



STATE OF MICHIGAN  
JOCELYN BENSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

April 26, 2023

**NOTICE OF FILING**

**ADMINISTRATIVE RULES**

To: Secretary of the Senate  
Clerk of the House of Representatives  
Joint Committee on Administrative Rules  
Michigan Office of Administrative Hearings and Rules (Administrative Rule #21-085-LR)  
Legislative Service Bureau (Secretary of State Filing #23-04-08)  
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2021-085-LR (Secretary of State Filing #23-04-08) on this date at 9:52 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Occupational Therapists – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson  
Secretary of State

Lashana Threlkeld, Departmental Supervisor  
Office of the Great Seal

Enclosure



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

ORLENE HAWKS  
DIRECTOR

April 26, 2023

The Honorable Jocelyn Benson  
Secretary of State  
Office of the Great Seal  
Richard H. Austin Building – 1<sup>st</sup> Floor  
430 W. Allegan  
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules  
Administrative Rules #: 2021-85 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated December 13, 2022 for the Department of Licensing & Regulatory Affairs “**Occupational Therapists - General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Sonneborn", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 16141, 16145, 16148, 16174, 16175, 16178, 16186, 16186a, 16204, 16205, 16215, 16287, 18307, 18309, and 18313 of the Public Health Code, 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16174, 333.16175, 333.16178, 333.16186, 333.16186a, 333.16204, 333.16205, 333.16215, 333.16287, 333.18307, 333.18309, and 333.18313, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

R 338.1211, R 338.1215, R 338.1221, R 338.1223, R 338.1224, R 338.1225, R 338.1226, R 338.1227, R 338.1229, R 338.1229a, R 338.1231, R 338.1233, R 338.1234a, R 338.1235, R 338.1236, R 338.1251, and R 338.1252 of the Michigan Administrative Code are amended, R 338.1241 and R 338.1243 are added, and R 338.1222, R 338.1223a, R 338.1232, and R 338.1233a are rescinded.

Date: 02/16/2023

Adopted by: Marlon I. Brown  
Marlon I. Brown  
Chief Administrative Officer  
Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS  
DIRECTOR

## LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated December 13, 2022, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Occupational Therapists—General Rules**” by:


- ◆ Adding R 338.1241 and R 338.1243.
- ◆ Rescinding R 338.1222, R 338.1223a, R 338.1232, and R 338.1233a.
- ◆ Amending R 338.1211, R 338.1215, R 338.1221, R 338.1223, R 338.1224, R 338.1225, R 338.1226, R 338.1227, R 338.1229, R 338.1229a, R 338.1231, R 338.1233, R 338.1234a, R 338.1235, R 338.1236, R 338.1251, and R 338.1252.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: February 24, 2023

Michigan Office of Administrative Hearings and Rules

By:   
Ashlee N. Lynn,  
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated December 13, 2022, amending R 338.1211, R 338.1215, R 338.1221, R 338.1223, R 338.1224, R 338.1225, R 338.1226, R 338.1227, R 338.1229, R 338.1229a, R 338.1231, R 338.1233, R 338.1234a, R 338.1235, R 338.1236, R 338.1251, and R 338.1252, rescinding R 338.1222, R 338.1223a, R 338.1232, and R 338.1233a, and adding R 338.1241 and R 338.1243 of the Department's rules entitled "Occupational Therapists – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: February 24, 2023

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,  
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL THERAPISTS – GENERAL RULES

Filed with the secretary of state on April 26, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16141, 16145, 16148, 16174, 16175, 16178, 16186, 16186a, 16204, 16205, 16215, 16287, 18307, 18309, and 18313 of the public health code, 1978 PA 368, MCL 333.16141, 333.16145, 333.16148, 333.16174, 333.16175, 333.16178, 333.16186, 333.16186a, 333.16204, 333.16205, 333.16215, 333.16287, 333.18307, 333.18309, and 333.18313, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.1211, R 338.1215, R 338.1221, R 338.1223, R 338.1224, R 338.1225, R 338.1226, R 338.1227, R 338.1229, R 338.1229a, R 338.1231, R 338.1233, R 338.1234a, R 338.1235, R 338.1236, R 338.1251, and R 338.1252 of the Michigan Administrative Code are amended, R 338.1241 and R 338.1243 are added, and R 338.1222, R 338.1223a, R 338.1232, and R 338.1233a are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.1211 Definitions.

