

1 Department of Health

2

3 Adopted Permanent Rules Governing the Registration of
4 Occupational Therapists and Occupational Therapy Assistants

5

6 Rules as Adopted

7 4666.0010 SCOPE.

8 Parts 4666.0010 to 4666.1400 apply to persons who are
9 applicants for registration, who are registered, who use
10 protected titles, or who represent that they are registered as
11 occupational therapists or occupational therapy assistants.

12 4666.0020 DEFINITIONS.

13 Subpart 1. **Scope.** For the purpose of parts 4666.0010 to
14 4666.1400, the following terms have the meaning given them.

15 Subp. 2. **Advisory council.** "Advisory council" means the
16 occupational therapy practitioners advisory council authorized
17 by Minnesota Statutes, section 214.13, subdivision 4.

18 Subp. 3. **Assign.** "Assign" means the process of
19 instructing direct service staff how to perform a selected task
20 which, under established practice standards, does not require
21 the skills of an occupational therapist or occupational therapy
22 assistant, with the expectation that the task will be performed
23 in the absence of an occupational therapist.

24 Subp. 4. **Biennial registration period.** "Biennial
25 registration period" means the two-year period for which
26 registration is effective.

27 Subp. 5. **Commissioner.** "Commissioner" means the
28 commissioner of the Minnesota Department of Health or a designee.

29 Subp. 6. **Contact hour.** "Contact hour" means an
30 instructional session of 60 consecutive minutes, excluding
31 coffee breaks, registration, meals without a speaker, and social
32 activities.

33 Subp. 7. **Credential.** "Credential" means a license,
34 permit, certification, registration, or other evidence of
35 qualification or authorization to engage in the practice of

1 occupational therapy issued by any authority.

2 Subp. 8. Credentialing examination for occupational
3 therapist. "Credentialing examination for occupational
4 therapist" means the examination sponsored by the American
5 ~~Occupational-Therapy-Certification-Board~~ National Board for
6 Certification in Occupational Therapy for credentialing as an
7 occupational therapist, registered ~~7-or-another-credentialing~~
8 ~~examination-for-occupational-therapists-approved-by-the~~
9 commissioner.

10 Subp. 9. Credentialing examination for occupational
11 therapy assistant. "Credentialing examination for occupational
12 therapy assistant" means the examination sponsored by the
13 ~~American-Occupational-Therapy-Certification-Board~~ National Board
14 for Certification in Occupational Therapy for credentialing as a
15 certified occupational therapy assistant ~~7-or-another~~
16 ~~credentialing-examination-for-occupational-therapy-assistants~~
17 ~~approved-by-the-commissioner~~.

18 Subp. 10. Delegate. "Delegate" means to transfer to an
19 occupational therapy assistant the authority to perform selected
20 portions of an occupational therapy evaluation or treatment plan
21 for a specific patient.

22 Subp. 11. Direct supervision. "Direct supervision" of a
23 level one practitioner or an occupational therapy assistant
24 using physical agent modalities means that the level two
25 practitioner has evaluated the patient and determined a need for
26 use of a particular physical agent modality in the occupational
27 therapy treatment plan, has determined the appropriate physical
28 agent modality application procedure, and is physically present
29 in the department and available for in person intervention while
30 treatment is provided.

31 Subp. 12. Electrical stimulation device. "Electrical
32 stimulation device" is any device which generates pulsed,
33 direct, or alternating electrical current for the purposes of
34 rehabilitation of neuromusculoskeletal dysfunction.

35 Subp. 13. Electrotherapy. "Electrotherapy" is the use of
36 electrical stimulation devices for a therapeutic purpose.

1 Subp. 14. **Level one practitioner.** "Level one
2 practitioner" means an occupational therapist who is qualified
3 to use superficial physical agent modalities, electrical
4 stimulation devices, or ultrasound devices following completion
5 of the theoretical training required in part 4666.1000, subpart
6 3, 4, or 5, and who uses the modality under the direct
7 supervision of a level two practitioner.

8 Subp. 15. **Level two practitioner.** "Level two
9 practitioner" means an occupational therapist who is qualified
10 to use superficial physical agent modalities, electrical
11 stimulation devices, or ultrasound without supervision following
12 completion of the requirements in part 4666.1000, subpart 6, 7,
13 or 8.

14 Subp. 16. **Licensed health care professional.** "Licensed
15 health care professional" means a person licensed in good
16 standing in Minnesota to practice medicine, osteopathy,
17 chiropractic, podiatry, or dentistry.

18 Subp. 17. **Limited registration.** "Limited registration"
19 means a method of registration described in part 4666.0400,
20 subpart 3, item D, subitem (1), for persons who have allowed
21 their registration to lapse four years or more and who choose a
22 supervised practice as the method of qualifying for registration.

23 Subp. 18. **Occupational therapist.** Except as provided in
24 part 4666.0060, subpart 3, item B, "occupational therapist"
25 means an individual who meets the qualifications in parts
26 4666.0010 to 4666.1400 and registers with the commissioner. For
27 purposes of part 4666.0060, subpart 3, item B, occupational
28 therapist means the employment title of a natural person before
29 the effective date of parts 4666.0010 to 4666.1400.

30 Subp. 19. **Occupational therapy.** "Occupational therapy"
31 means the use of purposeful activity to maximize the
32 independence and the maintenance of health of an individual who
33 is limited by a physical injury or illness, a cognitive
34 impairment, a psychosocial dysfunction, a mental illness, a
35 developmental or learning disability, or an adverse
36 environmental condition. The practice encompasses evaluation,

1 assessment, treatment, and consultation. Occupational therapy
2 services may be provided individually, in groups, or through
3 social systems. Occupational therapy includes those services
4 described in part 4666.0040.

5 Subp. 20. Occupational therapy assistant. Except as
6 provided in part 4666.0070, subpart 3, item B, "occupational
7 therapy assistant" means an individual who meets the
8 qualifications for an occupational therapy assistant in parts
9 4666.0010 to 4666.1400, and registers with the commissioner.
10 For purposes of part 4666.0070, subpart 3, item B, occupational
11 therapy assistant means the employment title of a natural person
12 before the effective date of parts 4666.0010 to 4666.1400.

13 Subp. 21. Physical agent modalities. "Physical agent
14 modalities" means modalities that use the properties of light,
15 water, temperature, sound, or electricity to produce a response
16 in soft tissue. The physical agent modalities referred to in
17 parts 4666.0040 and 4666.1000 are superficial physical agent
18 modalities, electrical stimulation devices, and ultrasound.

19 Subp. 22. Provisional registration. "Provisional
20 registration" means a method of registration described in part
21 4666.0060, subpart 3, for occupational therapists and part
22 4666.0070, subpart 3, for occupational therapy assistants, in
23 effect for a limited time, by which an individual who has not
24 completed an accredited or approved education program but who
25 meets the employment requirements specified in those subparts
26 may qualify for registration pending successful completion of
27 the credentialing examination.

28 Subp. 23. Qualified supervisor. "Qualified supervisor"
29 means the supervisor of an applicant for provisional
30 registration, under part 4666.0060, subpart 3, who:

31 A. supervises occupational therapists, or before the
32 adoption of parts 4666.0010 to 4666.1400, supervised persons
33 certified as occupational therapists by the ~~American~~
34 ~~Occupational-Therapy-Certification-Board~~ National Board for
35 Certification in Occupational Therapy; or

36 B. is licensed by the Board of Medical Practice, the

1 Board of Nursing, or the Board of Teaching and is knowledgeable
2 of occupational therapy evaluations, intervention planning, and
3 therapeutic procedures; or

4 C. ~~the-commissioner-determines-has~~ submits evidence
5 of sufficient knowledge of occupational therapy evaluations,
6 intervention planning, and therapeutic procedures to assess the
7 extent to which the applicant has performed these tasks.

8 Subp. 24. Register or registered. "Register" or
9 "registered" means the act or status of a natural person who
10 meets the requirements of parts 4666.0010 to 4666.1400 and is
11 authorized by the commissioner to use the titles in part
12 4666.0030.

13 Subp. 25. Registrant. "Registrant" means a person who
14 meets the requirements of parts 4666.0010 to 4666.1400 and is
15 authorized by the commissioner to use the titles in part
16 4666.0030.

17 Subp. 26. Registration. "Registration" means a system in
18 which practitioners, who are the only individuals permitted to
19 use the designated titles in part 4666.0030, are listed on an
20 official roster after having met predetermined qualifications.

21 Subp. 27. Registration by equivalency. "Registration by
22 equivalency" means a method of registration described in part
23 4666.0080 by which an individual who possesses a credential from
24 the ~~American-Occupational-Therapy-Certification-Board-or-another~~
25 ~~national-credentialing-organization-approved-by-the-commissioner~~
26 National Board for Certification in Occupational Therapy may
27 qualify for registration.

28 Subp. 28. Registration by reciprocity. "Registration by
29 reciprocity" means a method of registration described in part
30 4666.0090 by which an individual who possesses a credential from
31 another jurisdiction may qualify for Minnesota registration.

32 Subp. 29. Service competency. "Service competency" of an
33 occupational therapy assistant in performing evaluation tasks
34 means the ability of an occupational therapy assistant to obtain
35 the same information as the supervising occupational therapist
36 when evaluating a client's function.

1 Service competency of an occupational therapy assistant in
2 performing treatment procedures means the ability of an
3 occupational therapy assistant to perform treatment procedures
4 in a manner such that the outcome, documentation, and follow-up
5 are equivalent to that which would have been achieved had the
6 supervising occupational therapist performed the treatment
7 procedure.

8 Service competency of an occupational therapist means the
9 ability of an occupational therapist to consistently perform an
10 assessment task or intervention procedure with the level of
11 skill recognized as satisfactory within the appropriate
12 acceptable prevailing practice of occupational therapy.

13 Subp. 30. **Superficial physical agent modality.**

14 "Superficial physical agent modality" means a therapeutic medium
15 which produces temperature changes in skin and underlying
16 subcutaneous tissues within a depth of zero to three centimeters
17 for the purposes of rehabilitation of neuromusculoskeletal
18 dysfunction. Superficial physical agent modalities may include,
19 but are not limited to: paraffin baths, hot packs, cold packs,
20 fluidotherapy, contrast baths, and whirlpool baths. Superficial
21 physical agent modalities do not include the use of electrical
22 stimulation devices, ultrasound, or quick icing.

23 Subp. 31. **Temporary registration.** "Temporary registration"
24 means a method of registration described in part 4666.0100, by
25 which an individual who (1) has completed an approved or
26 accredited education program but has not met the examination
27 requirement; or (2) possesses a credential from another
28 jurisdiction or the ~~American-Occupational-Therapy-Certification~~
29 ~~Board~~ National Board for Certification in Occupational Therapy
30 but who has not submitted the documentation required by part
31 4666.0200, subparts 3 and 4, may qualify for Minnesota
32 registration for a limited time period.

33 Subp. 32. **Ultrasound device.** "Ultrasound device" means a
34 device intended to generate and emit high frequency acoustic
35 vibrational energy for the purposes of rehabilitation of
36 neuromusculoskeletal dysfunction.

1 4666.0030 PROTECTED TITLES AND RESTRICTIONS ON USE; EXEMPT
2 PERSONS; SANCTIONS.

