

**Michigan Office of Administrative Hearings and Rules**

**Administrative Rules Division (ARD)**

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**REGULATORY IMPACT STATEMENT  
and COST-BENEFIT ANALYSIS (RIS)**

**Agency Information:**

**Department name:**

Licensing and Regulatory Affairs

**Bureau name:**

Bureau of Professional Licensing

**Name of person filling out RIS:**

Andria Ditschman

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**Rule Set Information:**

**ARD assigned rule set number:**

2020-28 LR

**Title of proposed rule set:**

Occupational Therapists - General Rules

**Comparison of Rule(s) to Federal/State/Association Standard:**

**1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.**

Each state establishes its own requirements with respect to occupational therapists and occupational therapy assistants, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

**A. Are these rules required by state law or federal mandate?**

Yes, the Department in consultation with the Board is required to promulgate rules as follows: to include training standards for identifying victims of human trafficking, pursuant to MCL 333.16148; and to complete continuing education (CE) hours in pain and symptom management for an applicant for licensure renewal, if continuing education is a condition for renewal, pursuant to MCL 333.16204.

The following provisions allow for rule making: MCL 333.16145, MCL 333.16148, MCL 333.16204, MCL 333.18307, MCL 333.18309, MCL 333.18313, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

**B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.**

The rules do not exceed a federal standard.

**2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.**

The proposed rules are consistent with the standards required by the Public Health Code (Code) and are largely consistent with the requirements of other states in the Great Lakes region.

Part 1 of the rules defines certain terms used in the rule set.

Part 2 of the rules pertains to prohibited conduct and an English language requirement. The rule regarding prohibited conduct will be reduced to a reference to the Code, that lists the conduct prohibited by health professionals, and the English language requirement will be rescinded as the requirement is being added to the Public Health Code General Rules, which are applicable to all health professionals.

Part 3 of the rules pertains to occupational therapist educational program standards, licensure requirements, supervised practice experience requirements, and the delegation of a duty to an occupational therapy assistant. All states in the Great Lakes region approve occupational therapy educational programs, provide licensure requirements, provide supervised practice experience requirements, and regulate the delegation of a duty to an occupational therapy assistant in their occupational therapists' statutes and administrative rules. The educational standards, licensure requirements, supervised practice requirements, and the regulations for the delegation of a duty to an occupational therapy assistant in the proposed rules are similar to the standards and requirements in the other states in the Great Lakes Region.

Part 4 of the rules pertains to the educational program standards and licensure requirements of occupational therapy assistants. All states in the Great Lakes region approve educational standards and licensure requirements for occupational therapy assistants in occupational therapists' statutes and administrative rules. The educational standards and licensure requirements in the proposed rules are similar to the standards and requirements in other states in the Great Lakes Region.

Part 5 of the rules pertains to continuing education (CE) requirements. In the proposed rules, a licensee must accumulate 20 CE credit hours during each 2-year licensing cycle. All other states in the Great Lakes region require an occupational therapist and an occupational therapy assistant to accumulate CE during each licensing cycle, but the number of CE credits required differ from state to state. In Illinois, Pennsylvania, and Wisconsin, a licensee must accumulate 24 CE credits in each 2-year licensing cycle. In Indiana and Minnesota, a licensee must accumulate 18 CE credits in each 2-year licensing cycle. In Kentucky, a licensee must accumulate 12 CE credits in each 1-year licensing cycle. In New York, a licensee must accumulate 36 CE credits in each 3-year licensing cycle. In Ohio, a licensee must accumulate 20 CE credits in each 2-year licensing cycle.

**A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.**

The standards pertaining to licensure, supervised practice, delegation of a duty, and CE differ from state to state.

Overall, the standards in the proposed rules do not exceed those of the other states in the Great Lakes region.

**3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.**

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

**A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.**

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

**4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.**

There is no applicable federally mandated standard. Consequently, MCL 24.232(8) is not applicable.

**5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, either the statute that specifically authorizes the more stringent rules or a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.**

There is no applicable federal standard.