Rule 11. (1) As used in these rules:

- (a) "ACOTE" means Accreditation Council for Occupational Therapy Education.
- (b) "AOTA" means American Occupational Therapy Association.
- (c) "Board" means the board of occupational therapists.
- (d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (e) "Department" means the department of licensing and regulatory affairs.
- (f) "Direct supervision" means that the occupational therapist is physically present or present via telemedicine with the individual being supervised or immediately available for direction and onsite supervision when the limited assessment, task, intervention, or interaction with the client is performed.
- (g) "General supervision" means that the occupational therapist is not required to be physically present on site or present during a telemedicine visit but is continuously available when the limited assessment, task, intervention, or interaction with the client is performed. Continuously available includes availability by telecommunication or another electronic device.

- (h) "NBCOT" means National Board for Certification in Occupational Therapy.
- (i) "WFOT" means World Federation of Occupational Therapists.
- (2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

R 338.1215 Training standards for identifying victims of human trafficking; requirements.

Rule 15. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or that is licensed shall have completed training in identifying victims of human trafficking that satisfies the following standards:

- (a) Training content must cover all of the following:
  - (i) Understanding the types and venues of human trafficking in the United States.
  - (ii) Identifying victims of human trafficking in healthcare settings.
  - (iii) Identifying the warning signs of human trafficking in healthcare settings for adults and minors.
  - (iv) Identifying resources for reporting suspected victims of human trafficking.
- (b) Acceptable providers or methods of training including any of the following:
  - (i) Training offered by a nationally recognized or state-recognized, health-related organization.
  - (ii) Training offered by, or in conjunction with, a state or federal agency.
  - (iii) Training in an educational program that has been approved by the advisory committee for initial license or registration, or by a college or university.
  - (iv) Reading an article related to the identification of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer-review journal, healthcare journal, or professional or scientific article.
- (c) Acceptable modalities of training including any of the following:
  - (i) Teleconference or webinar.
  - (ii) Online presentation.
  - (iii) Live presentation.
  - (iv) Printed or electronic media.
- (2) The department may select and audit an individual and request documentation of proof of completion of training. If audited by the department, the individual shall provide an acceptable proof of completion of training, including either of the following:
  - (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and the individual's name.
  - (b) A self-certification statement by the individual. The certification statement must include the individual's name and 1 of the following:
    - (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
    - (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of the article, author, publication name of the peer-review journal, healthcare journal, or professional or scientific journal, and the date, volume, and issue of publication, as applicable.

## PART 2. OCCUPATIONAL THERAPISTS

R 338.1221 Educational program standards; occupational therapist; adoption by reference.

Rule 21. (1) The board approves and adopts by reference the standards for accrediting occupational therapist educational programs in the documents entitled "2018 Accreditation Council for Occupational Therapy Education (ACOTE) Standards and Interpretive Guide," adopted by ACOTE, which were effective July 31, 2020. Copies of these standards are available at no cost from the ACOTE website at <https://acoteonline.org/accreditation-explained/standards/>. Copies of the standards are also available for inspection and distribution at 10 cents per page from the Michigan Board of Occupational Therapists, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapists that is accredited by the ACOTE qualifies as an occupational therapist educational program approved by the board.

(3) The board approves and adopts by reference the standards in the document entitled "Minimum Standards for the Education of Occupational Therapists, Revised 2016" published by the WFOT. Copies of these standards are available at no cost on the WFOT website at <http://www.wfot.org>. The standards are also available for inspection at 10 cents per page from the Michigan Board of Occupational Therapists, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(4) Any educational program for occupational therapists that is approved by the WFOT qualifies as an occupational therapist educational program approved by the board.

(5) Any bachelor's level educational program for occupational therapists that was operating before December 31, 2006, and accredited by the ACOTE or approved by the WFOT qualifies as an occupational therapist educational program approved by the board.

R 338.1222 Rescinded.

R 338.1223 Application for occupational therapist license; requirements.

Rule 23. An applicant for an occupational therapist license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, an applicant shall meet all of the following requirements:

(a) Graduate from an occupational therapist education program that is accredited by the ACOTE or approved by the WFOT, or their predecessor organizations that meets the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.

