


NATE GUSTAFSON

STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

Testimony in Support of Assembly Bill 90

Assembly Committee on Regulatory License Reform

Wednesday, March 15

Thank you Chairman Sortwell and members of the Assembly Committee on Regulatory License Reform for the opportunity to testify in favor of Assembly Bill (AB) 90. I appreciate your time and consideration of this legislation.

Thank you to my colleague, Senator Stafsholt, who wasn't able to be here today, but who has co-authored this bill in the Senate. AB 90 would contract out the licensure of occupational therapists (OT's) and occupational therapy assistants (OTA's) to a third-party processor under the oversight of the Department of Safety and Professional Services (DSPS).

The processing backlog at DSPS has been an issue for years, predating even before the pandemic. One specific group suffering long wait times from this backlog are the OT's and OTAs'. Many OT's and OTA's have reported that they are waiting months for approval, affecting patient care, availability of health care workers, and loss of personal income. We have heard from OT's that are licensed in other states that their licenses were approved in just a couple of days or weeks. Even under the best case scenario at DSPS, processing of licenses is taking more than 6 weeks.

This bill is not about assigning blame to anyone, but it is about providing a solution for Wisconsin's aspiring OT's and OTA's. This bill is **not** about privatizing licensure. There is an incredible amount of oversight built into the bill. The legislature has the power to audit the books, the Joint Committee on Finance has oversight on the fees charged to applicants, and there is a requirement that the third-party being contracted would need to submit an annual report, including the finances and the metrics regarding processing of applications.

This is an innovative way to relieve some of the pressure on DSPS, while ensuring qualified applicants enter the workforce as soon as possible. With a third-party handling the licensure for these groups, DSPS's workload will be lightened, allowing them to focus on other professions that require licensure.

This bill is supported by not only the Occupational Therapist Association, but also the Wisconsin Association for Home Health Care and the Wisconsin Association for Hospice and Palliative Care. These medical professionals want this bill passed and our state needs these medical professionals.

Thank you for your consideration on Assembly Bill 90 and I hope you will all support this bill.



ROB STAFSHOLT

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TO: Assembly Committee on Regulatory Licensing Reform
FROM: Senator Rob Stafsholt
DATE: March 15, 2023
SUBJECT: Testimony in Favor of Assembly Bill 90

Thank you Chairman Sortwell and members of the Assembly Committee on Regulatory Licensing Reform for allowing me to submit testimony in favor of Assembly Bill 90.

Over the last couple of years, I have heard from many frustrated constituents that are dealing with unnecessary delays, confusion and lack of communication while attempting to get an occupational license from the Department of Safety and Professional Services (DSPS). These unnecessary delays cause individuals to postpone starting their careers or stops them from entering the workforce. Wisconsin businesses are struggling to find qualified workers so we need to ensure our licensure process is streamlined and functions efficiently. We cannot afford to fall behind other states in attracting skilled individuals to live and work in our state.

In response, leadership created the Legislative Council Study Committee on Occupational Licenses, and Representative Sortwell and I were appointed as Chair and Vice-Chair. The study committee was created with the goal of finding solutions so current and future license holders can be licensed in a timely manner. We were tasked with finding long-term solutions that will fix the problems plaguing DSPS. Throughout the study committee, there were many ideas that came forward that were discussed by the group and turned into legislation. There were also some ideas that we didn't have enough time to fully discuss and get drafted into legislation before our final hearing, and Assembly Bill 90 is one of those ideas.

This legislation will allow DSPS to contract with a third-party entity to process licensure for Occupational Therapist or Occupational Therapy Assistant. Wisconsin has one of the longest average processing timeframes (taking up to six months or longer) for Occupational Therapy and OT Assistant licenses. Reducing the workload at DSPS by allowing third-party processing of those applications could be a creative way to help clear up this backlog.

We have worked in consultation with the Wisconsin Occupational Therapy Association to create this bill.

