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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

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# Memorandum

## VIA E-MAIL

**DATE:** January 22, 2021

**TO:** Representative Luke Meerman, Chairperson, JCAR  
Senator Jon Bumstead, Alternate Chairperson, JCAR  
Evan Keimach, Senate Majority Policy Office  
Jimmy Biehl, House Republican Policy Office  
Tim Reeves, Counsel, JCAR  
Elizabeth Edberg, Counsel, JCAR

**FROM:** Marlon I. Brown, Director of Policy and Legislative Affairs

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**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for  
Rule Set 2020–28 LR (Occupational Therapists - General Rules)

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## Rules Primer

The purpose of the Board of Occupational Therapist Rules is to regulate the education of the profession, to establish the process of being licensed as an occupational therapist or occupational therapy assistant, to identify the tasks that an occupational therapist may delegate to an occupational therapy assistant, and to establish the education that occupational therapists and occupational therapy assistants must obtain while being licensed.

## Summary of the Final Proposed Rule

Modifications to the existing rules will:

- Delete prohibited conduct already included in the Public Health Code.
- Update references to educational program standards.
- Clarify when an applicant may sit for the occupational therapist exam and occupational therapy assistant exam.
- Clarify that a limited license for supervised practice for an occupational therapist or occupational therapy assistant whose registration has lapsed may be renewed one time.

- Allow supervised practice experience to be supervised by an occupational therapist in or out of the state of Michigan.
- Add a good standing requirement for relicensing or obtaining a license by endorsement.
- Clarify the requirements for licensure for an applicant who graduated from a non-accredited postsecondary institution.
- Clarify the requirements for relicensure for both an occupational therapist and occupational therapist assistant.
- Clarify that one-half of continuing education may be completed by synchronous activities that are not in-person.

### **Stakeholder Engagement**

Development of the proposed rules occurred in consultation with, and approval of, the Michigan Board of Occupational Therapists. The web address for the Board is [https://www.michigan.gov/lara/0,4601,7-154-89334\\_72600\\_72603\\_27529\\_27545---,00.html](https://www.michigan.gov/lara/0,4601,7-154-89334_72600_72603_27529_27545---,00.html). The website for the Occupational Therapy Rules Committee Work Group is, [https://www.michigan.gov/lara/0,4601,7-154-89334\\_72600\\_72603\\_27529\\_27545\\_91472-510761--,00.html](https://www.michigan.gov/lara/0,4601,7-154-89334_72600_72603_27529_27545_91472-510761--,00.html) .

### **Public Engagement and Public Hearing/Comment/Information**

The public comment period for this rule set began on August 23, 2020, and ended on September 18, 2020, at 5:00 p.m. The notice of public comment period, in addition to being posted in various newspapers as required, was posted on the LARA website, and distributed via email listserv to all interested parties. The public hearing was held at 9:00 a.m. on September 18, 2020, and occurred virtually via Zoom, as permitted under Executive Order 2020-154. Bethany Burge, MS, OTR/L, CNP, CAPS participated in the public hearing and provided written comment during the public comment period.

A Rules Committee Work Group Meeting was held on October 21, 2020 to review the public comments received by the Department. The Rules Committee and bureau staff attended the meeting.

### **Modifications Made Due to Public Comment**

The following modifications were made due to public comment:

- One-half of the required continuing education hours are required to be completed in interactive courses and programs that are synchronous, but not in-person.
- No more than one-half of the required continuing education hours that are asynchronous and not interactive are allowed to be earned during a 24-hour period.

**Significant Issues Not Incorporated in the Final Proposed Rules**

There were no significant issues that were not incorporated into the final proposed rules.

cc/att:           Orlene Hawks, Director, LARA  
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