(b) Within 3 years before the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the occupational therapist licensure examination adopted in R 338.1224.

(c) Within 3 years before the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules



related to the practice of occupational therapy in this state that is developed and administered by the department, or an entity approved by the department.

(d) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.

(e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.1223a Rescinded.

R 338.1224 Examinations; occupational therapist; adoption and approval; passing scores.

Rule 24. (1) The board approves and adopts the certification examination for occupational therapists that was developed, administered, and scored by the NBCOT as the licensure examination for occupational therapists in this state. The board shall adopt the passing score recommended by the NBCOT for the certification examination.

(2) The board approves the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department, or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) An applicant that fails to achieve a passing score on the examination required in subrule (2) of this rule may retake the examination without limitation.

R 338.1225 Graduate of non-accredited postsecondary institution; occupational therapist; equivalency of education; NBCOT examination.

Rule 25. An applicant for an occupational therapist license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, an applicant shall meet all of the following requirements:

(a) Establish to the board that the applicant completed an occupational therapist educational program that is substantially equivalent to an occupational therapist program that is accredited by the ACOTE or approved by the WFOT as provided in R 338.1222.

(b) Have documentation sent directly to the department from the NBCOT verifying the applicant passed the NBCOT certification examination for occupational therapists adopted in R 338.1224 within 3 years before the application for licensure and not more than 2 years after the application for licensure.

(c) Within 3 years before the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department, or an entity approved by the department.

(d) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.

(e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.1226 Licensure by endorsement; occupational therapist; requirements.

Rule 26. (1) An applicant for an occupational therapist license by endorsement shall submit the required fee and a completed application on a form provided by the department. An applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant meets the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, and satisfies the following requirements, as applicable.

(2) If an applicant is actively registered or licensed as an occupational therapist in another state for 5 years or more and is in good standing within 30 days before filing an application for an occupational therapist license in this state, then the applicant shall comply with both of the following:

(a) Have previously taken and passed the NBCOT certification examination for occupational therapists with a score adopted by the board under R 338.1224(1) or the predecessor examination that was administered by the AOTA.

(b) Within 3 years preceding the application for endorsement and not more than 2 years after the application for endorsement, the applicant must pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department with a minimum converted score of 75.

(3) If an applicant is actively registered or licensed as an occupational therapist in another state for less than 5 years and is in good standing within 30 days before filing an application for an occupational therapist license in this state, then the applicant shall comply with both of the following:

(a) Graduate from an occupational therapist education program that is accredited by the ACOTE, or approved by the WFOT, or their predecessor organizations that meets the standards adopted by the board in R 338.1222.

(b) Meet the requirements of subrule (2) of this rule.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant shall meet both of the following requirements:

(a) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.

(b) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.1227 Requirements for relicensure; occupational therapist.

Rule 27. (1) An applicant for relicensure as an occupational therapist, who has let his or her license or registration from this state lapse, under section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

For an occupational therapist who has let his or her registration or license from this state lapse:	Registered in this state before January 1, 2009, with lapsed registration, and did not apply for licensure before June 11, 2015.	Licensed lapsed less than 3 years.	Licensed lapsed 3 years or more.
(a) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√	√
(b) Establish that the applicant is of good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√		√
(d) Submit proof of having completed the continuing education required under R 338.1252, which was earned within the 3-year period immediately before the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years after the date of the application to complete the deficient hours. The application must be held, and the license may not be issued until the continuing education requirements are met.	√	√	√
(e) Maintain certification as an occupational therapist by NBCOT after the registration lapsed and graduated from an occupational therapist education program that is accredited by ACOTE or approved by WFOT, or their predecessor organizations that meets the standards adopted by the board under R 338.1222 or meets the requirements of R 338.1225.	√		
(f) Complete a 1-time training in identifying victims of human trafficking that meets the standards in R 338.1215.	√	√	√
(g) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(h) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department, or an entity approved by the department.	√		√

<p>(i) Satisfy 1 of the following:                  (i) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, take and pass the NBCOT certification examination for occupational therapists, with a score adopted by the board under R 338.1224(1), and complete supervised practice experience pursuant to subrule (2) of this rule.                  (ii) Present evidence to the department that the applicant was actively registered or licensed as an occupational therapist in another state during the 3-year period and in good standing within 30 days, before filing the application for relicensure.</p>	√		√
<p>(j) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following:                  (i) Disclose on the application form each license, registration, or certification.                  (ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.</p>	√	√	√

(2) An applicant that has had a lapsed registration or license for 3 years or more and meets the requirements of subrule (1)(i)(i) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1228. The applicant shall have a limited license from the department while participating in the supervised practice experience. The duration of the experience must be as follows:

(a) If the applicant's license has lapsed for not less than 3 years but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.