Thank you, members. I ask for your support and would be happy to discuss this bill at any time.



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Committee on Regulatory Licensing Reform
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March 15, 2023

Chairman Sortwell and Members of the Committee on Regulatory Licensing Reform,

I am Shelly Muche, Occupational Therapist. I have been an OT for over 20 years and am currently the Department Chair and an instructor in the OTA Program at Fox Valley Technical College in Appleton.

Graduates of our OTA program have been reporting issues with delayed licensing since the beginning of 2019. This was pre-pandemic. Multiple students have contacted me from 2019 through this summer, requesting assistance with WI licensure processing. Those students had job offers and employers and clients in need of the services they would provide. They reached out to DSPS and the OTA Credentialing Board with minimal to no assistance. We then instructed students to contact their state representatives to assist with the process. This was more effective for them.

The Department Chairs from the four other WTCS OTA Programs connected via email at the start of the fall 2022 semester with similar concerns. I shared with them the suggestion to have the graduates contact their representatives. Some of their graduates were already doing that.

I have also responded to emails through WOTA in January from an OT company that provides traveling OT practitioners. There was a significant delay in processing the license for an out of state practitioner that affected the WI company.

Delays in license processing hurt our graduates and practitioners moving into WI, hurt our employers who want to provide therapy services, and most importantly, hurt our consumers, who are in vulnerable position to begin with.

Today, I am here to speak about the importance of AB 90: Third-party processing of applications for occupational therapists and occupational therapy assistants.

Currently, in Wisconsin, licenses can take 6 months or more to process. While applicants are waiting, they are unable to work or fill the workforce shortage that many healthcare workers are facing. The Wisconsin Occupational Therapy Association (WOTA) receives regular calls from Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs) asking for help to get their license



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processed or pushed through the system. Unfortunately, WOTA is unable to significantly help these applicants aside from referring them to their legislators who can hopefully work on their behalf to expedite their application with the Department of Safety and Professional Services (DSPS).

AB 90, provides a solution to solve this problem that too many OTs and OTAs are facing in our state. Third-party licensing helps take some of the load off the DSPS, which has to process a large number of applications across many industries, and provides an innovative solution to get new OTs and OTAs into the workforce quickly and fill workforce gaps. In addition, WOTA, as the professional association focused solely on Occupational Therapy in Wisconsin, is uniquely invested in ensuring that OT and OTA license applicants are well qualified to work here. AB 90, includes many safeguards to ensure WOTA approves only qualified applicants and gives the Department and the Legislature the authority to inspect records at any time. WOTA hopes to ensure that in the future this significant backlog will not happen again at such a critical time in our state and country.

Thank you for holding a public hearing on AB: 90, we ask for your support to pass this much needed legislation that will provide continued opportunities for healthcare workers in our state.

Thank you,

Shelly Muche



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March 15, 2023

Chairman Sortwell and Members of the Committee on Regulatory Licensing Reform,

I am Laura Nagel, licensed and registered occupational therapist, board certified in pediatrics by the American Occupational Therapy Association. I am honored to serve as treating clinician and Vice President of Strategy & Compliance at CI Pediatric Therapy Centers, which has a team of over 50 pediatric occupational therapy clinicians.

I have been an active member of the Wisconsin Occupational Therapy Association (WOTA) since I entered the field of occupational therapy, and have served as a member of the board since 2011, including a 3-year term as Co-President from 2014-2016.

I earned my master of science in occupational therapy degree from the University of Wisconsin-Madison in December of 2010. Following completion of my (2) 12-week clinical fieldwork placements, I submitted my application and fees for permanent Wisconsin licensure, as well as a supplementary fee and application to obtain an expedited temporary license. I would then wait four months, until April 15th 2011, before I finally received my permanent license; my temporary license was never processed. I am thankful that during that time I was able to temporarily return to part time employment with the company I worked for throughout my time in graduate school to provide financial relief while I awaited a license to gain paid employment as an occupational therapist.