3 Subpart 1. Protected titles and restrictions on use. Use
4 of the phrase "occupational therapy" or "occupational
5 therapist," or the initials "O.T." alone or in combination with
6 any other words or initials to form an occupational title, or to
7 indicate or imply that the person is registered by the state as
8 an occupational therapist or occupational therapy assistant, is
9 prohibited unless that person is registered under parts
10 4666.0010 to 4666.1400.

11 Subp. 2. Use of "Minnesota registered." Use of the term
12 "Minnesota registered" in conjunction with titles protected
13 under this part by any person is prohibited unless that person
14 is registered under parts 4666.0010 to 4666.1400.

15 Subp. 3. Persons licensed or certified in other states.
16 Persons who are registered in Minnesota and licensed or
17 certified in another state may use the designation "licensed" or
18 "certified" with a protected title only if the state of
19 licensure or certification is clearly indicated.

20 Subp. 4. Exempt persons. Subpart 1 does not apply to:

21 A. a person employed as an occupational therapist or
22 occupational therapy assistant by the government of the United
23 States or any agency of it. However, use of the protected
24 titles under those circumstances is allowed only in connection
25 with performance of official duties for the federal government;

26 B. a student participating in supervised fieldwork or
27 supervised coursework that is necessary to meet the requirements
28 of part 4666.0060, subpart 1, or 4666.0070, subpart 1, if the
29 person is designated by a title which clearly indicates the
30 person's status as a student trainee. Any use of the protected
31 titles under these circumstances is allowed only while the
32 person is performing the duties of the supervised fieldwork or
33 supervised coursework; or

34 C. a person performing occupational therapy services
35 in the state, if the services are performed no more than 30 days

1 in a calendar year in association with an occupational therapist
2 registered under parts 4666.0010 to 4666.1400, and:

3 (1) the person is credentialed under the law of
4 another state which has credentialing requirements at least as
5 stringent as the requirements of parts 4666.0010 to 4666.1400;
6 or

7 (2) the person meets the requirements for
8 certification as an occupational therapist registered (OTR) or a
9 certified occupational therapy assistant (COTA), established by
10 the ~~American-Occupational-Therapy-Certification-Board-or-another~~
11 ~~national-credentialing-organization-approved-by-the-commissioner~~
12 National Board for Certification in Occupational Therapy.

13 Subp. 5. **Sanctions.** Persons who hold themselves out as
14 occupational therapists or occupational therapy assistants by or
15 through the use of any title provided in subpart 1 without prior
16 registration according to parts 4666.0010 to 4666.1400 are
17 subject to sanctions or action against continuing the activity
18 according to Minnesota Statutes, chapter 214, or other statutory
19 authority.

20 4666.0040 SCOPE OF PRACTICE.

21 The practice of occupational therapy by an occupational
22 therapist or occupational therapy assistant includes, but is not
23 limited to, intervention directed toward:

24 A. assessment and evaluation, including the use of
25 skilled observation or the administration and interpretation of
26 standardized or nonstandardized tests and measurements, to
27 identify areas for occupational therapy services;

28 B. providing for the development of sensory
29 integrative, neuromuscular, or motor components of performance;

30 C. providing for the development of emotional,
31 motivational, cognitive, or psychosocial components of
32 performance;

33 D. developing daily living skills;

34 E. developing feeding and swallowing skills;

35 F. developing play skills and leisure capacities;

1 G. enhancing educational performance skills;

2 H. enhancing functional performance and work
3 readiness through exercise, range of motion, and use of
4 ergonomic principles;

5 I. designing, fabricating, or applying rehabilitative
6 technology, such as selected orthotic and prosthetic devices,
7 and providing training in the functional use of these devices;

8 J. designing, fabricating, or adapting assistive
9 technology and providing training in the functional use of
10 assistive devices;

11 K. adapting environments using assistive technology
12 such as environmental controls, wheelchair modifications, and
13 positioning;

14 L. employing physical agent modalities, in
15 preparation for or as an adjunct to purposeful activity, within
16 the same treatment session or to meet established functional
17 occupational therapy goals, consistent with the requirements of
18 part 4666.1000; and

19 M. promoting health and wellness.

20 4666.0050 REGISTRATION REQUIREMENTS; PROCEDURES AND
21 QUALIFICATIONS.

22 An applicant for registration must comply with the general
23 registration procedures in part 4666.0200. To qualify for
24 registration, an applicant must satisfy one of the requirements
25 in items A to E and not be subject to denial of registration
26 under part 4666.1300.

27 A. A person who applies for registration as an
28 occupational therapist and who has not been credentialed by the
29 ~~American-Occupational-Therapy-Certification-Board~~ National Board
30 for Certification in Occupational Therapy or another
31 jurisdiction must meet the requirements in part 4666.0060.

32 B. A person who applies for registration as an
33 occupational therapy assistant and who has not been credentialed
34 by the ~~American-Occupational-Therapy-Certification-Board~~
35 National Board for Certification in Occupational Therapy or

1 another jurisdiction must meet the requirements in part
2 4666.0070.

3 C. A person who is certified by the ~~American~~
4 ~~Occupational-Therapy-Certification-Board~~ National Board for
5 Certification in Occupational Therapy may apply for registration
6 by equivalency and must meet the requirements in part 4666.0080.

7 D. A person who is credentialed in another
8 jurisdiction may apply for registration by reciprocity and must
9 meet the requirements in part 4666.0090.

10 E. A person who applies for temporary registration
11 must meet the requirements in part 4666.0100.

12 4666.0060 QUALIFICATIONS FOR OCCUPATIONAL THERAPIST.

13 Subpart 1. Education required.

14 A. An applicant who has received professional
15 education in the United States or its possessions or territories
16 must successfully complete all academic and fieldwork
17 requirements of an educational program for occupational
18 therapists approved or accredited by the Accreditation Council
19 for Occupational Therapy Education ~~or-another-national~~
20 ~~accrediting-organization-approved-by-the-commissioner~~.

21 B. An applicant who has received professional
22 education outside the United States or its possessions or
23 territories must successfully complete all academic and
24 fieldwork requirements of an educational program for
25 occupational therapists approved by a member association of the
26 World Federation of Occupational Therapists ~~or-another~~
27 ~~organization-approved-by-the-commissioner~~.

28 Subp. 2. Qualifying examination score required.

29 A. An applicant must achieve a qualifying score on
30 the credentialing examination for occupational therapist.

31 B. The commissioner shall determine the qualifying
32 score for the credentialing examination for occupational
33 therapist. In determining the qualifying score, the
34 commissioner shall consider the cut score recommended by the
35 ~~American-Occupational-Therapy-Certification-Board~~ National Board

1 for Certification in Occupational Therapy, or other national
2 credentialing organization approved by the commissioner, using
3 the modified Angoff method for determining cut score or another
4 method for determining cut score that is recognized as
5 appropriate and acceptable by industry standards.

6 C. The applicant is responsible for:

7 (1) making arrangements to take the credentialing
8 examination for occupational therapist;

9 (2) bearing all expenses associated with taking
10 the examination; and

11 (3) having the examination scores sent directly
12 to the commissioner from the testing service that administers
13 the examination.

14 Subp. 3. Waiver of education requirement.

15 A. This subpart is effective as long as the ~~American~~
16 ~~Occupational-Therapy-Certification-Board~~ National Board for
17 Certification in Occupational Therapy allows the commissioner to
18 authorize persons to take the certification examination for
19 state registration only or for three years after the effective
20 dates of parts 4666.0010 to 4666.1400, whichever occurs first.

21 B. A person who has been employed as an occupational
22 therapist for at least 4,000 hours during the six years
23 immediately preceding the effective date of parts 4666.0010 to
24 4666.1400 may apply to the commissioner to take the
25 credentialing examination for occupational therapist without
26 meeting the education requirements of subpart 1. A person
27 employed as an occupational therapy assistant does not qualify
28 for registration under this subpart. The commissioner shall
29 determine whether the applicant was employed as an occupational
30 therapist based on the information provided under item C,
31 subitems (1) and (2). A person granted permission to take the
32 credentialing examination for occupational therapist will be
33 issued a provisional registration. Provisional registration
34 must be renewed annually. All provisional registrations will
35 expire three years after the effective date of parts 4666.0010
36 to 4666.1400 or when the commissioner grants or denies

1 registration, whichever occurs first. If the applicant passes
2 the credentialing examination for occupational therapist within
3 three years of the effective date of parts 4666.0010 to
4 4666.1400, the commissioner shall waive the education
5 requirement of subpart 1.

6 C. To qualify to take the examination, a person must:

7 (1) submit the application materials required by
8 part 4666.0200 and the fees required by part 4666.1200; and

9 (2) obtain documentation from a qualified
10 supervisor on forms provided by the commissioner that verifies
11 that the applicant has been employed as an occupational
12 therapist for at least 4,000 hours during the six years
13 immediately preceding the effective date of parts 4666.0010 to
14 4666.1400. This documentation must include the applicant's job
15 title, employment setting, diagnoses of persons seen for
16 occupational therapy, and the type and frequency of evaluations,
17 intervention planning, and therapeutic procedures.

18 D. When the commissioner has authorized an applicant
19 under this subpart to take the credentialing examination, the
20 applicant is responsible for:

21 (1) making all arrangements to take the
22 credentialing examination for occupational therapists;

23 (2) bearing all expense associated with taking
24 the examination; and

25 (3) having the examination scores sent directly
26 to the commissioner from the testing service that administers
27 the examination.

28 E. The effective date of parts 4666.0010 to 4666.1400
29 is the first day of the three-year provisional registration
30 period. Applications for registration under this subpart will
31 not be accepted ~~after the expiration of~~ if the National Board
32 for Certification in Occupational Therapy discontinues offering
33 the certification examination for state registration only or the
34 three-year provisional registration period expires, whichever
35 occurs first.

1 4666.0070 QUALIFICATIONS FOR OCCUPATIONAL THERAPY ASSISTANTS.

2 Subpart 1. Education required. An applicant must
3 successfully complete all academic and fieldwork requirements of
4 an occupational therapy assistant program approved or accredited
5 by the Accreditation Council for Occupational Therapy Education
6 ~~or another national accrediting organization approved by the~~
7 commissioner.

8 Subp. 2. Qualifying examination score required.

9 A. An applicant for registration must achieve a
10 qualifying score on the credentialing examination for
11 occupational therapy assistants.

12 B. The commissioner shall determine the qualifying
13 score for the credentialing examination for occupational therapy
14 assistants. In determining the qualifying score, the
15 commissioner shall consider the cut score recommended by the
16 ~~American Occupational Therapy Certification Board~~ National Board
17 for Certification in Occupational Therapy, or other national
18 credentialing organization approved by the commissioner, using
19 the modified Angoff method for determining cut score or another
20 method for determining cut score that is recognized as
21 appropriate and acceptable by industry standards.

22 C. The applicant is responsible for:

23 (1) making all arrangements to take the
24 credentialing examination for occupational therapy assistants;

25 (2) bearing all expense associated with taking
26 the examination; and

27 (3) having the examination scores sent directly
28 to the commissioner from the testing service that administers
29 the examination.