(b) If the applicant's license has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.

(c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.

(3) For purposes of meeting the requirements of subrule (2) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.

(4) A limited license granted under subrule (3) of this rule is valid for 1 year and may be renewed 1 time.

R 338.1229 Delegation of limited assessments, tasks or interventions to an occupational therapy assistant; supervision of an occupational therapy assistant; requirements.

Rule 29. (1) An occupational therapist who delegates the performance of limited assessments, tasks, or interventions to an occupational therapy assistant as allowed under section 16215 of the code, MCL 333.16215, shall supervise the occupational therapy

assistant consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule. As used in this rule, "limited assessment" means those parts of an evaluation that an occupational therapy assistant is qualified by education and training to perform while under the supervision of an occupational therapist.

(2) Before an occupational therapist delegates limited assessments, tasks, or interventions to an occupational therapy assistant, the occupational therapist shall evaluate the qualifications of the occupational therapy assistant, including verification of the occupational therapy assistant's training, education, and licensure.

(3) An occupational therapist who delegates limited assessments, tasks, or interventions to an occupational therapy assistant shall determine and provide the appropriate level of supervision required for the occupational therapy assistant's performance of the delegated limited assessment, task, or intervention. The appropriate level of supervision must be determined based on the occupational therapy assistant's education, training, and experience. The level of supervision must be either general supervision or direct supervision.

(4) An occupational therapist who delegates limited assessments, tasks, or interventions under this rule shall also comply with all of the following:

(a) Initiate and direct the evaluation of the patient or client before delegating limited assessments.

(b) Complete the evaluation of the patient or client before delegating tasks or interventions to be performed by an occupational therapy assistant.

(c) Supervise an occupational therapy assistant to whom limited assessments, tasks, or interventions are delegated.

(d) Provide predetermined procedures and protocols for limited assessments, tasks, or interventions that are delegated.

(e) Monitor an occupational therapy assistant's practice of assigned limited assessments, tasks, or interventions.

(f) Maintain a record of the names of the occupational therapy assistants to whom limited assessments, tasks, or interventions have been delegated pursuant to section 16215 of the code, MCL 333.16215.

(g) Meet using live, synchronous contact at least once per month with the occupational therapy assistant to whom limited assessments, tasks, or interventions have been delegated to accomplish all of the following:

(i) Evaluate the occupational therapy assistant's performance.

(ii) Review the patient or client.

(iii) Educate the occupational therapy assistant on the limited assessments, tasks, or interventions that have been delegated to facilitate professional growth and development.

(h) The occupational therapist shall maintain documentation of the meeting, which must be signed by both the occupational therapist and occupational therapist assistant. Compliance with this subdivision must not be used as a substitute for the ongoing supervision required under this subrule and subrule (3) of this rule.

(5) An occupational therapist shall not delegate the performance of either of the following to an occupational therapy assistant:

(a) The sole development of a treatment plan.

(b) The sole evaluation and interpretation of evaluation results.

(6) An occupational therapist shall not supervise more than 4 occupational therapy assistants who are providing services to patients at the same time.

R 338.1229a Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements.

Rule 29a. (1) An occupational therapist who delegates the performance of selected tasks to an unlicensed individual as allowed under section 16215 of the code, MCL 333.16215, shall supervise the unlicensed individual consistent with section 16109(2) of the code, MCL 333.16109, and satisfy the requirements of this rule. As used in this rule, "unlicensed individual" means an individual who does not hold an occupational therapist license, an occupational therapy assistant license, or another health professional license and who may be able to perform the tasks identified in this rule.

(2) An occupational therapist who delegates tasks to an unlicensed individual shall provide direct supervision of the unlicensed individual.