In my 12 years of practice as a clinician and a leader of clinicians since that date, I have repeatedly encountered delays in acquisition of initial licensing for occupational therapy professionals. While processing times have ebbed and flowed, this issue has not been satisfactorily rectified in over a dozen years.

As a clinician, I know that there is a strong body of research indicating the importance of early therapeutic intervention for children with autism and other developmental diagnoses; with passing time, we lose opportunities. As a leader in a small business, I am continually assessing operations and planning for future growth. I can testify that through both of these lenses your constituents are directly and negatively impacted by unnecessary licensing delays. At our organization we routinely place children on



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a waitlist while we await DSPS licensure processing for newly hired clinicians who have passed their national licensing examination, completed their application and submitted related fees, and are otherwise eager and qualified to provide services to those in need. Efforts to increase DSPS funding and staffing through the state budget remain unfruitful after 12 or more years, and Wisconsin's citizens cannot continue to wait for resolution.

AB: 90 seeks to provide occupational therapy professionals in the State of Wisconsin with a reliable, streamlined, timely licensure process to get clinicians into the workforce to best serve clients in our community. Passing this legislation supports the family of a child who is entering kindergarten but is not toilet trained; the teenager whose social anxiety is keeping them from interviewing for their dream job; the newly graduated occupational therapy professional who is facing student loan repayments; the small business that needs to staff clinical schedules to maintain operations.

Our profession has demonstrated success using a privatized national model for certification through the National Board for Certification in Occupational Therapy (NBCOT), through which all new occupational therapists and occupational therapy assistants must pass a standardized examination to enter the field. This certification is recognized in all 50 states and is required for initial licensure in the State of Wisconsin. AB: 90 offers Wisconsin the opportunity to be leaders in replicating this success at the state level.

WOTA's leaders, both paid and volunteer, exhibit a strong commitment to ensuring access to high quality therapy services for consumers while balancing the needs of our over 5,000 licensed providers statewide. As we excitedly await implementation of the inter-state Occupational Therapy Licensure Compact, which is anticipated to open applications in late 2023 or early 2024, timely licensure processing is becoming even more essential to attract occupational therapy professionals to live and work in Wisconsin.

Thank you for holding a public hearing on AB: 90. We ask for your support to pass this much needed legislation that will provide continued opportunities for healthcare workers in our state.

Thank you,

Laura Nagel, MS, OTR/L, BCP



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Chairman Sortwell and Members of the Committee on Regulatory Licensing Reform,

I am Teresa Van Lanen, OTR, Occupational Therapy Assistant Instructor at Fox Valley Technical College, I am an active member of the Wisconsin Occupational Therapy Association and I have been in OT practice for 42 years in various organizations in North East Wisconsin.

I have experienced delays in the hiring of therapists in Physical Rehabilitation throughout the state, for both new graduates and therapists moving into Wisconsin for work. We are nearing a therapist shortage in Wisconsin as more clinicians retire and the need for therapists increases. Keeping elders well and living in their homes is of primary concern in healthcare. We are seeing increases of those 65 and older living in Wisconsin reaching over one million, per the 2021 census estimates. The delay in the processing of licenses will ultimately affect those we serve such as our elder citizens.

AB 90: Third-party processing of applications for occupational therapists and occupational therapy assistants, provides an innovative solution to reducing the backlog of applicants and will get more therapists in the workforce quickly.

Thank you for holding a public hearing on AB: 90, we ask for your support to pass this much needed legislation that will provide continued opportunities for healthcare workers in our state.

Thank you,

Teresa Van Lanen



Memorandum

DATE: March 15, 2023

TO: Members of the Assembly Committee on Regulatory Licensure Reform

FROM: Mike Tierney, Legislative Liaison

RE: **Assembly Bill 90 Pertaining to Occupational Therapist and Occupational Therapy Assistant Licensure**

Chair Sortwell, Vice Chair Gustafson, and committee members, thank you for the opportunity to provide written testimony for AB 90, regarding third-party processing of applications for occupational therapists and occupational therapy assistants and granting rulemaking authority.