30 Subp. 3. Waiver of education requirement.

31 A. This subpart is effective as long as the ~~American~~
32 ~~Occupational Therapy Certification Board~~ National Board for
33 Certification in Occupational Therapy allows the commissioner to
34 authorize persons to take the certification examination for
35 state registration only or for three years after the effective
36 dates of parts 4666.0010 to 4666.1400, whichever occurs first.

1 B. A person who has been employed as an occupational
2 therapy assistant for at least 4,000 hours during the six years
3 immediately preceding the effective date of parts 4666.0010 to
4 4666.1400 may apply to the commissioner to take the
5 credentialing examination for occupational therapy assistant
6 without meeting the education requirements of subpart 1. The
7 commissioner shall determine whether the applicant was employed
8 as an occupational therapy assistant based on the information
9 provided under item C, subitems (1) and (2). A person granted
10 permission to take the credentialing examination for
11 occupational therapy assistant will be issued a provisional
12 registration. Provisional registration must be renewed
13 annually. All provisional registrations will expire three years
14 after the effective date of parts 4666.0010 to 4666.1400, or
15 when the commissioner grants or denies registration, whichever
16 occurs first. If the applicant passes the credentialing
17 examination for occupational therapy assistant within three
18 years of the effective date of parts 4666.0010 to 4666.1400, the
19 commissioner shall waive the education requirement of subpart 1.

20 C. To qualify to take the examination, a person must:

- 21 (1) submit the application materials required by
22 part 4666.0200 and the fees required by part 4666.1200; and
23 (2) obtain documentation from an occupational
24 therapist on forms provided by the commissioner that verifies
25 that the applicant has been employed as an occupational therapy
26 assistant for at least 4,000 hours during the six years
27 immediately preceding the effective date of parts 4666.0010 to
28 4666.1400. This documentation must include the applicant's job
29 title, employment setting, diagnoses of persons seen for
30 occupational therapy, and the type and frequency of occupational
31 therapy services provided by the applicant.

32 D. When the commissioner has authorized an applicant
33 under this part to take the credentialing examination, the
34 applicant is responsible for:

- 35 (1) making all arrangements to take the
36 credentialing examination for occupational therapy assistants;

1 (2) bearing all expense associated with taking
2 the examination; and

3 (3) having the examination scores sent directly
4 to the commissioner from the testing service that administers
5 the examination.

6 E. The effective date of parts 4666.0010 to 4666.1400
7 is the first day of the three-year provisional registration
8 period. Applications for registration under this subpart will
9 not be accepted ~~after-the-expiration-of~~ if the National Board
10 for Certification in Occupational Therapy discontinues offering
11 the certification examination for state registration only or the
12 three-year provisional registration period expires, whichever
13 occurs first.

14 4666.0080 REGISTRATION BY EQUIVALENCY.

15 Subpart 1. Persons certified by ~~American-Occupational~~
16 ~~Therapy-Certification-Board~~ National Board for Certification in
17 Occupational Therapy before effective date of parts 4666.0010 to
18 4666.1400. Persons certified by the ~~American-Occupational~~
19 ~~Therapy-Certification-Board~~ National Board for Certification in
20 Occupational Therapy as an occupational therapist before the
21 effective date of parts 4666.0010 to 4666.1400 may apply for
22 registration by equivalency for occupational therapist. Persons
23 certified by the ~~American-Occupational-Therapy-Certification~~
24 ~~Board~~ National Board for Certification in Occupational Therapy
25 as an occupational therapy assistant before the effective date
26 of parts 4666.0010 to 4666.1400 may apply for registration by
27 equivalency for occupational therapy assistant.

28 Subp. 2. Persons certified by ~~American-Occupational~~
29 ~~Therapy-Certification-Board~~ National Board for Certification in
30 Occupational Therapy after effective date of parts 4666.0010 to
31 4666.1400. The commissioner may register any person certified
32 by the ~~American-Occupational-Therapy-Certification~~
33 ~~Board~~ National Board for Certification in Occupational Therapy
34 as an occupational therapist after the effective dates of parts
35 4666.0010 to 4666.1400, if the commissioner determines the

1 requirements for certification are equivalent to or exceed the
2 requirements for registration as an occupational therapist under
3 part 4666.0060. The commissioner may register any person
4 certified by the ~~American-Occupational-Therapy-Certification~~
5 ~~Board~~ National Board for Certification in Occupational Therapy
6 as an occupational therapy assistant after the effective dates
7 of parts 4666.0010 to 4666.1400, if the commissioner determines
8 the requirements for certification are equivalent to or exceed
9 the requirements for registration as an occupational therapy
10 assistant under part 4666.0070. Nothing in this part limits the
11 commissioner's authority to deny registration based upon the
12 grounds for discipline in parts 4666.0010 to 4666.1400.

13 Subp. 3. **Application procedures.** Applicants for
14 registration by equivalency must provide:

15 A. the application materials as required by part
16 4666.0200, subparts 1, 3, and 4; and

17 B. the fees required by part 4666.1200.

18 4666.0090 REGISTRATION BY RECIPROCITY.

19 A person who holds a current credential as an occupational
20 therapist in the District of Columbia or a state or territory of
21 the United States whose standards for credentialing are
22 determined by the commissioner to be equivalent to or exceed the
23 requirements for registration under parts 4666.0060 may be
24 eligible for registration by reciprocity as an occupational
25 therapist. A person who holds a current credential as an
26 occupational therapy assistant in the District of Columbia or a
27 state or territory of the United States whose standards for
28 credentialing are determined by the commissioner to be
29 equivalent to or exceed the requirements for registration under
30 part 4666.0070 may be eligible for registration by reciprocity
31 as an occupational therapy assistant. Nothing in this part
32 limits the commissioner's authority to deny registration based
33 upon the grounds for discipline in parts 4666.0010 to
34 4666.1400. An applicant must provide:

35 A. the application materials as required by part

1 4666.0200, subparts 1, 3, and 4;

2 B. the fees required by part 4666.1200;

3 C. a copy of a current and unrestricted credential
4 for the practice of occupational therapy as either an
5 occupational therapist or occupational therapy assistant;

6 D. a letter from the jurisdiction that issued the
7 credential describing the applicant's qualifications that
8 entitled the applicant to receive the credential; and

9 E. other information necessary to determine whether
10 the credentialing standards of the jurisdiction that issued the
11 credential are equivalent to or exceed the requirements for
12 registration under parts 4666.0010 to 4666.1400.

13 4666.0100 TEMPORARY REGISTRATION.

14 Subpart 1. **Application.** The commissioner ~~may~~ shall issue
15 temporary registration as an occupational therapist or
16 occupational therapy assistant to applicants who have applied
17 for registration under part 4666.0060, subparts 1 and 2,
18 4666.0070, subparts 1 and 2, 4666.0080, or 4666.0090 and who are
19 not the subject of a ~~pending-investigation-or~~ disciplinary
20 action or past disciplinary action, nor disqualified ~~for-any~~
21 other-reason on the basis of items listed in part 4666.1300,
22 subpart 1.

23 Subp. 2. **Procedures.** To be eligible for temporary
24 registration, an applicant must submit the application materials
25 required by part 4666.0200, subpart 1, the fees required by part
26 4666.1200, and one of the following:

27 A. evidence of successful completion of the
28 requirements in part 4666.0060, subpart 1, or 4666.0070, subpart
29 1;

30 B. a copy of a current and unrestricted credential
31 for the practice of occupational therapy as either an
32 occupational therapist or occupational therapy assistant in
33 another jurisdiction; or

34 C. a copy of a current and unrestricted certificate
35 from the ~~American-Occupational-Therapy-Certification-Board~~

1 National Board for Certification in Occupational Therapy stating
2 that the applicant is certified as an occupational therapist or
3 occupational therapy assistant.

4 Subp. 3. **Additional documentation.** Persons who are
5 credentialed by the ~~American Occupational Therapy Certification~~
6 ~~Board~~ National Board for Certification in Occupational Therapy
7 or another jurisdiction must provide an affidavit with the
8 application for temporary registration stating that they are not
9 the subject of a pending investigation or disciplinary action
10 and have not been the subject of a disciplinary action in the
11 past.

12 Subp. 4. **Supervision required.** An applicant who has
13 graduated from an accredited occupational therapy program, as
14 required by part 4666.0060, subpart 1, or 4666.0070, subpart 1,
15 and who has not passed the examination required by part
16 4666.0060, subpart 2, or 4666.0070, subpart 2, must practice
17 under the supervision of a registered occupational therapist.
18 The supervising therapist must, at a minimum, supervise the
19 person working under temporary registration in the performance
20 of the initial evaluation, determination of the appropriate
21 treatment plan, and periodic review and modification of the
22 treatment plan. The supervising therapist must observe the
23 person working under temporary registration in order to assure
24 service competency in carrying out evaluation, treatment
25 planning, and treatment implementation. The frequency of
26 face-to-face collaboration between the person working under
27 temporary registration and the supervising therapist must be
28 based on the condition of each patient or client, the complexity
29 of treatment and evaluation procedures, and the proficiencies of
30 the person practicing under temporary registration. The
31 occupational therapist or occupational therapy assistant working
32 under temporary registration must provide verification of
33 supervision on the application form provided by the commissioner.
34 Subp. 5. **Expiration of temporary registration.** A
35 temporary registration issued to a person pursuant to subpart 2,
36 item A, expires ten weeks after the next credentialing

1 examination for occupational therapists and occupational therapy
2 assistants or on the date the commissioner grants or denies
3 registration, whichever occurs first. A temporary registration
4 issued to a person pursuant to subpart 2, item B or C, expires
5 90 days after it is issued. Upon application for renewal, a
6 temporary registration may shall be renewed once to persons who
7 have not met the examination requirement under part 4666.0060,
8 subpart 2, or 4666.0070, subpart 2, within the initial temporary
9 registration period and who are not the subject of a
10 disciplinary action nor disqualified on the basis of items in
11 part 4666.1300, subpart 1. Upon application for renewal, a
12 temporary registration may shall be renewed once to persons who
13 are able to demonstrate good cause for failure to meet the
14 requirements for registration under part 4666.0080 or 4666.0090
15 within the initial temporary registration period and who are not
16 the subject of a disciplinary action nor disqualified on the
17 basis of items in part 4666.1300, subpart 1.

18 4666.0200 GENERAL REGISTRATION PROCEDURES.

