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| <u>By</u> | <u>Date</u> | <u>Action Description</u>   | <u>Jt. Res. No.</u> | <u>Expiration Date</u> |
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| -         | 01/30/2013  | Received by Lt. Gov & Speaker                                     |                     | 05/30/2013             |
| H         | 01/30/2013  | Referred to Committee   |                     |                        |
| S         | 01/30/2013  | Referred to Committee   |                     |                        |
| S         | 02/21/2013  | Committee Requested Withdrawal<br>120 Day Period Tolled           |                     |                        |
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| -         | 06/06/2013  | Approved by: Expiration Date                                      |                     |                        |
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Resubmitted: March 12, 2013

Document No. 4328  
**OCCUPATIONAL THERAPY BOARD**  
CHAPTER 94

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-10 et seq.

94-01 through 94-10. Occupational Therapy Board

**Synopsis:**

To satisfy the requirements of licensure for occupational therapists, Regulations 94-01 through 94-10 must be updated in conformance with the current Occupational Therapy Practice Act.

The Notice of Drafting was published in the *State Register* on October 26, 2012.

**Instructions:**

The following sections of Chapter 94 are modified as provided below. All other items and sections remain unchanged.

**Text:**

ARTICLE 1  
DEFINITIONS

94-01. Repealed by State Register Volume 36, Issue No. 6, eff June 22, 2012.

ARTICLE 2  
OFFICERS OF THE BOARD; MEETINGS

94-02. Officers of Board.

At the first meeting of each calendar year, the Board shall elect from among its members a chairman, vice-chairman, and other officers as the Board determines necessary.

94-03. Meetings.

(1) The Board shall meet at least two (2) times a year and at other times upon the call of the chairman or a majority of the Board members.

(2) A majority of the members of the Board constitutes a quorum; however, if there is a vacancy on the Board, a majority of the members serving constitutes a quorum.

(3) Board members are required to attend meetings or to provide proper notice and justification of inability to do so. Unexcused absences from meetings may result in removal from the Board as provided in Section 1-3-240.

ARTICLE 3  
LICENSING PROVISIONS

94-04. General Licensing Provisions for Occupational Therapists.

An applicant for initial licensure as an occupational therapist must:

- (1) be a graduate of an occupational therapy educational program approved by the Board; and
- (2) submit an application on a form approved by the Board, along with the required fee; and
- (3) pass an examination approved by the Board; and
- (4) submit proof satisfactory to the Board that the applicant is in good standing with the National Board for Certification in Occupational Therapy (NBCOT) or other Board-approved certification program.

#### 94-05. General Licensing Provisions for Occupational Therapy Assistants.

An applicant for initial licensure as an occupational therapy assistant must:

- (1) be a graduate of an occupational therapy assistant program approved by the Board; and
- (2) submit an application on a form approved by the Board, along with the required fee; and
- (3) pass an examination approved by the Board; and
- (4) submit proof satisfactory to the Board that the applicant is in good standing with the National Board for Certification in Occupational Therapy (NBCOT) or other Board-approved certification program.
- (5) The Board must annually review NBCOT, or other Board-approved program, requirements for initial certification and certification renewal.

#### 94-06. Licensure by Endorsement.

An applicant for licensure as an occupational therapist or occupational therapy assistant by endorsement must:

- (1) hold a current, active, and unrestricted license under the laws of another state or territory that had requirements that were, at the date of licensure, equivalent to the requirements in effect at the time of application in South Carolina; and
- (2) submit proof satisfactory to the Board of current certification in good standing with the National Board for Certification in Occupational Therapy (NBCOT) or other Board-approved certification program; and
- (3) submit an application on forms approved by the Board, with the required fee; and
- (4) submit verification of all current permanent licenses in other states from each state.

#### 94-07. Reactivation of Inactive or Lapsed Licenses.

The Board may issue a provisional license to a licensee for the sole purpose of seeking reactivation of the license, and a reinstatement fee must be paid to obtain this provisional license. The provisional licensee must be in good standing with NBCOT, and submit a plan of action to the Board on a Board approved form for obtaining the requirements in 94-04 and 94-05 to be completed within one calendar year. All components must be tracked on a Board approved form.