The Department of Safety and Professional Services is the state agency responsible for the administration of most occupational licensing for Wisconsin. The Department executes this work in collaboration and shares this authority with numerous regulatory boards, including the Occupational Therapists Affiliated Accrediting Board. The Occupational Therapists Affiliated Accrediting Board is affiliated with the Medical Examining Board (as outlined in Wis. Stat. ch. 448, subch. VII).

Because of the Department's role in credentialing occupational therapists and occupational therapy assistants, as well as the Department's relationship with the Occupational Therapists Affiliated Accrediting Board, I am submitting this testimony with some considerations about AB 90.

Safety

I want to begin by reminding the committee that occupational licensing exists to protect the public. This is not a department interpretation or personal opinion; this is a longstanding, well-established determination in case law dating back to 1940.

In fact, courts have explicitly expressed that the purpose of regulating professions through licensing statutes is not to benefit those individuals licensed under those statutes but, rather, to protect the public. *Strigenz v. Department of Regulation*, 103 Wis. 2d 281, 286, 307 N.W.2d 664 (1981) further characterized a license as a privilege (and not a right). The courts have also held that occupational licensing status are grounded in the state's police power to protect the public welfare through safeguarding the life, health and property of its citizens. *State ex rel. Wis. R. Bd. of A. & P.E. v. T.V. Eng.*, 30 Wis. 2d 434, 438-39, 141 N.W.2d 235 (1966). Further, occupational licensing requirements flow from a legislative determination that the public's health and safety require protection from "incompetent practitioners." *Laufenberg v. Cosmetology Examining Board*, 87 Wis. 2d 175, 184, 274 N.W.2d 618 (1979), citing *Watchmaking Examining Bd. v. Husar*, 49 Wis. 2d at 533. See also, *State ex rel. Green v. Clark*, 235 Wis. 628, 631, 294 N.W. 25 (1940).

Modernization of Our Licensing Software

As many of you know, the state has and will continue to make significant investments in the Department's initiative to transition all occupational license applications and renewals to an online, cloud-based, self-guided platform called LicenseE. LicenseE was launched on May 16, 2022, for initial health care license applications. Since then, the Department has added renewals for these license types. The Department is moving all remaining licenses applications and renewals to LicenseE in a development phase that will be completed by the end of 2023.

We have already seen the benefits of this new technology and related process improvements. The Department is now issuing more licenses, more quickly than at any point in the agency's history. We expect this improvement to continue as LicensE is fully implemented across all credentials the Department oversees.

The OT and OTA initial applications have been in LicensE since May 16, 2022, and renewals have since moved to the new platform as well. As we are seeing with all credential types in LicensE, the new platform is delivering desired results for OT and OTA applicants and credential holders. Timelines are short for individuals who submit a clean application, are diligent about uploading materials, and take the exam upon receiving instructions. We are seeing licenses issued in less than a month.

Current OT and OTA credentialing

To help this committee better understand the current circumstances of Occupational Therapy and Occupational Therapy Assistant licensure in Wisconsin, I would like to provide some additional detail. As of 9:00 a.m. yesterday, March 14th, the following represents OT and OTA licensure in Wisconsin:

- There are 86 active OT applications.
 - Of those, 83 are for individuals who have not yet completed their applications and the Department is waiting for the applicants to finish required steps.
 - One application for a new credential has been with staff for review for 5.84 days (since the applicant applied on March 8, 2023).
 - Two are under legal review for convictions.
- There are 24 active OTA applications.
 - 23 are for individuals who have not yet completed their applications and the Department is waiting for the applicants to finish required steps.
 - There are no applications with staff for review.
 - One is under legal review for convictions.

Last year we issued 334 OT licenses and 81 OTA licenses. The revenues generated from the licensing fee, not including exam or CIB fees, was \$20,040 for OT and \$4,860 for OTA.