19 Subpart 1. **Applications for registration.** An applicant
20 for registration must:

21 A. submit a completed application for registration on
22 forms provided by the commissioner. The applicant must supply
23 the information requested on the application, including:

24 (1) the applicant's name, business address and
25 business telephone number, business setting, and daytime
26 telephone number;

27 (2) the name and location of the occupational
28 therapy program the applicant completed;

29 (3) a description of the applicant's education
30 and training, including a list of degrees received from
31 educational institutions;

32 (4) the applicant's work history for the six
33 years preceding the application, including the number of hours
34 worked;

35 (5) a list of all credentials currently and

1 previously held in Minnesota and other jurisdictions;

2 (6) a description of any jurisdiction's refusal
3 to credential the applicant;

4 (7) a description of all professional
5 disciplinary actions initiated against the applicant in any
6 jurisdiction;

7 (8) information on any physical or mental
8 condition or chemical dependency that impairs the person's
9 ability to engage in the practice of occupational therapy with
10 reasonable judgment or safety;

11 (9) a description of any misdemeanor or felony
12 conviction that relates to honesty or to the practice of
13 occupational therapy;

14 (10) a description of any state or federal court
15 order, including a conciliation court judgment or a disciplinary
16 order, related to the individual's occupational therapy
17 practice; and

18 (11) a statement indicating the physical agent
19 modalities the applicant will use and whether the applicant will
20 use the modalities as a level one practitioner, a level two
21 practitioner, or an occupational therapy assistant;

22 B. submit with the application all fees required by
23 part 4666.1200;

24 C. sign a statement that the information in the
25 application is true and correct to the best of the applicant's
26 knowledge and belief;

27 D. sign a waiver authorizing the commissioner to
28 obtain access to the applicant's records in this or any other
29 state in which the applicant holds or previously held a
30 credential for the practice of an occupation, has completed an
31 accredited occupational therapy education program, or engaged in
32 the practice of occupational therapy;

33 E. submit additional information as requested by the
34 commissioner; and

35 F. submit the additional information required for
36 provisional registration, registration by equivalency,

1 registration by reciprocity, and temporary registration as
2 specified in parts 4666.0060 to 4666.0100.

3 Subp. 2. Persons applying for registration under part
4 4666.0060 or 4666.0070. Persons applying for registration under
5 part 4666.0060, subparts 1 and 2, or 4666.0070, subparts 1 and
6 2, must submit the materials required in subpart 1 and the
7 following:

8 A. a certificate of successful completion of the
9 requirements in part 4666.0060, subpart 1, or 4666.0070, subpart
10 1; and

11 B. the applicant's test results from the examining
12 agency, ~~or another source approved by the commissioner,~~ as
13 evidence that the applicant received a qualifying score on a
14 credentialing examination meeting the requirements of part
15 4666.0060, subpart 2, or 4666.0070, subpart 2.

16 Subp. 3. Applicants who are certified by ~~American~~
17 ~~Occupational-Therapy-Certification-Board~~ National Board for
18 Certification in Occupational Therapy. An applicant who is
19 certified by the ~~American-Occupational-Therapy-Certification~~
20 ~~Board~~ National Board for Certification in Occupational Therapy
21 must provide the materials required in subpart 1 and the
22 following:

23 A. Verified documentation from ~~American-Occupational~~
24 ~~Therapy-Certification-Board~~ the National Board for Certification
25 in Occupational Therapy stating that the applicant is certified
26 as an occupational therapist, registered or certified
27 occupational therapy assistant, the date certification was
28 granted, and the applicant's certification number. The document
29 must also include a statement regarding disciplinary actions.
30 The applicant is responsible for obtaining this documentation by
31 sending a form provided by the commissioner to the ~~American~~
32 ~~Occupational-Therapy-Certification-Board~~ National Board for
33 Certification in Occupational Therapy.

34 B. A waiver authorizing the commissioner to obtain
35 access to the applicant's records maintained by the ~~American~~
36 ~~Occupational-Therapy-Certification-Board~~ National Board for

1 Certification in Occupational Therapy.

2 Subp. 4. Applicants credentialed in another jurisdiction.

3 In addition to providing the materials required in subpart 1, an
4 applicant credentialed in another jurisdiction must request that
5 the appropriate government body in each jurisdiction in which
6 the applicant holds or held an occupational therapy credential
7 send a letter to the commissioner that verifies the applicant's
8 credentials. Except as provided in part 4666.0100, registration
9 will not be issued until the commissioner receives letters
10 verifying each of the applicant's credentials. Each letter must
11 include the applicant's name, date of birth, credential number,
12 date of issuance, a statement regarding investigations pending
13 and disciplinary actions taken or pending against the applicant,
14 current status of the credential, and the terms under which the
15 credential was issued.

16 Subp. 5. Action on applications for registration. The
17 commissioner shall approve, approve with conditions, or deny
18 registration. The commissioner shall act on an application for
19 registration according to items A to C.

20 A. The commissioner shall determine if the applicant
21 meets the requirements for registration. The commissioner, or
22 the advisory council at the commissioner's request, may
23 investigate information provided by an applicant to determine
24 whether the information is accurate and complete.

25 B. The commissioner shall notify an applicant of
26 action taken on the application and, if registration is denied
27 or approved with conditions, the grounds for the commissioner's
28 determination.

29 C. An applicant denied registration or granted
30 registration with conditions may make a written request to the
31 commissioner, within 30 days of the date of the commissioner's
32 determination, for reconsideration of the commissioner's
33 determination. Individuals requesting reconsideration may
34 submit information which the applicant wants considered in the
35 reconsideration. After reconsideration of the commissioner's
36 determination to deny registration or grant registration with

1 conditions, the commissioner shall determine whether the
2 original determination should be affirmed or modified. An
3 applicant is allowed no more than one request in any one
4 biennial registration period for reconsideration of the
5 commissioner's determination to deny registration or approve
6 registration with conditions.

7 4666.0300 REGISTRATION RENEWAL.

8 Subpart 1. **Renewal requirements.** To be eligible for
9 registration renewal, a registrant must:

10 A. Submit a completed and signed application for
11 registration renewal on forms provided by the commissioner.

12 B. Submit the renewal fee required under part
13 4666.1200.

14 C. Submit proof of having met the continuing
15 education requirement of part 4666.1100 on forms provided by the
16 commissioner.

17 D. Submit additional information as requested by the
18 commissioner to clarify information presented in the renewal
19 application. The information must be submitted within 30 days
20 after the commissioner's request.

21 Subp. 2. **Renewal deadline.** Except as provided in subpart
22 4, registration must be renewed every two years. Registrants
23 must comply with the following procedures:

24 A. Each registration certificate must state an
25 expiration date. An application for registration renewal must
26 be received by the Department of Health or postmarked at least
27 30 calendar days before the expiration date. If the postmark is
28 illegible, the application will be considered timely if received
29 at least 21 calendar days before the expiration date.

30 If the commissioner changes the renewal schedule and the
31 expiration date is less than two years, the fee shall be
32 prorated.

33 B. An application for registration renewal not
34 received within the time required under item A, but received on
35 or before the expiration date, must be accompanied by a late fee

1 in addition to the renewal fee specified by part 4666.1200.

2 C. Registration renewals received after the
3 expiration date will not be accepted and persons seeking
4 registered status must comply with the requirements of part
5 4666.0400.

6 Subp. 3. Registration renewal notice. At least 60
7 calendar days before the expiration date in subpart 2, the
8 commissioner shall mail a renewal notice to the registrant's
9 last known address on file with the commissioner. The notice
10 must include an application for registration renewal and notice
11 of fees required for renewal. The registrant's failure to
12 receive notice does not relieve the registrant of the obligation
13 to meet the renewal deadline and other requirements for
14 registration renewal.

15 Subp. 4. Renewal of provisional registration. Provisional
16 registration must be renewed annually. Provisional registrants
17 must comply with all requirements of this part except subpart 1,
18 items B and C. In addition, provisional registrants must submit
19 the fee for renewal of provisional registration required by part
20 4666.1200. A provisional registration will not be renewed for
21 any period of time beyond the expiration of the three-year
22 provisional registration period.

23 4666.0400 RENEWAL OF REGISTRATION; AFTER EXPIRATION DATE.

24 Subpart 1. Removal of name from list. The names of
25 registrants who do not comply with the registration renewal
26 requirements of part 4666.0300 on or before the expiration date
27 shall be removed from the list of individuals authorized to use
28 the protected titles in part 4666.0030 and the registrants must
29 comply with the requirements of this part in order to regain
30 registered status.

31 Subp. 2. Registration renewal after registration
32 expiration date. Except as provided in subpart 4, an individual
33 whose application for registration renewal is received after the
34 registration expiration date must submit the following:

35 A. a completed and signed application for

1 registration following lapse in registered status on forms
2 provided by the commissioner;

3 B. the renewal fee and the late fee required under
4 part 4666.1200;

5 C. proof of having met the continuing education
6 requirements since the individual's initial registration or last
7 registration renewal; and

8 D. additional information as requested by the
9 commissioner to clarify information in the application,
10 including information to determine whether the individual has
11 engaged in conduct warranting disciplinary action as set forth
12 in part 4666.1300. The information must be submitted within 30
13 days after the commissioner's request.

14 Subp. 3. Registration renewal four years or more after
15 registration expiration date. Except as provided in subpart 4,
16 an individual who ~~submitted~~ submits a registration renewal four
17 years or more after the registration expiration date must submit
18 the following:

19 A. a completed and signed application for
20 registration following lapse in registered status on forms
21 provided by the commissioner;

22 B. the renewal fee and the late fee required under
23 part 4666.1200;

24 C. proof of having met the continuing education
25 requirement for the most recently completed two-year continuing
26 education cycle. In addition, at the time of the next
27 registration renewal, the registrant must submit proof of having
28 met the continuing education requirement, which shall be
29 prorated based on the number of months registered during the
30 biennial registration period;

31 D. proof of successful completion of one of the
32 following:

33 (1) verified documentation of 160 hours of
34 supervised practice approved by the commissioner. To
35 participate in a supervised practice, the applicant shall obtain
36 limited registration. To apply for limited registration, the

1 applicant shall submit the completed limited registration
2 application, fees, and agreement for supervision of an
3 occupational therapist or occupational therapy assistant
4 practicing under limited registration signed by the supervising
5 therapist and the applicant. The supervising occupational
6 therapist shall state the proposed level of supervision on the
7 supervision agreement form provided by the commissioner. The
8 supervising therapist shall determine the frequency and manner
9 of supervision based on the condition of the patient or client,
10 the complexity of the procedure, and the proficiencies of the
11 supervised occupational therapist. At a minimum, a supervising
12 occupational therapist shall:

13 (a) be on the premises at all times that the
14 person practicing under limited registration is working;

15 (b) be in the room ten percent of the hours
16 worked each week by the person practicing under provisional
17 registration; and

18 (c) provide daily face-to-face collaboration
19 for the purpose of observing service competency of the
20 occupational therapist or occupational therapy assistant,
21 discussing treatment procedures and each client's response to
22 treatment, and reviewing and modifying, as necessary, each
23 treatment plan. ~~The commissioner may require additional~~
24 ~~supervision than the supervision proposed in the supervision~~
25 ~~agreement.~~ The supervising therapist shall document the
26 supervision provided. The occupational therapist participating
27 in a supervised practice is responsible for obtaining the
28 supervision required under this subitem and must comply with the
29 commissioner's requirements for supervision during the entire
30 160 hours of supervised practice. The supervised practice must
31 be completed in two months and may be completed at the
32 applicant's place of work;

33 (2) submit verified documentation of having
34 achieved a qualifying score on the credentialing examination for
35 occupational therapists or the credentialing examination for
36 occupational therapy assistants administered within the past

1 year; or

2 (3) submit documentation of having completed a
3 combination of occupational therapy courses or an occupational
4 therapy refresher program that contains both a theoretical and
5 clinical component approved by the commissioner. Only courses
6 completed within one year preceding the date of the application
7 or one year after the date of the application will qualify for
8 approval; and

9 E. additional information as requested by the
10 commissioner to clarify information in the application,
11 including information to determine whether the applicant has
12 engaged in conduct warranting disciplinary action as set forth
13 in part 4666.1300. The information must be submitted within 30
14 days after the commissioner's request.

