



# Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

## 1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number
g. Agency Liaison Email Address		
h. Date of Public Notice		i. Comment Period End Date
j. Public Comment URL or Email Address:		
k. Program		

\*  By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

## 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. Please provide the Enrolled Act Numbers and Years Enacted:

## 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.  
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

**4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

**5. Federal Law Requirements**

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

Not Applicable.

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

STATEMENT OF REASONS  
Board of Occupational Therapy  
Regular Rules Promulgation  
March 8, 2018

### Overview

The Wyoming Board of Occupational Therapy proposes to adopt the following amendments to its rules in order to comply with the statutory changes enacted during the 2016 legislative session (Senate Enrolled Act No. 60, 2016 Wyo. Sess. Laws 418-425 and to streamline and reduce its rules in accordance with Governor Mead's directive. Throughout the proposed amended rules, provisions that are duplicative of statute or policy are deleted, reference to section and chapter numbers have been amended, and formatting change have been made for consistency and uniformity.

Specific changes by chapter are as follows:

### Chapter 1 - General Provisions

1. Definitions that are duplicative of statute have been deleted.
2. Definitions that were in reference to Statutes that were repealed have been deleted.
3. Definitions have been changed to reflect the current national certifying board's name.
4. An annual Board meeting has been added.

### Chapter 2 – License Requirements

1. Changes were made to licensing requirements to streamline and reduce rules and to reflect the changes made to the statutes.

### Chapter 3 – Standards of Practice of Occupational Therapy

1. Changes were made to standards of practice to clarify, streamline and reduce rules and to reflect the changes made to statute.

### Chapter 4 – Revocation, Suspension, Refusal and Pursuing Prosecution for Violations.

1. This chapter was repealed because it was duplicative of statute.

### Chapter 5 – Fees

1. The changes in this chapter are to streamline the rules, making one (1) fee that incorporates the application fee plus the license fee.
2. Some fees were adjusted to reflect the increase in administrative processing time.

### Chapter 6 – Practice and Procedure

1. The changes in this chapter are to streamline and reduce rules by incorporating Chapter 2 of the Uniform Rules for Contested Case Practice and Procedures of the Office of Administrative Hearings.

### Chapter 7 – Information Practices

1. Changes were made to streamline and reduce rules by incorporating Chapter 2 of the Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information.

## CHAPTER 1

### GENERAL PROVISIONS

#### **Section 1. Authority.**

These Rules and Regulations are promulgated by the Wyoming State Board of Occupational Therapy pursuant to their authority under the Wyoming Occupational Therapy Practice Act, W.S. 33 40 101 et seq.

#### **Section 2. Statement of Purpose.**

These Rules and Regulations are adopted to implement the authority of the Wyoming Board of Occupational Therapy to regulate the qualifications and standards of performance of Occupational Therapists (OT<sup>2</sup>s), Occupational Therapists, Registered (OTR<sup>2</sup>s) and Occupational Therapy Assistants (OTAs) and Certified Occupational Therapy Assistants (COTA's) practicing in Wyoming and to provide for enforcement and proper administration of the provisions of the Occupational Therapy Practice Act.

**Section 3. Definitions.** The definitions set out in the Act are hereby incorporated by reference into these Rules. In addition, as used in these Rules, the following definitions shall apply:

- (a) "Act" means the Occupational Therapy Practice Act (W.S. 33-40-101 et seq.).
- (b) "AOTA" is the American Occupational Therapy Association.
- (c) "Board" means the Wyoming Board of Occupational Therapy.
- (d) Certified Occupational Therapy Assistant, (COTA) is an occupational therapy assistant currently certified by the National Board for Certification in Occupational Therapy (NBCOT).
- (e) "Client" is an individual who receives occupational therapy services.
- (f) "Close Supervision" means daily, direct contact at the site of work and applies only to OT or OTRs with initial skill development proficiencies or OTA or COTAs, as appropriate, for the delivery of occupational therapy services.
- (g) "Contact Hour" means one (1) hour engaging in continuing education.
- (h) "Continuing Education Unit" means 10 (ten) contact hours.

(i) "General Supervision" means at least monthly direct contact at the site of work with interim supervision available as needed by other methods, such as telephonic, electronic or written communication and applies only to OTA or COTAs for the delivery of occupational therapy services.

(j) "Good Standing" means the individual's license, certification, or registration is not currently suspended or revoked by any State regulatory entity.

(k) "Licensee" means any occupational therapy practitioner licensed or permitted by the Board.

(l) "NBCOT" means the National Board of Certification in Occupational Therapy.