We believe this information should help clear some of the misinformation circulating, including the co-sponsorship memo for this legislation that argues, inaccurately, that there are problems with OT and OTA licensure in Wisconsin: *“Wisconsin has one of the longest average processing timeframes in the United States (taking up to six months or longer) for Occupational Therapy and OT Assistant licenses. Currently, the Department of Safety and Professional Services’ (DSPS) workload is extensive, resulting in a large backlog.”* The Wisconsin Occupational Therapy Association reiterated similar arguments and timeframes in a memo to legislators.

The Department can say with absolute certainty, and the information shared above shows, that this is not the current reality for OT and OTA applicants.

To provide further background, I have attached to this memo an information document that is on the OT webpage. This document lists the items needed for licensure for both OT and OTAs. I have highlighted the items in green that are entirely under the control of the applicant. As you can see, the document is almost entirely green. The only part the department is responsible for providing in a timely manner is the statute and rules exam information. Once that is done, then it is the applicant's responsibility to take the exam—at their convenience—and pass it.

Credentialing Complexity

I also want to clarify some other aspects of OT and OTA credentialing that may not be clear in the various memos and communications or the bill itself. While there are two general occupations this legislation applies to, there are other license types and related processes available to these applicants.

Today, for OT and OTA licenses issued by examination and by endorsement, there are also Act 10 credentials that will continue to be issued post pandemic, Act 143 credentials, predeterminations, temporary credentials, renewals, and limited licenses. Department legal staff also conduct legal reviews of past convictions and reciprocity reviews for individuals holding credentials from other states.

Wisconsin is also currently doing the work necessary to formalize the Occupational Therapy Compact, which allows for interstate portability of OT compact licenses. Compacts are stringent interstate agreements that enable states to issue multistate licenses, but the requirements are rigid and precise. It is unclear whether or how this legislation could affect the continued viability of Wisconsin's participation in the Occupational Therapy Compact and achieve its goal of offering greater flexibility to workers.

Board Oversight

It is also unclear how this legislation would affect the Occupational Therapy Affiliated Accrediting Board, particularly its authority to grant licenses and adjudicate complaints against license holders. The current bill language appears to vastly shift regulatory responsibility and authority to the contracted third-party entity, which could present unique conflicts of interest, undermine important public safeguards, and limit transparency about decision making. It is also unclear how or whether legal questions related to licensure would be addressed and whether those determinations, if made by a third party, would be binding. If read in the worst light, this bill usurps board power and authority completely, rendering the board largely inconsequential to credentialing decisions.

Fees and Costs

It is unclear how any portion of the fees collected by a third-party entity would be transferred back to the state and whether any of these fees would be available to the Department for the components of OT and OTA credentialing that it retains. This includes Board operations (although it is also unclear what would remain of those Board operations). Further, the Department would likely need to develop and engage in significant auditing of the third-party entity, the costs for which the Department would have to fund from other resources if the bill removes the Department from the fee transactions.

Moreover, it is unclear whether and how this bill will affect the cost of an OT or OTA license. The bill allows the third-party entity to set the credentialing fee. Wisconsin currently has some of the lowest license fees in the country. An OT initial license costs \$60 in Wisconsin. By comparison, an initial OT license costs \$185 in neighboring Minnesota. Some of this cost difference is attributable to the regulatory models that each state espouses. In Wisconsin, an umbrella agency (the Department) enjoys economies of scale by having one division in one department responsible for most occupational licensing. In Minnesota, however, these functions reside with individual boards. This means that there is greater redundancy across the Minnesota occupational regulatory landscape, and this redundancy is likely part of the reason for the vast difference in credentialing fees.