15 Subp. 4. **Registration after lapse of provisional**
16 **registration.** Permission to take the certification examination
17 for an individual whose provisional registration has lapsed more
18 than 30 days is revoked. In order to qualify to take the
19 certification examination, an individual whose provisional
20 registration has lapsed must comply with part 4666.0060, subpart
21 3, or 4666.0070, subpart 3.

22 4666.0500 CHANGE OF ADDRESS.

23 A registrant who changes addresses must inform the
24 commissioner, in writing, of the change of address within 30
25 days. All notices or other correspondence mailed to or served
26 on a registrant by the commissioner at the registrant's address
27 on file with the commissioner shall be considered as having been
28 received by the registrant.

29 4666.0600 DELEGATION OF DUTIES; ASSIGNMENT OF TASKS.

30 The occupational therapist is responsible for all duties
31 delegated to the occupational therapy assistant or tasks
32 assigned to direct service personnel. The occupational
33 therapist may delegate to an occupational therapy assistant
34 those portions of a client's evaluation, reevaluation, and
35 treatment that, according to prevailing practice standards of

1 the American Occupational Therapy Association, can be performed
2 by an occupational therapy assistant. The occupational
3 therapist may not delegate portions of an evaluation or
4 reevaluation of a person whose condition is changing rapidly.
5 Delegation of duties related to use of physical agent modalities
6 to occupational therapy assistants is governed by part
7 4666.1000, subpart 9.

8 4666.0700 SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS.

9 Subpart 1. **Applicability.** If the professional standards
10 identified in part 4666.0600 permit an occupational therapist to
11 delegate an evaluation, reevaluation, or treatment procedure,
12 the occupational therapist must provide supervision consistent
13 with this part. Supervision of occupational therapy assistants
14 using physical agent modalities is governed by part 4666.1000,
15 subpart 9.

16 Subp. 2. **Evaluations.** The occupational therapist shall
17 determine the frequency of evaluations and reevaluations for
18 each client. The occupational therapy assistant shall inform
19 the occupational therapist of the need for more frequent
20 reevaluation if indicated by the client's condition or response
21 to treatment. Before delegating a portion of a client's
22 evaluation pursuant to part 4666.0600, the occupational
23 therapist shall assure the service competency of the
24 occupational therapy assistant in performing the evaluation
25 procedure and shall provide supervision consistent with the
26 condition of the patient or client and the complexity of the
27 evaluation procedure.

28 Subp. 3. **Treatment.**

29 A. **General principles.** The occupational therapist
30 shall determine the frequency and manner of supervision of an
31 occupational therapy assistant performing treatment procedures
32 delegated pursuant to part 4666.0600, based on the condition of
33 the patient or client, the complexity of the treatment
34 procedure, and the proficiencies of the occupational therapy
35 assistant.

1 B. Minimum requirements. Face-to-face collaboration
2 between the occupational therapist and the occupational therapy
3 assistant shall occur, at a minimum, every two weeks during
4 which time the occupational therapist is responsible for:

5 (1) planning and documenting an initial treatment
6 plan and discharge from treatment;

7 (2) reviewing treatment goals, therapy programs,
8 and client progress;

9 (3) supervising changes in the treatment plan;

10 (4) conducting or observing treatment procedures
11 for selected clients and documenting appropriateness of
12 treatment procedures. Clients will be selected based on the
13 occupational therapy services provided to the client and the
14 role of the occupational therapist and the occupational therapy
15 assistant in those services; and

16 (5) assuring the service competency of the
17 occupational therapy assistant in performing delegated treatment
18 procedures.

19 C. Additional supervision required. Face-to-face
20 collaboration must occur more frequently than every two weeks if
21 necessary to meet the requirements of item A or B.

22 D. Documentation required. The occupational
23 therapist shall document compliance with this subpart in the
24 client's file or chart.

25 Subp. 4. Exception. The supervision requirements of this
26 part do not apply to an occupational therapy assistant who:

27 A. works in an activities program; and

28 B. does not perform occupational therapy services.

29 The occupational therapy assistant must meet all other
30 applicable requirements of parts 4666.0010 to 4666.1400.

31 4666.0800 COORDINATION OF SERVICES.

32 An occupational therapist shall:

33 A. collect information necessary to assure that the
34 provision of occupational therapy services are consistent with
35 the client's physical and mental health status. The information

1 required to make this determination may include, but is not
2 limited to, contacting the client's licensed health care
3 professional for health history, current health status, current
4 medications, and precautions;

5 B. modify or terminate occupational therapy treatment
6 of a client that is not beneficial to the client, not tolerated
7 by the client, or refused by the client, and if treatment was
8 terminated for a medical reason, notify the client's licensed
9 health care professional by correspondence postmarked or
10 delivered to the licensed health care professional within seven
11 calendar days of the termination of treatment;

12 C. refer a client to an appropriate health care,
13 social service, or education practitioner if the client's
14 condition requires services not within the occupational
15 therapist's service competency or not within the practice of
16 occupational therapy generally;

17 D. participate and cooperate in the coordination of
18 occupational therapy services with other related services, as a
19 member of the professional community serving the client; and

20 E. communicate, in writing, with the appropriate
21 licensed health care professional an occupational therapy plan
22 of care, postmarked or delivered to the licensed health care
23 professional within 14 calendar days of the initiation of
24 treatment. The occupational therapist must provide this written
25 communication even if occupational therapy treatment is
26 concluded in less than 14 consecutive days. The occupational
27 therapist shall document modifications to the plan of care
28 requested by the licensed health care professional following
29 consultation with the licensed health care professional.
30 Occupational therapists employed by a school system are exempt
31 from the requirements of this item in the performance of their
32 duties within the school system.

33 4666.0900 RECIPIENT NOTIFICATION.

34 Subpart 1. **Required notification.** In the absence of a
35 physician referral or prior authorization, and before providing

1 occupational therapy services for remuneration or expectation of
2 payment from the client, an occupational therapist must provide
3 the following written notification in all capital letters of
4 12-point or larger bold-face type, to the client, parent, or
5 guardian:

6 "Your health care provider, insurer, or plan may
7 require a physician referral or prior authorization
8 and you may be obligated for partial or full payment
9 for occupational therapy services rendered."

10 Information other than this notification may be included as
11 long as the notification remains conspicuous on the face of the
12 document. A nonwritten disclosure format may be used to satisfy
13 the recipient notification requirement when necessary to
14 accommodate the physical condition of a client or client's
15 guardian.

16 Subp. 2. Evidence of recipient notification. The
17 occupational therapist is responsible for providing evidence of
18 compliance with the recipient notification requirement of this
19 part.

20 4666.1000 PHYSICAL AGENT MODALITIES.

21 Subpart 1. General considerations.

22 A. Occupational therapists who use superficial
23 physical agent modalities must comply with the standards in
24 subparts 3 and 6. Occupational therapists who use
25 electrotherapy must comply with the standards in subparts 4 and
26 7. Occupational therapists who use ultrasound devices must
27 comply with the standards in subparts 5 and 8. Occupational
28 therapy assistants who use physical agent modalities must comply
29 with subpart 9.

30 B. Use of superficial physical agent modalities,
31 electrical stimulation devices, and ultrasound devices must be
32 on the order of a physician.

33 C. The commissioner shall maintain a roster of
34 persons registered under parts 4666.0010 to 4666.1400 who use
35 physical agent modalities. Prior to using a physical agent

1 modality, registrants must inform the commissioner of the
2 physical agent modality they will use and whether they will use
3 the modality as a level one practitioner, level two
4 practitioner, or occupational therapy assistant. Persons who
5 use physical agent modalities must indicate on their initial and
6 renewal applications the physical agent modalities that they use
7 and whether they use the modality as a level one practitioner,
8 level two practitioner, or occupational therapy assistant.

9 D. Registrants are responsible for informing the
10 commissioner of any changes in the information required in this
11 subpart within 30 days of any change.

12 Subp. 2. Written documentation required.

13 A. Prior to use of physical agent modalities, an
14 occupational therapist who will work as a level one practitioner
15 and an occupational therapy assistant, must possess and maintain
16 the following documentation:

17 (1) a signed, notarized statement from a level
18 two practitioner stating that the level two practitioner will
19 provide direct supervision of the level one practitioner or
20 occupational therapy assistant and that the level one
21 practitioner or occupational therapy assistant has completed the
22 clinical training requirements in this part for each physical
23 agent modality used by the level one practitioner or
24 occupational therapy assistant; and

25 (2) a copy of the course, workshop, or seminar
26 description with a transcript or certificate showing completion
27 of the theoretical training required for each physical agent
28 modality used, from one of the institutions or organizations
29 identified in this part; or

30 (3) a copy of current certification as a
31 certified hand therapist by the Hand Therapy Certification
32 Commission.

33 B. Prior to practice as a level two practitioner
34 using superficial physical agent modalities, an occupational
35 therapist must possess and maintain the following documentation:

36 (1) a signed statement from the employer

1 verifying completion of the required number of hours of direct
2 service experience as an occupational therapist; and

3 (2) the documentation in item A and a signed,
4 notarized statement from the level two practitioner that the
5 level one practitioner has developed and implemented the
6 treatment plans required in subpart 6, item B, subitem (1), and
7 that the level two practitioner has observed the level one
8 practitioner to be competent in the use of superficial physical
9 agent modalities; or

10 (3) the documentation in item A, subitem (2), and
11 a signed, notarized statement from the occupational therapist
12 that the therapist has completed the required number of
13 treatment plans required in subpart 6, item B, subitem (2); or

14 (4) a copy of certification as a certified hand
15 therapist from the Hand Therapy Certification Commission that
16 was current during the three-year period following the effective
17 date of parts 4666.0010 to 4666.1400.

18 C. Prior to practice as a level two practitioner
19 using electrotherapeutic devices, an occupational therapist must
20 possess and maintain the following documentation:

21 (1) a signed statement from the employer
22 verifying completion of the required number of hours of direct
23 service experience as an occupational therapist; and

24 (2) the documentation in item A and a signed,
25 notarized statement from the level two practitioner that the
26 level one practitioner has developed and implemented the
27 treatment plans required in subpart 7, item B, subitem (1), and
28 that the level two practitioner has observed the level one
29 practitioner to be competent in the use of electrotherapeutic
30 devices; or

31 (3) a copy of certification as a certified hand
32 therapist from the Hand Therapy Certification Commission that
33 was current during the three-year period following the effective
34 date of parts 4666.0010 to 4666.1400.

35 D. Prior to practice as a level two practitioner
36 using ultrasound devices, an occupational therapist must possess

1 and maintain the following documentation:

2 (1) a signed statement from the employer
3 verifying completion of the required number of hours of direct
4 service experience as an occupational therapist; and

5 (2) the documentation in item A and a signed,
6 notarized statement from the level two practitioner that the
7 level one practitioner has developed and implemented the
8 treatment plans required in subpart 8, item B, subitem (1), and
9 that the level two practitioner has observed the level one
10 practitioner to be competent in the use of ultrasound devices;
11 or

12 (3) a copy of certification as a certified hand
13 therapist from the Hand Therapy Certification Commission that
14 was current during the three-year period following the effective
15 date of parts 4666.0010 to 4666.1400.