(m) "Occupational Therapist, Registered (OTR)" is an occupational therapist currently certified by NBCOT.

(n) "Routine Supervision" means direct contact at least every two weeks at the site of work, with interim supervision occurring by other methods, such as telephonic, electronic or written communication and applies only to OTA or COTAs.

(o) "State" means the State of Wyoming

(p) "Temporary License" means a license issued to allow an applicant to practice while awaiting licensure.

#### **Section 4. Board Meetings.**

(a) Notice of Board meetings shall be given to any person who requests such notice as specified by the Wyoming Administrative Procedures act. The notice shall specify the time and place of the meeting and the business to be transacted.

(b) The Board shall hold its annual meeting the second Friday in July. All other meetings will be at the call of the Chair.

## CHAPTER 2

### LICENSURE REQUIREMENTS

#### Section 1. Initial License.

(a) The applicant shall submit:

(i) Completed application and fee;

(ii) Provide NBCOT certification number so the Board may verify the applicants standing with the NBCOT;

(iii) Verification of all licenses held, active or inactive, in any healthcare professions; and

(iv) Verification of lawful presence in the United States.

#### Section 2. Examination Requirements for Licensure. The Board shall:

(a) Recognize for initial licensure the Certification Examination for Occupational Therapist, Registered (OTR) and Certified Occupational Therapy Assistant (COTA) as administered by the NBCOT or the current examination recognized by the board.

#### Section 3. Continuing Education.

(a) Each licensee must complete thirty-two (32) hours of continuing education every two years. These hours must be obtained during the thirty-six (36) months immediately preceding July 31 of every even year.

(b) All licensees shall report their number of continuing education hours every even numbered year in conjunction with the licensee's application for renewal.

(c) Licensees are required to keep documentation of their continuing education hours, to be submitted to the board upon audit. The documentation of verification of attendance shall include;

(i) Name of licensee;

(ii) Title of course;

(iii) Date of attendance;

(iv) Number of hours earned;

(v) Signature of the person verifying the attendance.

(vi) If the class is not approved by the NBCOT, AOTA, or WYOTA the licensee must also present a copy of the conference flyer, agenda, or written course

description of the course on the continuing education log sheet.

(d) Continuing education credit is available for live courses, on-line courses, college courses beyond degree requirements, or conferences.

(e) Extra hours submitted will not be carried over, and courses may not be split unless a separate attendance verification is obtained for separate sections of the education provided.

(f) Employment orientation, facility specific documentation training, CPR and First Aid classes do not count toward continuing education requirements.

(g) A licensee may obtain continuing education credit for hours spent presenting a class if:

(i) The licensee is the primary presenter or a co-presenter;

(ii) The licensee only submits the topic for continuing education once during a compliance period.

(iii) Time spent preparing the class is not included for credit; and

(iv) The licensee shall submit a copy of the presentation, and a program agenda that includes the presentation title, presenter's name, date and time of the presentation.

(h) No more than four (4) of the licensee's thirty-two (32) continuing education hours submitted may be made up of classes that are less than one hour in length.

(i) Proof of continuing education hours must be submitted to the board upon audit. License holders selected for audit will be notified in June. All renewals received after June 1st must submit proof of continuing education hours for audit.

#### **Section 4. Temporary License.**

(a) An applicant who is currently licensed to practice occupational therapy in another jurisdiction may obtain a temporary license while the application is being processed by the Board. The temporary license must be approved by the board prior to practice in Wyoming, and shall be in effect until a regular license is issued by the Board. A Temporary License shall not exceed ninety (90) days from the date of issuance.

(b) To request a temporary license, the applicant shall submit an application, required fees, and a copy of the current license held in another jurisdiction to the Board.



## **Section 5. Limited License.**

(a) An individual who completes the academic and fieldwork requirements for occupational therapist or occupational therapy assistant who has not yet taken or received the results of the entry-level certification examination may apply for and receive a limited license. The Board may require a limited license for occupational therapists and occupational therapy assistants re-entering the profession as outlined in Chapter 2, Section 7. Re-Entry.

(b) A limited license shall be valid for six (6) months.

(i) Limited licenses shall expire when the person is issued a license; or when the person is notified that he or she did not pass the examination.

(c) The limited licenses are not renewable; however, the license may be extended upon showing of good cause.

(i) The licensee shall provide a written request to the Board.

(ii) The Board will review the request on a case by case basis, and the license may be renewed one month at a time, not to exceed three (3) months.

## **Section 6. Annual Renewal of License.**

(a) Licenses shall expire on July 31 of each year unless renewed under these rules. The Board shall mail a renewal notice to active licensees at their address of record on or before May 1 of each year. The Board shall ~~and~~ issue a renewal license to a licensee who meets all requirements for renewal.