**6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.**

In proposed R 338.1211, citations are amended for clarity and to aid an applicant or licensee in understanding the terms used in the rule set. In proposed R 338.1212, the rule will be modified to refer to the Code which prohibits certain conduct. R 338.1213 will be rescinded as the requirement is being added to the Public Health Code General Rules, which are applicable to all health professionals. Proposed R 338.1222 will provide updated accreditation information for educational standards and aid an applicant to identify approved educational programs. Proposed R 338.1223 will include changes to provide clarity regarding the time period within which an applicant must pass the required examination. Proposed R 338.1223a will clarify that the department may issue a limited license and that it may be renewed once. Proposed R 338.1225 will amend the requirement for licensure to include passage of the National Board for Certification in Occupational Therapy (NBCOT) certification examination and the state jurisprudence examination. Proposed R 338.1226 will clarify that the applicant's registration or license must be active and in good standing within 30 days prior to filing an application and will aid an applicant to comply with all licensure requirements. Amendments to proposed R 338.1227 will be made to aid an applicant in understanding the requirements for relicensure. The proposed rule will update CE requirements and inform an applicant that if his or her license has been lapsed for 3 years or more, he or she must complete supervised practice experience while holding a limited license. Proposed R 338.1228 will clarify that this experience must be obtained under the supervision of a licensed occupational therapist supervisor to ensure that an applicant obtains appropriate supervised practice experience. Proposed R 338.1229 will require an occupational therapist to initiate and direct the evaluation before delegating limited assessments to an occupational therapist assistant and complete the evaluation before delegating tasks or interventions to an occupational therapy assistant. Proposed R 338.1229a will clarify a licensee's duty when delegating a task to a student enrolled in an accredited or approved occupational therapy educational program. Proposed R 338.1232 will correct the contact information for the Michigan Board of Occupational Therapists. Proposed R 338.1233 will advise an applicant when he or she must complete the required licensing examinations. Proposed R 338.1233a The current rule will clarify that the department may issue a limited license to complete the required supervised practice experience and that the limited license it may be renewed once. Proposed R 338.1234 will correct a clerical error. Proposed R 338.1234a is a new proposed rule pertaining to an applicant who graduated from a non-accredited institution. The proposed rule will establish the requirements for verifying that the applicant has met the educational requirements and require that the applicant pass the NBCOT and state jurisprudence examinations. Proposed R 338.1235 will clarify when the applicant must pass the required examinations for licensure and that the applicant's registration or licensure in another jurisdiction must be active and in good standing within 30 days prior to filing an application. Proposed R 338.1236 will require the applicant to provide proof that he or she has completed the required CE and will advise him or her when the CE must be completed. It is intended to aid an applicant in understanding the requirements for relicensure. The proposed rule will also advise that the limited license granted to complete the required supervised practice may be renewed once. The proposed rule will require that the applicant's registration or licensure in another jurisdiction must be in good standing within 30 days prior to filing an application.

Proposed R 338.1237 will be amended for clarity to ensure that an applicant obtains the required supervised practice experience. Proposed R 338.1251 will be amended for clarity and to aid licensees in understanding CE requirements for license renewal. Proposed R 338.1252 will clarify that 10 hours of CE must be earned live and in person to help a licensee understand and comply with the requirement.

**A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.**

Promulgation of rules related to licensure and CE is required by statute. This provides a regulatory framework for the practice of occupational therapy. The proposed changes should provide greater clarity to licensees and aid in compliance with requirements under the rules.

**B. Describe the difference between current behavior/practice and desired behavior/practice.**

The practice of occupational therapy is regulated by law. This mandates licensure for provision of those services. Updating standards for licensure, organizing the rule set into a more user-friendly format, updating outdated information, and providing additional detail related to CE helps add clarity and certainty to the rules and will make compliance easier for applicants and licensees.

**C. What is the desired outcome?**

Those individuals who wish to practice occupational therapy will be regulated. By making improvements and clarifications to the rules, applicants and licensees should find compliance easier. This should result in fewer questions, fewer regulatory problems, and greater safety and protection of the public.