16 E. Upon request of the commissioner, persons
17 registered under parts 4666.0010 to 4666.1400 who use physical
18 agent modalities must provide the commissioner with the
19 documentation described in this subpart.

20 F. Once in each biennial registration period, the
21 commissioner may audit a percentage of persons who are using
22 physical agent modalities, based on random selection. The
23 commissioner shall require that audited persons provide the
24 documentation required by this subpart.

25 Subp. 3. Level one practitioner; standards for use of
26 superficial physical agent modalities. An occupational
27 therapist may use superficial physical agent modalities as a
28 level one practitioner if the occupational therapist:

29 A. is under the direct supervision of a level two
30 practitioner for superficial physical agent modalities;

31 B. has received theoretical training in the use of
32 the modality that enables the occupational therapist to:

33 (1) explain the rationale and clinical
34 indications for use of superficial physical agent modalities;

35 (2) explain the physical properties and
36 principles of the superficial physical agent modalities;

- 1 (3) describe the types of heat and cold
2 transference;
- 3 (4) explain the factors affecting tissue response
4 to superficial heat and cold;
- 5 (5) describe the biophysical effects of
6 superficial physical agent modalities in normal and abnormal
7 tissue;
- 8 (6) describe the thermal conductivity of tissue,
9 matter, and air;
- 10 (7) explain the advantages and disadvantages of
11 superficial physical agent modalities; and
- 12 (8) explain the precautions and contraindications
13 of superficial physical agent modalities;
- 14 C. has received the theoretical training specified in
15 item B by meeting the requirements of subitem (1) or (2):
- 16 (1) possess written evidence that the
17 occupational therapist received the training required in item B
18 at courses, workshops, or seminars offered through:
- 19 (a) a college or university accredited by
20 the Accreditation Council for Occupational Therapy Education for
21 training occupational therapists;
- 22 (b) an educational program sponsored or
23 approved by the American Occupational Therapy Association;
- 24 (c) an educational program sponsored or
25 approved by the American Society of Hand Therapists;
- 26 (d) a college or university accredited by
27 the Commission on Accreditation in Physical Therapy Education
28 for training physical therapists; or
- 29 (e) an educational program sponsored or
30 approved by the American Physical Therapy Association.
- 31 (2) possess current certification as a certified
32 hand therapist by the Hand Therapy Certification Commission; and
- 33 D. has completed clinical training through on-site
34 demonstration to the supervising level two practitioner of
35 theoretical knowledge and technical applications of the
36 modality. This clinical component must include the following

1 clinical experiences for each superficial physical agent
2 modality used by the level one practitioner:

3 (1) observation of treatments performed by the
4 level two practitioner;

5 (2) application of the modality to normal
6 physiological tissue to demonstrate appropriate techniques while
7 the supervising level two practitioner is physically present and
8 observing the level one practitioner apply the modality;

9 (3) application of the modality to persons who
10 would benefit from the treatment while the supervising level two
11 practitioner is physically present and observing the level one
12 practitioner apply the modality; and

13 (4) demonstration of ability to work within
14 competency in using the specific modality.

15 **Subp. 4. Level one practitioner; standards for use of**
16 **electrotherapy.** An occupational therapist may use
17 electrotherapy as a level one practitioner if the occupational
18 therapist:

19 A. is under the direct supervision of a level two
20 practitioner for electrotherapy;

21 B. has received theoretical training in the use of
22 electrotherapy that enables the occupational therapist to:

23 (1) explain the rationale and clinical
24 indications of electrotherapy, including pain control, muscle
25 dysfunction, and tissue healing;

26 (2) demonstrate comprehension and understanding
27 of electrotherapeutic terminology and biophysical principles,
28 including current, voltage, amplitude, and resistance (Ohm's
29 law);

30 (3) describe the types of current (direct,
31 pulsed, and alternating) used for electrical stimulation,
32 including the description, modulations, and clinical relevance;

33 (4) describe the time-dependent parameters of
34 pulsed and alternating currents, including pulse and phase
35 durations and intervals;

36 (5) describe the amplitude-dependent

1 characteristics of pulsed and alternating currents;

2 (6) describe neurophysiology and the properties
3 of excitable tissue (nerve and muscle);

4 (7) describe nerve and muscle response from
5 externally applied electrical stimulation, including tissue
6 healing;

7 (8) describe the electrotherapeutic effects and
8 the response of nerve, denervated and innervated muscle, and
9 other soft tissue; and

10 (9) explain the precautions and contraindications
11 of electrotherapy, including considerations regarding pathology
12 of nerve and muscle tissue;

13 C. has received the theoretical training specified in
14 item B by meeting the requirements of subitem (1) or (2):

15 (1) possess written evidence that the
16 occupational therapist received the training required in item B
17 at courses, workshops, or seminars offered through:

18 (a) a college or university accredited by
19 the Accreditation Council for Occupational Therapy Education for
20 training occupational therapists;

21 (b) an educational program sponsored or
22 approved by the American Occupational Therapy Association;

23 (c) an educational program sponsored or
24 approved by the American Society of Hand Therapists;

25 (d) a college or university accredited by
26 the Commission on Accreditation in Physical Therapy Education
27 for training physical therapists; or

28 (e) an educational program sponsored or
29 approved by the American Physical Therapy Association; or

30 (2) possess current certification as a certified
31 hand therapist by the Hand Therapy Certification Commission; and

32 D. has completed clinical training through on-site
33 demonstration to the supervising level two practitioner of
34 theoretical knowledge and technical applications of electrical
35 stimulation devices. This clinical component must include the
36 following clinical experiences for each electrical stimulation

1 device used by the level one practitioner:

2 (1) observation of treatments performed by the
3 level two practitioner;

4 (2) application of the electrical stimulation
5 device to normal physiological tissue to demonstrate appropriate
6 techniques while the supervising level two practitioner is
7 physically present and observing the level one practitioner
8 apply the electrical stimulation device;

9 (3) application of the electrical stimulation
10 device to persons who would benefit from the treatment while the
11 supervising level two practitioner is physically present and
12 observing the level one practitioner apply the electrical
13 stimulation device; and

14 (4) demonstration of ability to work within
15 competency in using the specific electrical stimulation device.

16 Subp. 5. **Level one practitioner; standards for use of**
17 **ultrasound.** An occupational therapist may use an ultrasound
18 device as a level one practitioner if the occupational therapist:

19 A. is under the direct supervision of a level two
20 practitioner for ultrasound devices;

21 B. has received theoretical training in the use of
22 ultrasound that enables the occupational therapist to:

23 (1) explain the rationale and clinical
24 indications for the use of ultrasound, including anticipated
25 physiological responses of the treated area;

26 (2) describe the biophysical thermal and
27 nonthermal effects of ultrasound on normal and abnormal tissue;

28 (3) explain the physical principles of
29 ultrasound, including wavelength, frequency, attenuation,
30 velocity, and intensity;

31 (4) explain the mechanism and generation of
32 ultrasound and energy transmission through physical matter; and

33 (5) explain the precautions and contraindications
34 regarding use of ultrasound devices;

35 C. has received the theoretical training specified in
36 item B by meeting the requirements of subitem (1) or (2):

1 (1) possess written evidence that the
2 occupational therapist received the training required in item A
3 at courses, workshops, or seminars offered through:

4 (a) a college or university accredited by
5 the Accreditation Council for Occupational Therapy Education for
6 training occupational therapists;

7 (b) an educational program sponsored or
8 approved by the American Occupational Therapy Association;

9 (c) an educational program sponsored or
10 approved by the American Society of Hand Therapists;

11 (d) a college or university accredited by
12 the Commission on Accreditation in Physical Therapy Education
13 for training physical therapists; or

14 (e) an educational program sponsored or
15 approved by the American Physical Therapy Association; or

16 (2) possess current certification as a certified
17 hand therapist by the Hand Therapy Certification Commission; and

18 D. has completed clinical training through on-site
19 demonstration to the supervising level two practitioner of
20 theoretical knowledge and technical applications of ultrasound
21 devices. This clinical component must include the following
22 clinical experiences in the use of ultrasound devices for the
23 level one practitioner:

24 (1) observation of treatments performed by the
25 level two practitioner;

26 (2) application of ultrasound to normal
27 physiological tissue to demonstrate appropriate techniques while
28 the supervising level two practitioner is physically present and
29 observing the level one practitioner apply ultrasound;

30 (3) application of ultrasound to persons who
31 would benefit from the treatment while the supervising level two
32 practitioner is physically present and observing the level one
33 practitioner apply the ultrasound; and

34 (4) demonstration of ability to work within
35 competency in using ultrasound.

36 Subp. 6. Level two practitioner; standards for

1 unsupervised use of superficial physical agent modalities. To
2 obtain status as a level two practitioner, an occupational
3 therapist must:

4 A. complete 1800 hours in a two-year period of
5 employment in a clinical setting providing direct service as an
6 occupational therapist;

7 B. meet one of the following requirements:

8 (1) complete the training required in subpart 3,
9 practice as a level one practitioner using superficial physical
10 agent modalities under the direct supervision of a level two
11 practitioner, and develop and implement a treatment plan for six
12 patients in which ice or other cold medium is used and for 14
13 patients in which heat is used in an appropriate occupational
14 therapy treatment plan;

15 (2) complete the training required in subpart 3,
16 items B and C, and have used both ice or other cold medium and
17 heat in a treatment plan for at least 20 patients in the one
18 year preceding the effective date of parts 4666.0010 to
19 4666.1400; or

20 (3) possess certification as a certified hand
21 therapist by the Hand Therapy Certification Commission on the
22 effective date of parts 4666.0010 to 4666.1400 or, prior to
23 practice as a level two practitioner, obtain certification as a
24 certified hand therapist by the Hand Therapy Certification
25 Commission within three years of the effective date of parts
26 4666.0010 to 4666.1400; and

27 C. demonstrate competency in:

28 (1) appropriate incorporation of superficial
29 physical agent modalities into an occupational therapy treatment
30 plan, as it relates to established goals and home program;

31 (2) preparing the patient, including positioning
32 and educating the patient about the process and possible risks
33 and benefits of treatment;

34 (3) safe administration of the superficial
35 physical agent modalities as related to the clinical condition;

36 (4) safe and appropriate equipment operation and

1 maintenance;

2 (5) identifying possible adverse reactions to
3 treatment and appropriate adjustment or discontinuance, and
4 aftercare; and

5 (6) utilizing appropriate methods of
6 documentation.