(3) An occupational therapist who delegates tasks under subrule (2) of this rule shall also comply with all of the following:

(a) Before delegating a task, the occupational therapist shall evaluate the qualifications of the unlicensed individual under the occupational therapist's direct supervision, including verification of the unlicensed individual's training and education.

(b) Examine and evaluate the patient or client before delegating tasks to be performed by an unlicensed individual.

(c) Provide predetermined procedures and protocols for tasks that are delegated.

(d) Maintain a record of the unlicensed individuals to whom tasks have been delegated, under section 16213 of the code, MCL 333.16213.

(e) Monitor an unlicensed individual's practice of assigned tasks.

(4) An occupational therapist shall not supervise more than 3 unlicensed individuals who are providing services to patients or clients at the same time.

(5) An occupational therapist shall not delegate any of the to an unlicensed individual:

(a) An occupational therapy intervention.

(b) An assessment.

(c) An evaluation.

(6) Under section 16171 of the code, MCL 333.16171, the requirements of subrules (2), (3)(b), and (5) of this rule do not apply to a student enrolled in an ACOTE accredited or WFOT approved occupational therapist educational program or an ACOTE accredited occupational therapy assistant educational program approved by the board.

#### PART 4. OCCUPATIONAL THERAPY ASSISTANTS

R 338.1231 Educational program standards; occupational therapy assistant; adoption by reference.

Rule 31. (1) The board approves and adopts by reference the standards for accrediting occupational therapy assistant educational programs in the document entitled "2018 Accreditation Council for Occupational Therapy Education (ACOTE) Standards and Interpretive Guide," adopted by the ACOTE, which were effective July 31, 2020. Copies of these standards are available at no cost from the ACOTE website at

<https://acoteonline.org/accreditation-explained/standards/>. Copies of the standards are also available for inspection and distribution at 10 cents per page from the Michigan Board of Occupational Therapists, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

(2) Any educational program for occupational therapy assistants that is accredited by the ACOTE qualifies as an occupational therapy assistant educational program approved by the board.

R 338.1232 Rescinded.

R 338.1233 Application for occupational therapy assistant license; requirements.

Rule 33. An applicant for an occupational therapy assistant license shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, an applicant shall meet all of the following requirements:

(a) Graduate from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232.

(b) Within 3 years before the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the occupational therapy assistant licensure examination in R 338.1234.

(c) Within 3 years before the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department, or an entity approved by the department.

(d) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.

(e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.1233a Rescinded.

R 338.1234a Graduate of non-accredited postsecondary institution; occupational therapy assistant; equivalency of education; NBCOT examination.

Rule 34a. An applicant for an occupational therapy assistant license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and section 16174 of the code, MCL 333.16174, an applicant shall meet all of the following requirements:

(a) Establish to the board that the applicant completed an occupational therapy assistant educational program that is substantially equivalent to an occupational therapist assistant program that is accredited by the ACOTE, as provided in R 338.1232.

(b) Have documentation sent directly to the department from the NBCOT verifying the applicant passed the NBCOT certification examination for occupational therapy assistants adopted in R 338.1234 within 3 years before the application for licensure and not more than 2 years after the application for licensure.

(c) Within 3 years before the application for licensure and not more than 2 years after the application for licensure, the applicant shall pass the examination on laws and rules related to the practice of occupational therapy in this state, that is developed and administered by the department, or an entity approved by the department.

(d) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.

(e) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.1235 Licensure by endorsement of occupational therapy assistant; requirements.

Rule 35. (1) An applicant for an occupational therapy assistant license by endorsement shall submit the required fee and a completed application on a form provided by the department. An applicant meets the requirements of section 16186 of the code, MCL 333.16186, if the applicant satisfies all the requirements of the code, R 338.7001 to R 338.7005, any other rules promulgated under the code, and satisfies the following requirements, as applicable.

(2) If an applicant is actively registered or licensed in another state for 5 years or more and is in good standing as an occupational therapy assistant within 30 days before filing an application for an occupational therapy assistant license in this state, then the applicant shall comply with both of the following:

(a) Have previously taken and passed the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1).