(1) An occupational therapist or occupational therapy assistant whose license has been inactive or lapsed for three (3) years but less than five (5) years may reactivate the license by applying to the Board, demonstrating evidence satisfactory to the Board on a form approved by the Board of five hundred (500) hours of clinical practice under the on-site supervision of an occupational therapist, and paying the reactivation fee.

(2) An occupational therapist or occupational therapy assistant whose license has been inactive or lapsed for five (5) years but less than ten (10) years may reactivate the license by applying to the Board, demonstrating evidence satisfactory to the Board of no less than seven hundred fifty (750) hours under the on-site supervision of an occupational therapist licensed in this State, successful completion of a course(s) approved by the Board, and paying the reactivation fee.

(3) An occupational therapist or occupational therapy assistant whose license has been inactive or lapsed for ten (10) years or more may reactivate the license by applying to the Board, demonstrating

evidence satisfactory to the Board of no less than one thousand (1000) hours under the on-site supervision of an occupational therapist licensed in this State, successfully passing an examination administered or approved by the Board, and paying the reactivation fee.

(4) Provisional licenses are not renewable without appearing before the Board.

#### ARTICLE 4 CONTINUING EDUCATION

94-08. Continuing Education.

(1) A licensee must maintain continuing education requirements in compliance with NBCOT or other board-approved standards.

(2) The Board reserves the right to audit continuing education requirements, or delegate audit of continuing education requirements.

#### ARTICLE 5 FEES

94-09. Fees.

Fees are as follows:

|   |                        |
|---|------------------------|
| (1) Application fee                                 |                        |
| (a) occupational therapist                          | \$135.00               |
| (b) occupational therapy assistant                  | \$115.00               |
| (2) Biennial license renewal                        |                        |
| (a) occupational therapist                          | \$100.00               |
| (b) occupational therapy assistant                  | \$80.00                |
| (3) Late Renewal Penalty                            | \$50.00                |
| (4) Reactivation (Inactive to Active)               |                        |
| (a) occupational therapist                          | \$50 + renewal fee     |
| (b) occupational therapy assistant                  | \$50 + renewal fee     |
| (5) Reactivation (lapsed to active)                 | \$300.00 - renewal fee |
| (6) License verification to another state           | \$5.00                 |
| (7) Name change and new license                     | \$10.00                |
| (8) Duplicate license                               | \$10.00                |
| (9) Duplicate certificate – wall certificate        | \$10.00                |
| (10) Returned check charge                          | \$30.00                |
| (or amount specified by law; see Section 34-11-70)  |                        |
| (11) Temporary License Fee                          | \$10.00                |
| (12) Registry of Applicants (licensee mailing list) | \$10.00                |

A check which is presented to the Board as payment for a fee which the Board is permitted to charge under this chapter and which is returned unpaid may be cause for denial of a license or for imposing a sanction authorized under this chapter or Section 40-1-50(G).

#### ARTICLE 6 CODE OF ETHICS

94-10. Code of Ethics.

Principle 1. Occupational Therapy personnel shall demonstrate a concern for the well-being and safety of the recipients of their services.

(a) Occupational Therapy personnel shall provide services in an equitable manner for all individuals.

(b) Occupational Therapy personnel shall provide evaluations and re-evaluations/assessments as well as a therapeutic treatment plan for all recipients of their services.

(c) Occupational Therapy personnel shall provide services that are within each practitioner's level of competence and scope of practice.

(d) Occupational Therapy personnel shall strive to ensure that fees are fair, reasonable, and commensurate with the service performed and are set with due regard for the service recipient.

(e) Occupational Therapy personnel shall use therapeutic equipment, evidence based practice, and interventions that are recognized within the scope of occupational therapy practice.

(f) Occupational Therapy personnel shall terminate services when deemed appropriate; for example, recipient refuses services, goals have been met, or services no longer produce a measurable change or outcome.

