

STATE OF WISCONSIN
OCCUPATIONAL THERAPISTS
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : OCCUPATIONAL THERAPISTS
OCCUPATIONAL THERAPISTS : AFFILIATED CREDENTIALING
AFFILIATED CREDENTIALING : BOARD
BOARD : ADOPTING RULES
 : (CLEARINGHOUSE RULE 22-028)

PROPOSED ORDER

An order of the Occupational Therapists Affiliated Credentialing Board to **amend** ch. OT 3.06 (3) and 3.06 (3) (table) lines (b) and (f); and to create OT 3.06 (3) (table) line (fm), relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.03 (4m), Stats.

Statutory authority:

Sections 15.085 (5) (b) and 448.965 (1) (b), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .” The proposed rule will provide guidance concerning the supervision and practice of occupational therapy assistants.

Section 448.965 (1) (b), Stats., provides the Occupational Therapists Affiliated Credentialing Board may promulgate rules that establish “[c]ontinuing education requirements for license renewal for an occupational therapist or occupational therapy assistant under s. 448.967 (2).”

Related statute or rule: None.

Plain language analysis:

- Section OT 3.06 (3) is revised to specify that the continuing education points obtained through means other than professional development activities in Table 3.06 should be in courses, programs, or other educational activities related to the licensee’s practice.
- Table OT 3.06 is revised to include webinars approved by the Wisconsin Occupational Therapy Association (WOTA), the American Occupational Therapy Association (AOTA), and National Board for Certification in Occupational Therapy (NBCOT), initial certification in specified subjects, and specialty certifications from

AOTA in the list of professional development activities for continuing education credit.

Summary of, and comparison with, existing or proposed federal regulation: None.

Comparison with rules in adjacent states:

Illinois: 68 Ill. Admin. Code 1315.145 b) specifies the requirements for continuing education courses for occupational therapists to be approved. All CE activities shall be relevant to the advancement, extension, and enhancement of professional clinical skills and scientific knowledge in the practice of occupational therapy; provide experiences that contain scientific integrity, relevant subject matter and course materials; and be developed and presented by persons with education and/or experience in the subject matter. Subsection c) specifies other activities from which CE may be earned, and subsection d) names approved sponsors of CE programs.

Iowa: 645 IAC 207.3(1) and (2) specify general and specific criteria for approval of continuing education activities for occupational therapists. General criteria include that the program constitutes an organized program of learning which contributes directly to the professional competency of the licensee; that it pertains to subject matters which integrally relate to practice; that it is conducted by individuals who are qualified by education, training, and experience; that it fulfills stated program goals and/or objectives; and that it provides proof of attendance to licensees. Specific criteria expands into what types of activities and what subjects generally are and are not acceptable for continuing education credit.

Michigan: Mich Admin Code, R 338.1252 provides the requirements for acceptable continuing education for occupational therapists and occupational therapists assistants, including format and subject matter requirements. Subsection (3) provides a table of acceptable continuing education activities along with the maximum allowable hours of credit that can be completed for each activity.

Minnesota: The Minnesota Statutes provide standards for determining qualified continuing education activities and define activities that qualify for continuing education contact hours (Minnesota Statutes 2017, section 148.6443, Subds. 2. and 3.). To qualify for continuing education credit, an activity must constitute an organized program of learning; it must reasonably be expected to advance the knowledge and skills of the practitioner; it must pertain to subjects directly related to the practice of occupational therapy; it must be conducted by a sponsor approved by the American Occupational Therapy Association or by individuals who should be considered experts on the topic due to their education, training, and experience; and it must be presented by a sponsor who has a means to verify attendance and maintain records for three years. Subd. 3. defines acceptable means of obtaining continuing education credit through various courses and activities and the maximum allowable hours that can be obtained through any particular activity.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. OT 3 to ensure consistency with current standards for drafting style and format and applicable Wisconsin statutes.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing on June 7, 2022 at 9:30 a.m., to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. OT 3.06 (3) is amended to read:

OT 3.06 (3) At least 12 points of the continuing education required under subs. (1) and (2) shall be accumulated through 2 or more professional development activities listed under Table OT 3.06 that are related to occupational therapy. The remainder of the continuing education required under subs. (1) and (2) shall be accumulated through courses, programs, or other educational activities related to the licensee’s practice. In Table OT 3.06, “contact hour” means not less than 50 minutes of actual professional activity.

SECTION 2. OT 3.06 (3) (table) lines (b) and (f) are amended and line (fm) is created to read:

PROFESSIONAL DEVELOPMENT ACTIVITIES	PROFESSIONAL DEVELOPMENT POINTS
(b) Attendance at seminars, workshops, lectures, professional conferences, interactive on-line courses, and video courses, <u>and webinars approved by the Wisconsin Occupational Therapy Association, the American Occupational Therapy Association, or National Board for Certification in Occupational Therapy.</u>	1 point per contact hour of attendance.
(f) Initial completion of specialty board certification in occupational therapy, including certification in neurorehabilitation, pediatrics, hand therapy, gerontology, driver rehabilitation, advanced practice, physical rehabilitation, mental health, pediatrics, or gerontology from the American Occupational Therapy Association, <u>or certification in neurorehabilitation, pediatrics, hand therapy, neuro-developmental treatment, case management, and rehabilitation counseling.</u>	12 points.
(fm) Specialty certification in low vision; driving and community mobility; school system; environmental modification; or feeding, eating, and swallowing from the American Occupational Therapy Association.	10 points

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

 (END OF TEXT OF RULE)

This Proposed Order of the Occupational Therapists Affiliated Credentialing Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Vice Chairperson
 Occupational Therapists Affiliated
 Credentialing Board