Board to the Auditor General and to the Standing Health Committees by March 1, 2018. The report shall document the progress of implementing the Auditor General recommendations. The motion CARRIED by voice vote.

SUNSET REVIEW OF THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Representative Carter made remarks regarding the order of presentations for the Arizona Department of Economic Security (DES).

Presentation by the Office of the Auditor General

Stephanie Grosvenor, Office of the Auditor General (OAG), distributed and explained a PowerPoint presentation entitled "Department of Economic Security" (Attachment B) and gave an overview of DES.

Response by the Arizona Department of Economic Security

Mike Traylor, Executive Director, DES, gave an overview of his work experience, DES and the management system he is implementing at DES. Mr. Traylor answered questions posed by the Committee.

Dale Chapman, OAG, gave an overview of risk assessments and how they decide what is chosen to be audited. Mr. Chapman answered questions posed by the Committee.

Representative Carter made statements regarding audits and the aging and adult services.

a) Child Care Services

Ms. Grosvenor gave an overview of the audit on Child Care Services continuing to reference Attachment B. Ms. Grosvenor answered questions posed by the Committee.

Response by the Arizona Department of Economic Security

Mr. Traylor answered additional questions posed by the Committee.

Michael Wisheart, Assistant Director, Division of Employment & Rehabilitation Services, DES, explained the screening program for those wishing to become a childcare provider. Mr. Wisheart spoke regarding audits and reviews and answered questions posed by the Committee.

Public Testimony

Erin Raden, Arizona Early Childhood Education Association, testified in support of the continuation of DES.

b) Division of Developmental Disabilities

Brian Miele, OAG, gave an overview of the audit of the Division of Developmental Disabilities (DDD) referencing Attachment B.

Response by the Arizona Department of Economic Security

Mr. Traylor responded to the Committee regarding the OAG audit of the DDD.

Maureen Casey, Assistant Director, DDD, DES, testified regarding the OAG audit of the DDD. Ms. Casey answered questions posed by the Committee.

Mr. Traylor answered additional questions posed by the Committee.

Ms. Casey answered additional questions posed by the Committee.

Public Testimony

Karen Van Epps, representing herself, testified regarding outside monitoring, human rights committees and conditions in group homes.

Linda Mecham, District Central Human Rights Committee (HRC), gave an overview of the HRC and testified regarding complaints of not receiving a resolution and the need for the DDD to continue.

Jon Meyers, Executive Director, The Arc of Arizona, gave an overview of The Arc of Arizona and testified regarding homes for adults and providers conflicts of interest.

Ms. Casey answered additional questions posed by the Committee.

Mr. Traylor answered additional questions posed by the Committee.

Mr. Meyers answered questions posed by the Committee.

c) Information Technology

Brian Miele, OAG, gave an overview of the OAG audit of Information Technology referencing Attachment B and spoke of the findings and recommendations.

Response by the Arizona Department of Economic Security

Mr. Traylor introduced Jim Hillyard, Deputy Director, DES.

Jim Hillyard, Deputy Director for Operations, DES, gave an overview of the progress being made to address the OAG recommendations and spoke to security practices. Mr. Hillyard answered questions posed by the Committee.

d) Vocational Rehabilitation Service Program

Stephanie Grosvenor, OAG, gave an overview of the OAG audit and the Department's response and implementation of recommendations referencing Attachment B.

Response by the Arizona Department of Economic Security

Mr. Traylor re-introduced Michael Wisehart, Assistant Director, Division of Employment & Rehabilitation Services, DES.

Mr. Wisehart explained who is helped, how they are helped and that the Division still has much more work to do. Mr. Wisehart answered questions posed by the Committee.

Mr. Traylor made statements regarding his length of time at the agency and his plans moving forward.

Recommendation by the Committee of Reference

Senator Barto moved the Committee of Reference recommend to the full Legislature that the Arizona Department of Economic Security be continued for eight years. The motion CARRIED by voice vote.

Representative Carter questioned if the Committee could continue with the meeting in regards to time constraints.

Debbie Davenport, Arizona Auditor General, stated that her office did not do reviews so did not have presentations regarding the two remaining Boards on the agenda.

SUNSET REVIEW OF THE ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS

Response by the Arizona Regulatory Board of Physician Assistants

Pat McSorley, Executive Director, Arizona Regulatory Board of Physician Assistants and the Arizona Medical Board, gave an overview of the Arizona Regulatory Board of Physician Assistants. Ms. McSorley answered questions posed by the Committee.

Recommendation by the Committee of Reference

Senator Barto moved the Committee of Reference recommend to the full Legislature that the Arizona Regulatory Board of Physician Assistants be continued for eight years. The motion CARRIED by voice vote.

SUNSET REVIEW OF THE ARIZONA BOARD OF OCCUPATIONAL THERAPY EXAMINERS

Response by the Arizona Board of Occupational Therapy Examiners

Karen Whiteford, Executive Director, Arizona Board of Occupational Therapy Examiners and the Board of Athletic Training, gave an overview of the Board of

Occupational Therapy Examiners. Ms. Whiteford testified regarding the actions needing improvement and answered questions posed by the Committee.

Representative Carter and Senator Barto made remarks regarding the self-audit system.

Recommendation by the Committee of Reference

Senator Barto moved the Committee of Reference recommend to the full Legislature that the Arizona Board of Occupational Therapy Examiners be continued for eight years. The motion CARRIED by voice vote.

Attached is a list noting the individuals who registered their position on the agenda items (Attachment C).

Attached are the forms noting the individuals who submitted a Speaker slip on the agenda items (Attachment D).

There being no further business, the meeting was adjourned at 2:40 p.m.

Respectfully submitted,

Shelley Ponce
Committee Secretary

(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)