(b) License renewal applications shall be postmarked no later than June 1 in order to ensure timely processing.

(i) Renewal applications postmarked after June 1 are subject to a one hundred dollar (\$100.00) late fee.

(ii) Licensees may submit a renewal application up to one (1) year after the expiration of the license. Once the license expires, the licensee may not practice until the renewal is issued by the Board.

(c) The Board will use an audit system to review continuing education hours obtained by the licensee.

(i) Every even year 10% of current licensees will be selected at random and required to submit verification of the thirty-two (32) hours of continuing education hours

as outlined in Chapter 2, Section 3.

(ii) Licensees selected for audit will be notified by June 10 every even year. Audited licensees shall submit documentation verifying their completion of continuing education hours. Licensees shall have twenty (20) days from the date of notification to submit documentation.

(iii) Licensees subject to a penalty under subsection (b) of this section must also submit to an audit of their continuing education compliance.

(d) If a license is suspended under these rules, the licensee shall submit a renewal application and fee, otherwise, the suspended license will expire.

(i) Renewal of a suspended license shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended.

(e) A license revoked on disciplinary grounds is subject to expiration as provided in the Act but it may not be renewed. The licensee, as a condition of reinstatement, shall meet license requirements for new licensees and shall pay a reinstatement fee set by the Board.

### **Section 7. Re-entry.**

(a) Re-entering occupational therapists and occupational therapy assistants are individuals who:

(i) Practiced as an occupational therapist or an occupational therapy assistant for a minimum of one (1) year;

(ii) Have not been involved in direct intervention, supervision, teaching, consulting, administration, case or care management, community programming, research, or otherwise practiced as an occupational therapist or an occupational therapy assistant for a minimum of three (3) years.

(iii) Wish to return to the profession of occupational therapy.

(b) Re-entering occupational therapists and occupational therapy assistants must complete sixteen (16) hours of continuing education for every year the therapist has been out of practice.

(i) At least one of the continuing education courses submitted for re-entry must be an occupational therapy review course.

(c) Re-entering occupational therapists and occupational therapy assistants may receive a Limited License as described in Section 5 of this chapter. Upon completion of the six (6) month Limited License period a re-entering licensee may apply for and be granted a full license if the individual meets the requirements for licensure under these rules.

### **Section 8. Reinstatement.**

(a) An individual who has had a license revoked by the Board may apply for reinstatement no less than one (1) year after the date of revocation. To apply for reinstatement the individual shall submit:

- (i) Evidence that just cause for reinstatement exists;
- (ii) The application and a non-refundable fee for reinstatement to the Board; and
- (iii) Evidence of meeting the requirements for Annual Renewal of License.

### **Section 9. Change of Name and/or Address.**

(a) A licensee shall promptly notify the Board of any changes in name or address in writing.

(i) The Board will update the name on a license upon receipt of a copy of a legal document indicating name change (i.e. marriage certificate, divorce papers, etc.).

(b) Any correspondence from the Board to the licensee required or permitted under the Act shall be mailed to the last known name and address provided to the Board by the licensee and shall be deemed proper service on the licensee.

### **Section 10. Duplicate License.**

(a) A licensee shall promptly notify the Board in writing if a license is lost, stolen or destroyed.

(b) The Board shall issue a duplicate certificate to a licensee who submits a notarized statement with the reason for requesting a duplicate certificate and the duplicate certificate fee of twenty-five dollars (\$25.00).

(c) The Board shall issue a statement verifying license status to a licensee's employer, jurisdiction or institution as upon receipt of the licensee's written request and payment of twenty-five dollars (\$25.00). The Board shall also make this information available free of charge on the Board's website.

## CHAPTER 3

### STANDARDS OF PRACTICE OF OCCUPATIONAL THERAPY

#### Section 1. Delineation of Roles.

- (a) An occupational therapist currently licensed by the Board:
- (i) Evaluates the client using the appropriate evaluation tool(s) for condition.
  - (ii) Prepares a custom written program plan and provides treatment as appropriate within the licensee's scope of practice and training.
  - (iii) When applicable assigns treatment duties based on that program plan to an occupational therapy assistant currently licensed by the Board who has been specifically trained to carry out those duties.
  - (iv) Monitors the occupational therapy assistant's performance.
  - (v) Accepts professional responsibility for the occupational therapy assistant's performance.
- (b) An occupational therapy assistant currently licensed by the board assists in the practice of occupational therapy and performs treatment and delegated assessment commensurate with their education and training.