7 Subp. 7. Level two practitioner; standards for
8 unsupervised use of electrotherapy. To obtain status as a level
9 two practitioner, an occupational therapist must:

10 A. complete 1800 hours in a two-year period of
11 employment in a clinical setting providing direct service as an
12 occupational therapist;

13 B. meet one of the following requirements:

14 (1) complete the training required in subpart 4,
15 practice as a level one practitioner using electrical
16 stimulation under the direct supervision of a level two
17 practitioner, and develop and implement a treatment plan for 12
18 patients in which electrical stimulation is used in an
19 appropriate occupational therapy treatment plan; or

20 (2) possess certification as a certified hand
21 therapist by the Hand Therapy Certification Commission on the
22 effective date of parts 4666.0010 to 4666.1400 or, prior to
23 practice as a level two practitioner, obtain certification as a
24 certified hand therapist by the Hand Therapy Certification
25 Commission within three years of the effective date of parts
26 4666.0010 to 4666.1400; and

27 C. demonstrate competency in:

28 (1) appropriate incorporation of electrotherapy
29 into an occupational therapy treatment plan as it relates to
30 established treatment goals and home program;

31 (2) preparing the patient, including positioning,
32 and educating the patient about the process and the possible
33 risks and benefits of treatment;

34 (3) appropriate use of electrodes, including
35 size, placement, and type, as well as resultant effects on
36 current flow and density;

1 (4) appropriate selection and safe operation and
2 maintenance of electrotherapeutic equipment, including controls,
3 components, and parameters, as related to the clinical condition
4 and therapeutic value;

5 (5) identifying possible adverse reactions to
6 treatment and appropriate adjustment in or discontinuance of
7 treatment and aftercare; and

8 (6) utilizing appropriate methods of
9 documentation which communicate equipment type and parameters
10 used.

11 Subp. 8. Level two practitioner; standards for
12 unsupervised use of ultrasound devices. To obtain status as a
13 level two practitioner, an occupational therapist must:

14 A. complete 1800 hours in a two-year period of
15 employment in a clinical setting providing direct service as an
16 occupational therapist;

17 B. meet one of the following requirements:

18 (1) complete the training required in subpart 5,
19 practice as a level one practitioner using ultrasound under the
20 direct supervision of a level two practitioner, and develop and
21 implement a treatment plan for 12 patients in which ultrasound
22 devices are used in an appropriate occupational therapy
23 treatment plan; or

24 (2) possess certification as a certified hand
25 therapist by the Hand Therapy Certification Commission on the
26 effective date of parts 4666.0010 to 4666.1400 or, prior to
27 practice as a level two practitioner, obtain certification as a
28 certified hand therapist by the Hand Therapy Certification
29 Commission within three years of the effective date of parts
30 4666.0010 to 4666.1400; and

31 C. demonstrate competency in:

32 (1) appropriate incorporation of ultrasound into
33 an occupational therapy treatment plan as it relates to
34 established treatment goals and home program, including
35 anticipated physiological response of treated areas and
36 appropriate clinical conditions;

1 (2) preparing the patient, including positioning,
2 and educating the patient about the process and possible risks
3 and benefits of treatment;

4 (3) safe clinical administration of ultrasound
5 including use of appropriate frequency, intensity, duration, and
6 delivery method, as related to the clinical condition;

7 (4) appropriate application techniques, including
8 coupling methods and duty cycle, as they relate to tissue
9 condition, area, and depth;

10 (5) selection and use of ultrasound equipment,
11 including controls, soundhead size, effective radiating area,
12 and beam nonuniformity ratio, and maintenance and calibration
13 requirements;

14 (6) recognizing adverse reaction to ultrasound
15 treatment and appropriate adjustment of treatment,
16 discontinuance, and aftercare; and

17 (7) appropriate methods of documentation which
18 communicate specifics of ultrasound application.

19 Subp. 9. **Occupational therapy assistant use of physical**
20 **agent modalities.** An occupational therapy assistant may set up
21 and implement treatment using physical agent modalities if the
22 assistant meets the requirements of this part, has demonstrated
23 service competency for the particular modality used, and works
24 under the direct supervision of an occupational therapist who is
25 a level two practitioner for the particular modality used. An
26 occupational therapy assistant who uses superficial physical
27 agent modalities must meet the requirements of subpart 3, items
28 B and C. An occupational therapy assistant who uses
29 electrotherapy must meet the requirements of subpart 4, items B
30 and C. An occupational therapy assistant who uses ultrasound
31 must meet the requirements of subpart 5, items B and C. A level
32 two practitioner may not delegate evaluation, reevaluation,
33 treatment planning, and treatment goals for physical agent
34 modalities to an occupational therapy assistant.

35 4666.1100 CONTINUING EDUCATION REQUIREMENTS.

1 Subpart 1. **General requirements.** An occupational
2 therapist applying for registration renewal must have completed
3 a minimum of 24 contact hours of continuing education in the two
4 years preceding registration renewal. An occupational therapy
5 assistant applying for registration renewal must have completed
6 a minimum of 18 contact hours of continuing education in the two
7 years preceding registration renewal. Registrants who are
8 issued registration for a period of less than two years shall
9 prorate the number of contact hours required for registration
10 renewal based on the number of months registered during the
11 biennial registration period. Registrants shall receive contact
12 hours for continuing education activities only for the biennial
13 registration period in which the continuing education activity
14 was performed.

15 To qualify as a continuing education activity, the activity
16 must be a minimum of one contact hour. Contact hours must be
17 earned and reported in increments of one contact hour or
18 one-half contact hour for each continuing education activity.
19 One-half contact hour means an instructional session of 30
20 consecutive minutes, excluding coffee breaks, registration,
21 meals without a speaker, and social activities.

22 Each registrant is responsible for financing the cost of
23 the registrant's continuing education activities.

24 Subp. 2. **Standards for ~~approval~~ determining qualified**
25 **continuing education activities.** Except as provided in subpart
26 3, item E, in order to qualify as a continuing education
27 activity, the activity must:

- 28 A. constitute an organized program of learning;
29 B. reasonably be expected to advance the knowledge
30 and skills of the occupational therapy practitioner;
31 C. pertain to subjects that directly relate to the
32 practice of occupational therapy;
33 D. be conducted by individuals who have education,
34 training, and experience by reason of which said individuals
35 should be considered experts concerning the subject matter of
36 the activity; and

1 E. be presented by a sponsor who has a mechanism to
2 verify participation and maintains attendance records for three
3 years.

4 Subp. 3. **Activities qualifying for continuing education**
5 **contact hours.** The following activities qualify for continuing
6 education contact hours if they meet all other requirements of
7 this part.

8 A. A registrant may obtain an unlimited number of
9 contact hours in any two-year continuing education period
10 through participation in the following:

11 (1) attendance at educational programs of annual
12 conferences, lectures, panel discussions, workshops, in-service
13 training, seminars, and symposiums;

14 (2) successful completion of college or
15 university courses. The registrant must obtain a grade of at
16 least a "C" or a pass in a pass or fail course in order to
17 receive the following continuing education credits:

18 (a) one semester credit equals 14 contact
19 hours;

20 (b) one trimester credit equals 12 contact
21 hours; and

22 (c) one quarter credit equals ten contact
23 hours; and

24 (3) successful completion of home study courses
25 that require the participant to demonstrate the participant's
26 knowledge following completion of the course.

27 B. A registrant may obtain a maximum of six contact
28 hours in any two-year continuing education period for teaching
29 continuing education courses that meet the requirements of this
30 part. A registrant is entitled to earn a maximum of two contact
31 hours as preparation time for each contact hour of presentation
32 time. Contact hours may be claimed only once for teaching the
33 same course in any two-year continuing education period. A
34 course schedule or brochure must be maintained for audit.

35 C. A registrant may obtain a maximum of two contact
36 hours in any two-year continuing education period for continuing

1 education activities in the following areas:

2 (1) business-related topics: marketing, time
3 management, administration, risk management, government
4 regulations, techniques for training professionals, computer
5 skills, and similar topics;

6 (2) personal skill topics: career burnout,
7 communication skills, human relations, and similar topics; and

8 (3) training that is obtained in conjunction with
9 a registrant's employment, occurs during a registrant's normal
10 workday, and does not include subject matter specific to the
11 fundamentals of occupational therapy.

12 D. An occupational therapy practitioner that utilizes
13 leisure activities, recreational activities, or hobbies as part
14 of occupational therapy services in the practitioner's current
15 work setting may obtain a maximum of six contact hours in any
16 two-year continuing education period for participation in
17 courses teaching these activities.

18 E. A registrant may obtain a maximum of six contact
19 hours in any two year continuing education period for
20 supervision of occupational therapist or occupational therapy
21 assistant students. A registrant may earn one contact hour for
22 every eight hours of student supervision. Registrants must
23 maintain a log indicating the name of each student supervised
24 and the hours each student was supervised. Contact hours
25 obtained by student supervision must be obtained by supervising
26 students from an occupational therapy education program
27 accredited by the Accreditation Council for Occupational Therapy
28 Education.

29 Subp. 4. **Activities not qualifying for continuing**
30 **education contact hours.** No credit shall be granted for the
31 following activities: hospital rounds, entertainment or
32 recreational activities, employment orientation sessions,
33 holding an office or serving as an organizational delegate,
34 meetings for the purpose of making policy, noneducational
35 association meetings, training related to payment systems
36 (including covered services, coding, and billing), training

1 required by part 4666.1000, subparts 3, item B; 4, item B; and
2 5, item B, ~~and any other activities the commissioner determines~~
3 ~~do not meet the requirements of this part.~~

4 Subp. 5. Reporting continuing education contact hours. At
5 the time of registration renewal, each registrant shall submit
6 verification that the registrant has met the continuing
7 education requirements of this part on the continuing education
8 report form provided by the commissioner. The continuing
9 education report form may require the following information:

10 A. title of continuing education activity;

11 B. brief description of the continuing education
12 activity;

13 C. sponsor, presenter, or author;

14 D. location and attendance dates;

15 E. number of contact hours; and

16 F. registrant's notarized affirmation that the
17 information is true and correct.

18 Subp. 6. Auditing continuing education reports.

19 A. The commissioner may audit a percentage of the
20 continuing education reports based on random selection. A
21 registrant shall maintain all documentation required by this
22 part for two years after the last day of the biennial
23 registration period in which the contact hours were earned.

24 B. All renewal applications that are received after
25 the expiration date may be subject to a continuing education
26 report audit.

27 C. Any registrant against whom a complaint is filed
28 may be subject to a continuing education report audit.

29 D. The registrant shall make the following
30 information available to the commissioner for auditing purposes:

31 (1) a copy of the completed continuing education
32 report form for the continuing education reporting period that
33 is the subject of the audit including all supporting
34 documentation required by subpart 5;

35 (2) a description of the continuing education
36 activity prepared by the presenter or sponsor that includes the

1 course title or subject matter, date, place, number of program
2 contact hours, presenters, and sponsors. Self-study programs
3 must be documented by materials prepared by the presenter or
4 sponsor that include the course title, course description, name
5 of sponsor or author, and the number of hours required to
6 complete the program. University, college, or vocational school
7 courses must be documented by a course syllabus, listing in a
8 course bulletin, or equivalent documentation that must include
9 the course title, instructor's name, course dates, number of
10 contact hours, and course content, objectives, or goals; and
11 (3) verification of attendance. Verification
12 must consist of a signature of the presenter or a designee at
13 the continuing education activity on the continuing education
14 report form or a certificate of attendance with the course name,
15 course date, and registrant's name. A registrant may summarize
16 or outline the educational content of an audio or video
17 educational activity to verify the registrant's participation in
18 the activity if a designee is not available to sign the
19 continuing education report form. Self-study programs must be
20 verified by a certificate of completion or other documentation
21 indicating that the individual has demonstrated knowledge and
22 has successfully completed the program. Attendance at a
23 university, college, or vocational course must be verified by an
24 official transcript.