(b) Within 3 years preceding the application for endorsement and not more than 2 years after the application for endorsement, the applicant shall pass the examination on state laws and rules related to the practice of occupational therapy that is developed and administered by the department or an entity approved by the department. The passing score on the laws and rules examination is a converted score of not less than 75.

(3) If an applicant is actively registered or licensed as an occupational therapist assistant in another state for less than 5 years and is in good standing within 30 days before filing an application for an occupational therapy assistant license in this state, then the applicant shall comply with both of the following:

(a) Graduate from an occupational therapy assistant education program that is accredited by the ACOTE, or its predecessor organization that meets the standards adopted by the board in R 338.1232.

(b) Meet the requirements of subrule (2) of this rule.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant shall meet both of the following requirements:

(a) Disclose on the application form each license, registration, or certification in a health profession or specialty issued by another state, the United States military, the federal government, or another country.



(b) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.

R 338.1236 Requirements for relicensure; occupational therapy assistant.

Rule 36. (1) An applicant for relicensure as an occupational therapy assistant, who has let his or her license or registration from this state lapse, under section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

For an occupational therapy assistant who has let his or her registration or license from this state lapse:	Registered in this state before January 1, 2009, with lapsed registration, and did not apply for licensure before June 11, 2015.	Licensed lapsed less than 3 years.	Licensed lapsed 3 years or more.
(a) Submit a completed application on a form provided by the department, together with the requisite fee.	√	√	√
(b) Establish that the applicant is of good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.	√	√	√
(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174.	√		√
(d) Submit proof of having completed the continuing education required under R 338.1252, which was earned within the 3-year period immediately before the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years after the date of the application to complete the deficient hours. The application must be held, and the license may not be issued until the continuing education requirements are met.	√	√	√
(e) Maintain certification as an occupational therapy assistant by the NBCOT after the registration lapsed and graduated from an accredited occupational therapy assistant educational program that meets the standards adopted by the board under R 338.1232 or meets the requirements of R 338.1234a.	√		
(f) Complete a 1-time training in identifying victims of human trafficking that meets the standards in R 338.1215.	√	√	√

(g) Meet the English language requirement under R 338.7002b and the implicit bias training required in R 338.7004.	√	√	√
(h) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, pass the examination on laws and rules related to the practice of occupational therapy in this state that is developed and administered by the department, or an entity approved by the department.	√		√
(i) Satisfy 1 of the following: (i) Within 3 years preceding the application for relicensure and not more than 2 years after the application for relicensure, the applicant shall take and pass the NBCOT certification examination for occupational therapy assistants with a score adopted by the board under R 338.1234(1), and after passing the examination complete supervised practice experience pursuant to subrule (2) of this rule. (ii) Present evidence to the department that the applicant was actively registered or licensed as an occupational therapy assistant in another state during the 3-year period and in good standing within 30 days before filing the application for relicensure.	√		√
(j) An applicant that is or has been licensed, registered, or certified in a health profession or specialty by another state, the United States military, the federal government, or another country, shall do both of the following: (i) Disclose on the application form each license, registration, or certification. (ii) Satisfy the requirements of section 16174(2) of the code, MCL 333.16174, including verification from the issuing entity showing that disciplinary proceedings are not pending against the applicant and sanctions are not in force at the time of application.	√	√	√

(2) An applicant that has a lapsed registration or license for 3 years or more and meets the requirements of subrule (1)(i)(i) of this rule shall complete a supervised practice experience that meets the requirements of R 338.1237. The duration of the experience must be as follows:

- (a) If the applicant's license has lapsed for 3 years or more but less than 7 years, the applicant shall complete not less than 200 hours of supervised practice experience.
- (b) If the applicant's license has lapsed for 7 years or more but less than 15 years, the applicant shall complete not less than 400 hours of supervised practice experience.
- (c) If the applicant's license has lapsed for more than 15 years, the applicant shall complete not less than 600 hours of supervised practice experience.

(3) For purposes of meeting the requirements of subrule (2) of this rule, the department may grant an applicant a limited license to complete the supervised practice experience.

(4) A limited license granted under subrule (3) of this rule is valid for 1 year and may be renewed 1 time.

#### PART 4. TELEHEALTH

##### R 338.1241 Definitions.

Rule 41. As used in this part:

(a) "Telehealth" means the use of electronic information and telecommunication technologies to support or promote long-distance clinical healthcare, patient and professional health-related education, public health, or health administration. Telehealth may include, but is not limited to, telemedicine.