There is concern that adding redundancies by creating a credentialing team dedicated wholly to OT and OTA licensing would drive up cost. In other words, it is quite likely that this legislation could (and more likely would) increase credentialing fees for OTs and OTAs in Wisconsin. In fact, this bill would allow, and perhaps incentivize, a third-party to hire any staff necessary to deliver agreeable timeliness—regardless of cost to applicant. This is a sharp departure from the current reality, in which the Department is prevented from adding staff without legislative approval despite the Department's desire, as expressed through multiple budget requests, to add capacity in order to improve service.

Other Concerns

While the above are a representation of the Department's questions and concerns about the proposed legislation, there are other issues that would need to be addressed. These include statutory language related to tax debt exclusions, access to other governmental functions and services such as FBI fingerprinting, security of information and systems, accessibility and retention of records, and lack of third-party performance metrics and standards, among others.

Conclusion

While the Department appreciates the legislature sharing our interest in offering improved service to applicants and credential holders and recognizing that this legislation would fundamentally change the credentialing application and renewal experience for applicants and license holders, it is unclear how it would improve the application and renewal experience.

Where we currently see gaps is with individuals having complex applications or difficulty navigating the system. What these individuals seek is time with staff members who can speak to them at length, review materials together, answer questions and offer reassurance. It is unclear how this bill would provide that and, if it did, at what cost such assistance would come.

Governor Evers has proposed a budget that includes the staff necessary to provide every applicant with a streamlined, intuitive process paired with the level of support they need at any stage of application, including call center staff to answer initial questions, credentialing staff to review materials and identify paths forward, or legal staff to determine reciprocity eligibility or to conduct reviews of past legal issues. Further, the Department currently has available resources that would enable it to absorb the costs of these staffing additions. These staff additions, when paired with LicensE innovations and improvements, will position Wisconsin to be among the best—if not *the* best—state in the nation for occupational licensing. And most importantly, the Department would achieve that while maintaining important safeguards for the members of the public who rely on licensed individuals for services.

Wisconsin Department of Safety and Professional Services

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OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

CREDENTIALING INFORMATION FOR OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT APPLICANTS

INITIAL OT/OTA APPLICANT

1. Application Submit application and pay applicable fee(s) online via LicensE.
2. National Certification Exam In order to verify your national score, you must go to the National Board for Certification in Occupational Therapy (NBCOT) site to obtain the Verification of Certification Request Form.
3. Certificate of Professional Education (Form # 1570)
4. Wisconsin State Jurisprudence Exam Applicants will be emailed with exam instructions and access once an application and fee(s) have been received and processed at the department.
5. Verification Letters from all State Boards or other jurisdictions where licensed or credentialed (includes active and inactive licenses), if applicable. You are required to have each jurisdiction's board submit a letter of verification directly to the Wisconsin Board. The verification letter(s) must state your date of birth, credential number, date of issuance, and a statement regarding disciplinary actions.
6. Convictions and Pending Charges (Form #2252), if applicable
7. Malpractice Suits and Claims (Form #2829), if applicable
8. Is name on all credentials the same? If not, submit certified copy of marriage certificate, divorce decree, etc.
9. Oral Examination Applicants for licensure may be required to appear before the examining board in person prior to licensure to allow the examining board to make such inquiry of them as to qualifications and other matters as it considers proper. If asked to appear, an additional fee of \$266 will be required before an appearance can be scheduled. (See Page ii.)

TEMPORARY LICENSE (for initial applicants only) **In addition to the above include the non-refundable \$10.00 temporary license fee when paying in LicensE and submit Form #1572. Note the following (Wis. Admin. Code § OT 2.07):**

- Applicant must be a graduate of an approved school and is scheduled to take the national certification examination for occupational therapist or occupational therapist assistant or has taken the national certification examination and is awaiting results.
- Practice during the period of the temporary license shall be in consultation, at least monthly, with an occupational therapist who shall at least once each month endorse the activities of the person holding the temporary license.
- An applicant with a temporary license may practice at no more than 2 separate employment locations.
- A temporary license expires on the date the applicant is notified that he or she has failed the national certification examination for permanent licensure or on the date the board grants or denies an applicant permanent licensure, whichever is later.
- A temporary license shall remain in effect for 6 months and may not be renewed.