**7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.**

The use of outdated rules that do not comport with statutes governing the practice of occupational therapy and creates conflict and confusion for occupational therapists. Under MCL 333.16145, a board may promulgate rules necessary or appropriate to fulfill its functions as prescribed in the public health code. The proposed rule set updates the previously adopted rules and puts the rules in a format that is more user friendly for licensees. Specifically, changes have been made to address the following:

- R 338.1211 In the proposed rule, citations are amended for clarity and to aid an applicant or licensee in understanding the terms used in the rule set to avoid confusion.
- R 338.1212 The prohibited conduct is largely duplicative of the conduct listed in the Code so it will be deleted and a simple reference to the Code will remain.
- R. 338.1213 The rule will be rescinded as the requirement is being added to the Public Health Code General Rules, which are applicable to all health professionals.
- R 338.1222 The proposed rule will provide updated accreditation information regarding educational standards to avoid confusion and aid in compliance.
- R 338.1223 The proposed rules will amend this rule to provide clarity regarding the time period within which an applicant must pass the required examination and will help an applicant to understand and comply with the requirements.
- R 338.1223a The proposed rule will clarify that the department may issue a limited license and that a limited license may be renewed once.
- R 338.1225 The proposed rule will amend the requirement for licensure to include passage of the NBCOT certification examination and the state jurisprudence examination. The amendments will help an applicant comply with all requirements.
- R 338.1226 The proposed changes will clarify that the applicant's registration or license must be active and in good standing and will aid an applicant applying for licensure by endorsement to comply with all requirements.
- R 338.1227 The proposed rule will inform the applicant that he or she must provide proof of earning the required CE and when that CE must be completed. The proposed rule will also inform an applicant that if his or her license has been lapsed for more than 3 years, he or she must complete supervised practice experience while holding a limited license.
- R 338.1228 The proposed rule will clarify that this experience must be obtained under the supervision of a licensed occupational therapist supervisor. The amendments will help an applicant comply with all requirements.
- R 338.1229 The proposed rule will require an occupational therapist to initiate and direct the evaluation before delegating limited assessments to an occupational therapist assistant and complete the evaluation before delegating tasks or interventions to an occupational therapy assistant.
- R 338.1229a The proposed rule will clarify a licensee's duty when delegating a task to a student enrolled in an accredited or approved occupational therapy educational program.
- R 338.1232 The proposed rule will correct the contact information for the Michigan Board of Occupational Therapists.
- R 338.1233 The proposed rule will advise an applicant when he or she must complete the required licensing examinations.
- R 338.1233a The proposed rule will clarify that the department may issue a limited license to complete the required supervised practice experience and that a limited license may be renewed once.
- R 338.1234 The proposed rule will correct a clerical error.
- R 338.1234a The proposed rule establishes the requirements for verifying that the applicant has met the educational requirements and requires that the applicant pass the NBCOT and state jurisprudence examinations.
- R 338.1235 The proposed rule will clarify when the applicant must pass the required examinations for licensure and that the applicant's registration or licensure in another jurisdiction must be active and in good standing.
- R 338.1236 The proposed rule will also advise that the limited license granted to complete the required supervised practice may be renewed once and that the applicant's registration or licensure in another jurisdiction must be in good standing within 30 days prior to filing an application.
- R 338.1237 The proposed rule will be amended for clarity to ensure that an applicant obtains the required supervised practice experience.
- R 338.1251 The proposed rule will be amended for clarity regarding when the CE must be accumulated and to aid licensees in understanding and complying with CE requirements for license renewal.
- R 338.1252 The proposed rule will clarify that 10 hours of CE must be earned live and in person to help a licensee understand and comply with the requirement.

**A. What is the rationale for changing the rules instead of leaving them as currently written?**

The proposed rule set primarily updates the previously adopted rules and puts the rules in a format that it is more user friendly for licensees.

**8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.**

The proposed rules provide a regulatory mechanism for the practice occupational therapy. To protect the health and safety of Michigan's citizens, it is important that members of the profession adhere to minimal educational and professional standards.

**9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.**

R 338.1213 provides that an applicant for licensure must demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside the United States. The rule will be rescinded as the requirement is being added to the Public Health Code General Rules, which are applicable to all health professionals.

**10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).**

The proposed rules are not expected to have a fiscal impact on the agency.

**11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.**

No agency appropriation has been made nor has a funding source been provided for expenditures associated with implementing these rules.

**12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.**

The estimated cost for taking the occupational therapy jurisprudence examination is \$53.00. Examination will benefit Michigan citizens by requiring an applicant for relicensure to demonstrate that he or she is knowledgeable about the rules and regulations governing the practice of occupational therapy in Michigan.