(b) "Telehealth service" means a healthcare service that is provided through telehealth.

(c) "Telemedicine" means the use of electronic media to link patients with healthcare professionals in different locations. To be considered telemedicine, the telemedicine services must be provided by a healthcare professional who is licensed, registered, or otherwise authorized to engage in his or her healthcare profession in the state where the patient is located.

##### R 338.1243 Consent; scope of practice; standard of care.

Rule 43. (1) The licensee shall obtain informed consent for treatment before providing a telehealth service under section 16284 of the code, MCL 333.16284. Informed consent requires all of the following:

(a) The licensee shall ensure that the patient understands that treatment is provided remotely using telehealth.

(b) At the inception of care, any licensee who has contact with the patient shall identify himself or herself to the patient as an occupational therapist, occupational therapy assistant, or unlicensed individual.

(c) The licensee shall ensure that the patient is mentally capable of giving informed consent for diagnosis, care, or treatment.

(d) The licensee shall explain the alternatives, capabilities, and limitations of telemedicine and that the patient may decline to receive telehealth services.

(2) If the patient is less than 18 years of age, or under the care of a legal guardian, a parent or legal guardian shall provide informed consent for the patient.

(3) The licensee shall keep proof of consent for a telehealth service in the patient's up-to-date medical record and satisfy section 16213 of the code, MCL 333.16213.

(4) A licensee who provides telehealth services shall comply with all of the following:

(a) Act within the scope of his or her practice.

(b) Exercise the same standard of care applicable to a traditional, in-person healthcare service.

(c) Verify that telemedicine is appropriate to evaluate, diagnose, and treat the patient based on his or her unique presentation.

(5) The licensee shall be able to examine the patient via a health insurance portability and accountability act (HIPAA) of 1996, Public Law 104-191, compliant, secure

interactive audio or video, or both, telecommunications system, or through the use of store and forward online messaging.

(6) Telehealth must be secure and comply with federal and state security and privacy regulations.

## PART 5. CONTINUING EDUCATION

R 338.1251 License renewal; occupational therapist; occupational therapy assistant; requirements.

Rule 51. (1) This rule applies to an application for the renewal of an occupational therapist license, occupational therapy assistant license, and special retired volunteer license under sections 16184 and 16201 of the code, MCL 333.16184 and 333.16201.

(2) An applicant for license renewal who has been licensed for the 2-year licensing period immediately preceding the expiration date of the license shall accumulate not less than 20 continuing education contact hours that are approved by the board pursuant to R 338.1252, during the 2-year licensing period immediately preceding an application for renewal.

(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule.

(4) The licensee shall retain documentation of meeting the requirements of this rule for a period of 4 years after the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(5) The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule.

(6) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department for the board's consideration not less than 30 days before the last regularly scheduled board meeting before the expiration date of the license. The public notice for the board meetings can be found at: <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/dental>.

R 338.1252 Acceptable continuing education; occupational therapist; occupational therapy assistant; requirements.

Rule 52. (1) The 20 hours of continuing education required pursuant to R 338.1251 for the renewal of a license must comply with the following:

(a) Not more than 10 credit hours may be earned during a 24-hour period for online or electronic media, such as videos, internet web-based seminars, video conferences, online continuing education programs, and online journal articles that are asynchronous and not interactive.

(b) Except for the 1-time training in human trafficking, which may be used to comply with the requirement for the 1-time training and continuing education requirements, an applicant may not earn credit for a continuing education program or activity that is identical or substantially similar to a program or activity the applicant has already earned credit for during that renewal period.

(c) Pursuant to section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education must be earned in the area of pain and symptom management.

Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to the practice of occupational therapy.

(2) One-half of the required continuing education contact hours must be completed by live, synchronous, and interactive courses and programs, either in-person or virtual, that provide for the opportunity for direct interaction during the course or program, between faculty and participants, including, but not limited to, lectures, symposia, live teleconferences, and workshops. The remaining continuing education contact hours may be completed in another format.