25 Subp. 7. Waiver of continuing education requirements. The
26 commissioner may grant a waiver of the requirements of this part
27 in cases where the requirements would impose an extreme hardship
28 on the registrant. The request for a waiver must be in writing,
29 state the circumstances that constitute extreme hardship, state
30 the period of time the registrant wishes to have the continuing
31 education requirement waived, and state the alternative measures
32 that will be taken if a waiver is granted. The commissioner
33 shall set forth, in writing, the reasons for granting or denying
34 the waiver. Waivers granted by the commissioner shall specify,
35 in writing, the time limitation and required alternative
36 measures to be taken by the registrant. A request for waiver

1 shall be denied if the commissioner finds that the circumstances
2 stated by the registrant do not support a claim of extreme
3 hardship, the requested time period for waiver is unreasonable,
4 the alternative measures proposed by the registrant are not
5 equivalent to the continuing education activity being waived, or
6 the request for waiver is not submitted to the commissioner
7 within 60 days after the expiration date.

8 Subp. 8. **Penalties for noncompliance.** The commissioner
9 shall refuse to renew or grant, or shall suspend, condition,
10 limit, or qualify the registration of any person who the
11 commissioner determines has failed to comply with the continuing
12 education requirements of this part. A registrant may request
13 reconsideration of the commissioner's determination of
14 noncompliance or the penalty imposed under this part by making a
15 written request to the commissioner, within 30 days of the date
16 of notification to the applicant. Individuals requesting
17 reconsideration may submit information that the registrant wants
18 considered in the reconsideration.

19 Subp. 9. **Effective date.** The reporting requirements of
20 this part begin and continue to be in effect for registration
21 renewals three years after the effective date of parts 4666.0010
22 to 4666.1400 and all subsequent registration renewals.

23 4666.1200 FEES; SURCHARGE.

24 Subpart 1. **Initial registration fee.** The initial
25 registration fee for occupational therapists is \$180. The
26 initial registration fee for occupational therapy assistants is
27 \$100. The commissioner ~~may~~ shall prorate fees based on the
28 number of quarters remaining in the biennial registration period.

29 Subp. 2. **Registration renewal fee.** The biennial
30 registration renewal fee for occupational therapists is \$180.
31 The biennial registration renewal fee for occupational therapy
32 assistants is \$100.

33 Subp. 3. **Late fee.** The fee for late submission of a
34 renewal application is \$25.

35 Subp. 4. **Initial provisional registration fee.** The fee

1 for initial provisional registration is \$647.

2 Subp. 5. **Provisional registration renewal fee.** The
3 provisional registration renewal fee for occupational therapists
4 is \$90. The provisional registration renewal fee for
5 occupational therapy assistants is \$50. The commissioner may
6 shall prorate fees based on the number of quarters remaining in
7 the annual registration period.

8 Subp. 6. **Temporary registration fee.** The fee for
9 temporary registration is \$50.

10 Subp. 7. **Limited registration fee.** The fee for limited
11 registration is \$96.

12 Subp. 8. **Fee for course approval after lapse of**
13 **registration.** The fee for course approval after lapse of
14 registration is \$96.

15 Subp. 9. **Certification to other states.** The fee for
16 certification of registration to other states is \$25.

17 Subp. 10. **Verification to institutions.** The fee for
18 verification of registration to institutions is \$10.

19 Subp. 11. **Surcharge.** For five years following the
20 effective date of parts 4666.0010 to 4666.1400 all registrants
21 must pay a surcharge fee in addition to other applicable fees.
22 Occupational therapists must pay a biennial surcharge fee of \$62
23 upon application for registration and registration renewal.
24 Occupational therapy assistants must pay a biennial surcharge
25 fee of \$36 upon application for registration and registration
26 renewal.

27 Subp. 12. **Nonrefundable fees.** All fees are nonrefundable.

28 4666.1300 GROUNDS FOR DENIAL OF REGISTRATION OR DISCIPLINE;
29 INVESTIGATION PROCEDURES; DISCIPLINARY ACTIONS.

30 Subpart 1. **Grounds for denial of registration or**
31 **discipline.** The commissioner may deny an application for
32 registration, may approve registration with conditions, or may
33 discipline a registrant using any disciplinary actions listed in
34 subpart 3 on proof that the individual has:

35 A. intentionally submitted false or misleading

1 information to the commissioner or the advisory council;

2 B. failed, within 30 days, to provide information in
3 response to a written request by the commissioner or advisory
4 council;

5 C. performed services of an occupational therapist or
6 occupational therapy assistant in an incompetent manner or in a
7 manner that falls below the community standard of care;

8 D. failed to satisfactorily perform occupational
9 therapy services during a period of provisional registration;

10 E. violated parts 4666.0010 to 4666.1400;

11 F. failed to perform services with reasonable
12 judgment, skill, or safety due to the use of alcohol or drugs,
13 or other physical or mental impairment;

14 G. been convicted of violating any state or federal
15 law, rule, or regulation which directly relates to the practice
16 of occupational therapy;

17 H. aided or abetted another person in violating any
18 provision of parts 4666.0010 to 4666.1400;

19 I. been disciplined for conduct in the practice of an
20 occupation by the state of Minnesota, another jurisdiction, or a
21 national professional association, if any of the grounds for
22 discipline are the same or substantially equivalent to those in
23 parts 4666.0010 to 4666.1400;

24 J. not cooperated with the commissioner or advisory
25 council in an investigation conducted according to subpart 2;

26 K. advertised in a manner that is false or
27 misleading;

28 L. engaged in dishonest, unethical, or unprofessional
29 conduct in connection with the practice of occupational therapy
30 that is likely to deceive, defraud, or harm the public;

31 M. demonstrated a willful or careless disregard for
32 the health, welfare, or safety of a client;

33 N. performed medical diagnosis or provided treatment,
34 other than occupational therapy, without being licensed to do so
35 under the laws of this state;

36 O. paid or promised to pay a commission or part of a

1 fee to any person who contacts the occupational therapist for
2 consultation or sends patients to the occupational therapist for
3 treatment;

4 P. engaged in an incentive payment arrangement, other
5 than that prohibited by item O, that promotes occupational
6 therapy overutilization, whereby the referring person or person
7 who controls the availability of occupational therapy services
8 to a client profits unreasonably as a result of client
9 treatment;

10 Q. engaged in abusive or fraudulent billing
11 practices, including violations of federal Medicare and Medicaid
12 laws, Food and Drug Administration regulations, or state medical
13 assistance laws;

14 R. obtained money, property, or services from a
15 consumer through the use of undue influence, high pressure sales
16 tactics, harassment, duress, deception, or fraud;

17 S. performed services for a client who had no
18 possibility of benefiting from the services;

19 T. failed to refer a client for medical evaluation
20 when appropriate or when a client indicated symptoms associated
21 with diseases that could be medically or surgically treated;

22 U. engaged in conduct with a client that is sexual or
23 may reasonably be interpreted by the client as sexual, or in any
24 verbal behavior that is seductive or sexually demeaning to a
25 patient;

26 V. violated a federal or state court order, including
27 a conciliation court judgment, or a disciplinary order issued by
28 the commissioner, related to the individual's occupational
29 therapy practice; or

30 W. any other just cause related to the practice of
31 occupational therapy.

32 Subp. 2. Investigation of complaints. The commissioner,
33 or the advisory council when authorized by the commissioner, may
34 initiate an investigation upon receiving a complaint or other
35 oral or written communication that alleges or implies that an
36 individual has violated parts 4666.0010 to 4666.1400. In the

1 receipt, investigation, and hearing of a complaint that alleges
2 or implies an individual has violated parts 4666.0010 to
3 4666.1400, the commissioner shall follow the procedures in
4 Minnesota Statutes, section 214.10.

5 Subp. 3. **Disciplinary actions.** If the commissioner finds
6 that an occupational therapist or occupational therapy assistant
7 should be disciplined according to subpart 1, the commissioner
8 may take any one or more of the following actions:

9 A. refuse to grant or renew registration;

10 B. approve registration with conditions;

11 C. revoke registration;

12 D. suspend registration;

13 E. any reasonable lesser action including, but not
14 limited to, reprimand or restriction on registration; or

15 F. any action authorized by statute.

16 Subp. 4. **Effect of specific disciplinary action on use of**
17 **title.** Upon notice from the commissioner denying registration
18 renewal or upon notice that disciplinary actions have been
19 imposed and the individual is no longer entitled to use the
20 registered titles, the individual shall cease to use titles
21 protected by parts 4666.0010 to 4666.1400 and shall cease to
22 represent to the public that the individual is registered by the
23 commissioner.

24 Subp. 5. **Reinstatement requirements after disciplinary**
25 **action.** An individual who has had registration suspended may
26 request and provide justification for reinstatement following
27 the period of suspension specified by the commissioner. The
28 requirements of parts 4666.0300 and 4666.0400 for renewing
29 registration and any other conditions imposed with the
30 suspension must be met before registration may be reinstated.

31 4666.1400 OCCUPATIONAL THERAPY PRACTITIONERS ADVISORY COUNCIL.

32 Subpart 1. **Membership.** The commissioner shall appoint
33 seven persons to an occupational therapy practitioners advisory
34 council consisting of the following:

35 A. Two public members, as defined in Minnesota

1 Statutes, section 214.02. The public members shall be either
2 persons who have received occupational therapy services or
3 family members of or caregivers to such persons.

4 B. Two members who are occupational therapists and
5 two occupational therapy assistants registered under parts
6 4666.0010 to 4666.1400 each of whom is employed in a different
7 practice area including, but not limited to, long-term care,
8 school therapy, early intervention, administration, gerontology,
9 industrial rehabilitation, cardiac rehabilitation, physical
10 disability, pediatrics, mental health, home health, and hand
11 therapy. Three of the four occupational therapy practitioners
12 who serve on the advisory council must be currently, and for the
13 three years preceding the appointment, engaged in the practice
14 of occupational therapy or employed as an administrator or an
15 instructor of an occupational therapy program. At least one of
16 the four occupational therapy practitioners who serve on the
17 advisory council must be employed in a rural area.

18 C. One member who is a licensed or registered health
19 care practitioner, or other credentialed practitioner, who works
20 collaboratively with occupational therapy practitioners.

21 Subp. 2. Duties. At the commissioner's request, the
22 advisory council shall:

23 A. advise the commissioner regarding the occupational
24 therapy practitioner registration standards;

25 B. advise the commissioner on enforcement of parts
26 4666.0010 to 4666.1400;

27 C. provide for distribution of information regarding
28 occupational therapy practitioners registration standards;

29 D. review applications and make recommendations to
30 the commissioner on granting or denying registration or
31 registration renewal;

32 E. review reports of investigations relating to
33 individuals and make recommendations to the commissioner as to
34 whether registration should be denied or disciplinary action
35 taken against the individual; and

36 F. perform other duties authorized for advisory

04/17/96

[REVISOR] RR/CA AR2191

1 councils by Minnesota Statutes, chapter 214, as directed by the
2 commissioner.