**A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.**

The rules are required by statute to provide a mechanism for licensing and regulation of the profession. The rules are not any more restrictive than is allowed by statute. Despite the cost- related burden of licensing, the rules and regulations are necessary in order to provide a framework of standards for educational, licensure, and CE requirements.

**13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.**

There are no anticipated increases or decreases in revenues to state or local governmental units as a result of the proposed rules.

**14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.**

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, county, township, village, or school district as a result of these proposed rules.

**A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.**

There are no anticipated actions that a governmental unit must take to comply with these proposed rules.

**15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.**

No appropriations have been made to any governmental units as a result of these rules. No additional expenditures are anticipated or intended with the proposed rules.

**16. In general, what impact will the rules have on rural areas?**

The proposed rules are not expected to impact rural areas. The proposed rules apply to individuals licensed under the public health code as a licensed occupational therapist or occupational therapy assistant, regardless of his or her location.

**A. Describe the types of public or private interests in rural areas that will be affected by the rules.**

No disparate impact of public or private interests is anticipated on rural areas because of the proposed rules.

**17. Do the proposed rules have any impact on the environment? If yes, please explain.**

The proposed rules do not have an environmental impact.

**18. Describe whether and how the agency considered exempting small businesses from the proposed rules.**

The proposed rules impose requirements on individual licensees rather than small businesses. Even if a licensee's workplace qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession.

**19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.**

The rules regulate individual licensees. Further, the public health code requires an occupational therapist or occupational therapy assistant to be licensed and he or she may work in a small business.

While a licensee may work independently or as part of a small business, the law does not allow the rules to exempt these individuals from the requirements of the rules. However, the impact on a licensee who works as part of a small business is minimized in the proposed rules, as the rules are written broadly. The proposed rule changes will have minimal or no impact on a licensee. As a result, a licensee, whether he or she works in small business or not, should not be significantly impacted by the changes.

**A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.**

There are approximately 6,486 occupational therapists and 2,046 occupational therapy assistants in Michigan.

A licensee may work in a small business, but no matter what type of business environment the licensee works in, he or she will have to comply with the proposed rules. The rules do not impact small businesses differently because the impact is to the individual licensee only.

**B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.**

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all licensed occupational therapists and occupational therapy assistants. The rules were drafted to be the least burdensome on all affected licensees.

**C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.**

The agency did not consolidate or simplify compliance and reporting requirements with the proposed rules.

**D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.**

The agency did not establish performance standards to replace design or operation standards required by these rules.

**20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.**

The proposed rules do not impact small business; rather, they impact an individual licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

**21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.**

The proposed rules affect individual licensure applications and renewals, which are already required of all licensees, regardless if they practice in a small business. There is no separate cost to small businesses.

**22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.**

There will be no increased costs of compliance for a small business concerning the costs of equipment, supplies, labor, or administrative costs.

**23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.**

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

**24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.**

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

**25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.**

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's practice qualifies as a small business, the department could not exempt his or her business because it would create disparity in the regulation of the profession. Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

**26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.**

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's work qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

**27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.**

The department worked with the Board of Occupational Therapists in the development of the proposed rules. The board is composed of members of the profession and public members who work in small and large businesses in Michigan.

**A. If small businesses were involved in the development of the rules, please identify the business(es).**

No small businesses were involved in the development of the rules.

**28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.**

There are no estimated compliance costs with these rule amendments on businesses or groups.

**A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.**

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

**B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.**

No additional costs will be imposed on any businesses or groups.

**29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.**

If an applicant for licensure is foreign-trained, he or she must demonstrate a working knowledge of the English language. The fee to take the TOEFL-IBT at a Michigan-based location is approximately \$195.00.

An applicant for relicensure must pass the occupational therapy jurisprudence examination. The estimated cost to take the examination is \$53.00.

**A. How many and what category of individuals will be affected by the rules?**

The individuals affected are applicants for licensure, relicensure, and renewal.

**B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?**

The fee to take the occupational therapy jurisprudence examination is approximately \$53.00.

**30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.**



There are no cost reductions for businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

**31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.**

Occupational Therapy Jurisprudence Examination: The proposed rules require applicants for licensure and relicensure after a lapse of 3 years or more to pass the occupational therapy jurisprudence examination. The estimated cost to take the examination is approximately \$53.00. Michigan citizens will be benefitted by requiring an applicant for licensure or relicensure to demonstrate that he or she is knowledgeable about the rules and regulations governing the practice of occupational therapy in Michigan.