(g) Occupational Therapy personnel shall report to appropriate personnel any acts in practice, educational and research that appear unethical or illegal.

(h) Occupational Therapists shall refer recipients to other service providers or consult with other service providers when additional knowledge and expertise are required.

Principle 2. Occupational Therapy personnel shall respect the rights of the recipient of their services.

(a) Occupational Therapy personnel shall avoid inflicting intentional harm or injury to recipients of occupational therapy services.

(b) Occupational Therapy personnel shall maintain relationships or activity whether consensual or nonconsensual do not exploit the recipient of services sexually, physically, emotionally, financially, socially or in any other manner.

(c) Occupational Therapy personnel shall avoid relationships or activities that interfere with professional judgment and objectivity.

(d) Occupational Therapy personnel shall inform the service recipients of the nature, risks, and potential outcomes of any interventions.

(e) Occupational Therapy personnel shall avoid influences such as drugs, alcohol or illegal contraband that may compromise the provision of occupational therapy services, education or research.

(f) Occupational Therapy personnel shall respect the individual's right to refuse professional services or involvement in research or educational activities.

(g) Occupational Therapy personnel shall protect the confidential nature of information gained from educational, practice, research and investigational activities.

(h) Occupational Therapy personnel shall collaborate with service recipients or their surrogate(s) in determining goals and priorities throughout the intervention process.

(i) Occupational Therapy personnel shall obtain informed consent from subjects involved in research activities indicating they have been fully advised of the potential risks and outcomes.

Principle 3. Occupational Therapy personnel shall achieve and continually maintain high standards of competence.

(a) Occupational Therapy personnel shall hold the appropriate national and state credentials for providing services.

(b) Occupational Therapy personnel shall hold appropriate national and state credentials for providing services according to the state practice act, statutes and regulations.

(c) Occupational Therapy personnel shall maintain competence by completing professional development and education activities according to the state practice act, statutes and regulations.

(d) Occupational Therapy personnel shall provide supervision to individuals for whom the practitioners have supervisory responsibility.

Principle 4. Occupational Therapy personnel shall comply with local, state, and federal laws guiding the profession of occupational therapy.

(a) Occupational Therapy personnel shall report convictions in writing to S.C. Department of Labor, Licensing and Regulation, Board of Occupational Therapy, within thirty (30) days.

(b) Occupational Therapy personnel shall abide by local, state, and federal laws.

(c) Occupational Therapy personnel shall inform employers and colleagues about those laws that apply to the profession of occupational therapy.

(d) Occupational Therapy personnel shall require those they supervise in occupational therapy related activities to adhere to this code of ethics.

(e) Occupational Therapy personnel shall perform duties that are within the scope of practice of occupational therapy and commensurate with their qualifications and experience.

Principle 5. Occupational Therapy personnel shall provide accurate information about occupational therapy services.

(a) Occupational Therapy personnel shall accurately represent their qualifications, education, experience, training and competences.

(b) Occupational Therapy personnel shall disclose any affiliations that may conflict with the practice of occupational therapy services to persons affected by the conflict.

(c) Occupational Therapy personnel shall refrain from using or participating in the use of communication that contains false, fraudulent, deceptive or unfair statements or claims.

(d) Occupational Therapy personnel shall provide the most accurate and recent information to service providers during the practice of occupational therapy services.

(e) Occupational Therapy personnel shall accurately document qualifications, views, contributions and findings during the practice of occupational therapy services.

(f) Occupational Therapy personnel shall accurately record and report all information related to professional activities.

Principle 6. Occupational Therapy personnel shall treat colleagues, service recipients, and all other personnel associated with the practice of occupational therapy with fairness, discretion, respect, integrity, and truthfulness.

(a) Occupational Therapy personnel shall abide by local, state, and federal laws established for confidential information in the practice of occupational therapy services.

(b) Occupational Therapy personnel shall avoid sexual harassment or misconduct.

(c) Occupational Therapy personnel shall report any breach of this code of ethics to the Board of Occupational Therapy.

**Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions.

**Statement of Rationale:**

These regulations are updated in conformance with the current Occupational Therapy Practice Act.