RECIPROCAL APPLICANTS An applicant who holds an occupational therapist or occupational therapy assistant or similar certificate or license in another state or territory of the United States may apply for reciprocal licensure.

- **To apply via reciprocity, item numbers 1, 4, and 5 above are required.**
- **Submit item numbers 6 through 8, if applicable.**

Credentialing requirements in the state the applicant is credentialed will be compared to Wisconsin credentialing requirements. The department and the affiliated credentialing board will determine if the requirements are substantially equivalent. Credential must remain active until Wisconsin reciprocal credentialing process is complete.

Wisconsin Department of Safety and Professional Services

LATE RENEWAL APPLICANTS (Wisconsin license expired more than 5 years)

REINSTATEMENT APPLICANTS (A Wisconsin licensee who has unmet disciplinary requirements and failed to renew within 5 years of the renewal date or whose license has been denied at renewal, surrendered, or revoked.)

If a Wisconsin license has been expired more than 5 years, the board shall make such inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state. Subject to [Wis. Stat. § 440.08\(3\)\(b\)](#), the board shall impose any reasonable conditions on the renewal of the license, including oral examination, as the board deems appropriate.

➤ **Item numbers 1 and 4 above are required.**

➤ **Submit item numbers 5 through 8, if applicable.**

➤ **Continuing Education** per Wis. Admin. Code § OT 3.06(1) or (2), occupational therapists or occupational therapy assistants (respectively) must submit 24 points (one point = one hour) of continuing education (CE) obtained in the previous biennium (6/1/odd – 5/31/odd). Refer to [Wis. Admin. Code ch. OT 3](#) for further information. Once the preceding information has been received, it will be forwarded for Board review. Note: additional information or documentation may be requested upon Board review.

ALL APPLICANTS – ORAL EXAMINATION INFORMATION

Per Wis. Admin. Code §§ OT 2.03 and/or OT 3.05, applicants may be required to complete an oral examination if he/she:

1. Has a medical condition which in any way impairs or limits the applicant's ability to practice occupational therapy with reasonable skill and safety;
2. Uses chemical substances so as to impair in any way the applicant's ability to practice occupational therapy with reasonable skill and safety;
3. Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction;
4. Has been convicted of a crime the circumstances of which substantially relate to the practice of occupational therapy;
5. Has not practiced occupational therapy for a period of 5 years prior to application unless the applicant has graduated from a school of occupational therapy within that period. Practice for the purposes of this paragraph includes direct client treatment and education, occupational therapy instruction in an occupational therapy academic program recognized by the board, occupational therapy research, and service in administrative positions for health care providers or governmental bodies with responsibility relating to occupational therapy;
6. Has been found negligent in the practice of occupational therapy or has been a party in a lawsuit in which it was alleged that the applicant has been negligent in the practice of occupational therapy;
7. Has been diagnosed as suffering from pedophilia, exhibitionism, or voyeurism;
8. Has within the past 2 years engaged in the illegal use of controlled substances.;
9. Has been subject to adverse formal action during the course of occupational therapy education, postgraduate training, hospital practice, or other occupational therapy employment; or
10. Has graduated from an occupational therapy school not approved by the board.

An applicant who meets any of the above criteria shall be reviewed by the Occupational Therapists Affiliated Credentialing Board to determine whether an applicant is required to complete an oral examination. All examinations shall be conducted in the English language. Where both written and oral examinations are required, they shall be scored separately, and the applicant shall achieve a passing grade on both examinations to qualify for a license.

If selected to appear for an oral examination, the applicant will be advised of the date upon completion of their application. The content and process of this examination, and candidate performance statistics, are regularly evaluated by the Department and the Occupational Therapists Affiliated Credentialing Board to assure that this examination fairly and effectively assesses competencies necessary to practice as an occupational therapist or as an occupational therapy assistant.