**32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.**

The rules are not expected to have an impact on business growth or job creation.

**33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.**

There is not expected to be a disproportionate affect due to industrial sector, segment of the public, business size, or geographic location.

**34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.**

Illinois: <http://www.ilga.gov/commission/jcar/admincode/068/068013150001450R.html>;  
<http://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1314&ChapAct=225%26nbsp%3BILCS%26nbsp%3B7%2F&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Illinois+Occupational+Therapy+Practice+Act%2E>;  
<http://www.ilga.gov/commission/jcar/admincode/068/068013150001000R.html>

Indiana: <https://secure.in.gov/pla/2518.htm>; <http://iga.in.gov/legislative/laws/2017/ic/titles/25/#25-23.5-0.5>;  
[http://www.in.gov/legislative/iac/iac\\_title?iact=844&iaca=10&submit=+Go+](http://www.in.gov/legislative/iac/iac_title?iact=844&iaca=10&submit=+Go+);  
[http://www.in.gov/legislative/iac/iac\\_title?iact=844&iaca=10&submit=+Go+](http://www.in.gov/legislative/iac/iac_title?iact=844&iaca=10&submit=+Go+)

Kentucky: <http://bot.ky.gov/Pages/regulations.aspx>; <http://bot.ky.gov/Pages/laws.aspx>

Minnesota: <https://www.revisor.mn.gov/statutes/cite/148>; <https://www.revisor.mn.gov/statutes/cite/148.6443>;  
[https://mn.gov/boards/assets/STATUTES%20148.6405%20%20OCCUPATIONAL%20THERAPISTS%20AND%20OCCUPATIONAL\\_tcm21-326311.pdf](https://mn.gov/boards/assets/STATUTES%20148.6405%20%20OCCUPATIONAL%20THERAPISTS%20AND%20OCCUPATIONAL_tcm21-326311.pdf)

New York: <http://www.op.nysed.gov/prof/ot/article156.htm>; <http://www.op.nysed.gov/prof/ot/part76.htm>

Ohio: <http://codes.ohio.gov/oac/4755>; <https://otptat.ohio.gov/Portals/0/laws/Ohio%20OT%20Practice%20Act%20as%20of%20May%201%202018.pdf?ver=2018-05-02-143519-423>; <http://codes.ohio.gov/orc/4755>

Pennsylvania: <https://www.pacode.com/secure/data/049/chapter42/chap42toc.html>;  
<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/OccupationalTherapy/Documents/Applications%20and%20Forms/Non-Application%20Documents/OTM%20-%20OT%20Law.pdf>

Wisconsin: <https://dsps.wi.gov/Pages/RulesStatutes/OT.aspx>;  
[https://docs.legis.wisconsin.gov/code/admin\\_code/ot/3.pdf](https://docs.legis.wisconsin.gov/code/admin_code/ot/3.pdf)

**A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rules.**

There were no estimates made because the rules impact an individual licensee as well as an applicant for licensure. No estimate could consider the setting where an individual may use his or her license. Because the rules only impact an individual, and impact all in the same way, the assumption made is that no additional cost or benefit would result from the proposed rules.

**35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.**

The rules are required by statute; there is no reasonable alternative to the proposed rules.

**A. Please include any statutory amendments that may be necessary to achieve such alternatives.**

There is no reasonable alternative to the proposed rules.

**36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

Since the rules are required by statute, private market-based systems cannot serve as an alternative. States regulate occupational therapists and occupational therapy assistants by statute, regulation, or both. Private market-based systems are not used for licensing and regulation. The licensing and regulation of occupational therapists and occupational therapy assistants are state functions, so a regulatory program independent of state intervention cannot be established. There are professional associations that establish criteria for membership as an occupational therapist or occupational therapy assistant, but these professional organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements, but does not join one of the professional organizations, would be able to practice and there would be no way to ensure their competency or hold them accountable.

**36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

**38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.**

Requirements to be Relicensed after Lapse: The proposed rules inform an applicant of the relicensing requirements when his or her license has lapsed. The applicant must complete the required CE and, if his or her license has lapsed for 3 years or more, pass the required examinations.