(3) The following are acceptable continuing education activities:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES	
<p>(a) Completion of an approved continuing education program or activity related to the practice of occupational therapy. A continuing education program or activity is approved if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> <li>• AOTA.</li> <li>• International Association for Continuing Education and Training authorized providers.</li> <li>• Michigan Occupational Therapy Association.</li> <li>• NBCOT.</li> <li>• Another state or provincial board of occupational therapy.</li> <li>• An occupational therapy education program approved by the board in R 338.1222.</li> <li>• Employer-provided work-place training.</li> <li>• Third-party presentation that contributes to professional growth, development, and competency of occupational therapy practitioners.</li> </ul> <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date the program was held or</p>	<p>The number of hours approved by the sponsor or the approving organization may be earned in each renewal period.</p> <p>If the activity was not approved for a set number of hours, then 1 hour of continuing education for each 60 minutes of participation may be earned.</p> <p>Credit in this category may be earned without limitation.</p>

	activity completed.	
(b)	<p>Completion of academic courses related to the practice of occupational therapy offered in an occupational therapy education program approved by the board pursuant to R 338.1222.</p> <p>If audited, an applicant shall submit an official transcript that reflects completion of the academic course and number of semester or quarter credit hours earned.</p>	<p>Five hours of continuing education may be earned for each semester credit hour earned.</p> <p>Three hours of continuing education may be earned for each quarter credit hour earned.</p> <p>Credit in this category may be earned without limitation.</p>
(c)	<p>Initial publication of a chapter or an article related to the practice of occupational therapy in any of the following:</p> <ul style="list-style-type: none"> <li>• A peer-reviewed textbook.</li> <li>• A professional healthcare textbook.</li> <li>• A peer-reviewed journal or periodical.</li> <li>• A practice area related article in a lay publication (community newspaper or newsletter).</li> <li>• A non-peer-reviewed professional publication (such as <i>OT Practice</i>, <i>SIS Quarterly and Advance</i>).</li> </ul> <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author of the publication or a publication acceptance letter.</p>	<p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p> <p>Ten hours of continuing education may be earned for publishing a peer-reviewed textbook, professional healthcare textbook, or a peer-reviewed journal or periodical.</p> <p>Two hours of continuing education may be earned for publishing a practice related article in a lay publication.</p> <p>Five hours of continuing education may be earned for publishing a non peer-reviewed professional publication.</p>
(d)	<p>Independent reading of peer-reviewed articles or viewing or listening to media related to the practice of occupational therapy that does not include a self-assessment part.</p> <p>If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities that includes a description of the activity.</p>	<p>One hour of continuing education may be earned for each 60 minutes of participation.</p> <p>A maximum of 5 hours of continuing education may be earned in each renewal period.</p>
(e)	<p>Initial presentation of an academic or continuing education program that is not a part of the applicant's regular job</p>	<p>Three hours of continuing education may be earned for each 60 minutes of presentation.</p>

	<p>description.</p> <p>If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p>
(f)	<p>Fieldwork supervision that is not part of the applicant's primary job description.</p> <p>If audited, an applicant shall submit a copy of a letter of verification or certificate from school including dates of fieldwork and name of fieldwork student.</p>	<p>Level I: One hour of continuing education, for all supervision activities, may be earned per student.</p> <p>Level II: One hour of continuing education may be earned for each week of supervision per student supervised.</p> <p>A maximum of 12 hours of continuing education may be earned in each renewal period.</p>
(g)	<p>Participating on a state or national board, board of a local chapter, association, or committee, or volunteering if the activity enhances the participant's knowledge and understanding of the field of occupational therapy.</p> <p>If audited, an applicant shall submit documentation verifying the licensee's participation in not less than 50% of the regularly scheduled meetings of the board.</p>	<p>A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p> <p>Attendance at a meeting equals 1 credit hour of continuing education.</p> <p>Attendance at a volunteering activity equals 1 credit hour of continuing education.</p>
(h)	<p>Primary or co-primary investigator in research activities or outcome studies, or externally funded service training projects associated with grants or post-graduation studies related to the field of occupational therapy.</p> <p>If audited, an applicant shall submit documentation verifying the licensee's participation as a primary or co-primary investigator or in externally funded service training projects associated with grants or post-graduation studies related to the field of occupational therapy.</p>	<p>A maximum of 10 hours of continuing education may be earned in each renewal period.</p>

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