#### Section 2. Supervision of Certified Occupational Therapy Assistants or Occupational Therapy Assistants.

- (a) A licensed COTA or OTA may assist in the practice of occupational therapy only under the supervision of an OTR or OT.
- (b) The supervisory guidelines are as follows:
- (i) An entry-level COTA or OTA is an individual working on initial skill development or entering a new practice area. At this level the OTR or OT shall provide close supervision.
  - (ii) An intermediate-level COTA or OTA is an individual working on increased skill development and mastery of basic role functions and demonstrates ability to respond to situations based on previous experience. At this level the OTR or OT shall provide routine supervision.
  - (iii) Advanced-level COTA or OTA is an individual refining specialized skills with the ability to understand complex issues affecting role functions. At this level the OTR or OT shall provide general supervision.

- (c) Each supervising OTR or OT shall maintain a supervisory plan and shall document the

supervision of each COTA or OTA using the supervision form provided by the Board. Documentation shall include evidence of regular supervision and contact between the supervisor and the assistant and may be subject to Board review upon request. Documentation shall be kept for three (3) years. Supervision shall include:

(i) Communicating to the COTA or OTA the results of patient or client evaluation and discussing the goals and program plan for the patient or client;

(ii) Providing information, instruction and assistance as needed;

(iii) Annually, or more often if warranted, preparing a written appraisal of the COTA or OTAs performance and discussing the appraisal with the COTA or OTA;

(iv) A supervising OTR or OT after initial record review is performed may assign the administration of standardized tests, activities of daily living evaluations, or other elements of patient evaluation and re-evaluation that do not require the professional judgment and skill of an occupational therapist to an intermediate or advanced COTA or OTA. Assignment under this subsection must be consistent with COTA or OTA's education and training.

(v) More frequent supervision may be necessary as determined by the OTR or OT or the COTA or OTA, dependent on the level of expertise displayed by the COTA or OTA, the setting and the population characteristics.

(d) A supervisor who is temporarily unable to provide supervision shall arrange for substitute supervision by an OTR or OT currently licensed by the Board. The substitute shall provide supervision that is as rigorous and thorough as that provided by the permanent supervisor.

### **Section 3. Supervision Under a Limited License.**

(a) Individuals licensed under a limited license shall receive daily direction and instruction from a licensee in good standing with the Board. The supervising licensee shall also provide evaluations of the limited licensee's therapy skills.

(b) The limited licensee may provide services outside of the physical presence of the supervising licensee.

(c) Written documentation of each supervisory session shall be recorded on the supervision form provided by the Board and signed by the supervising licensee and limited licensee. The limited licensee shall submit the original supervision forms to the Board as part of the application for full licensure.

(d) The supervisor shall notify the Board in writing of termination of supervision.

(e) All treatment documentation must be co-signed by the Limited Licensee and the supervising therapist.

### **Section 4. Code of Ethics.**

(a) It is the professional responsibility of licensees to provide services for clients without regard to race, creed, national origin, gender, disability or religious affiliation;

(b) The licensee shall be acquainted with applicable local, state, federal laws and institutional rules and shall function accordingly;

(c) The licensee shall inform employers, employees, and colleagues about those laws and policies that apply to the profession of occupational therapy;

(d) The licensee shall function with discretion and integrity in relations with colleagues and other professionals and shall be concerned with the quality of their services;

(e) The licensee shall report illegal, incompetent, or unethical practice to the appropriate authority;

(f) The licensee shall not disclose privileged information when participating in reviews of peers, programs or systems;

(g) The licensee who employs or supervises colleagues shall provide appropriate supervision, as defined in the American Occupational Therapy Association (AOTA) supervision guidelines or state laws, rules and regulations, and institutional policies;

(h) The licensee shall recognize the contributions of colleagues when disseminating professional information;

(i) Treatment objectives and the therapeutic process shall be formulated to ensure professional accountability;

(j) Occupational therapy evaluation services shall be goal-directed in accordance with the overall educational, habilitation or rehabilitation plan and shall include a system to ensure professional accountability;

(k) The licensee not delegate client care, evaluations or treatment to interning students or fieldwork students when the licensee is not in the facility. The COTA is not allowed to supervise a Level II OT student;

(l) The licensee shall accurately represent their competence, education, training and experience;

(m) The licensee shall only provide services and use techniques for which they are qualified by, and have supporting documentation of, education, training or experience;

(n) The licensee shall take all reasonable precautions to avoid harm to the client or detriment to the client's property;

(o) The licensee shall inform subjects involved in education or research activities of the potential outcome of those activities;

(p) When applicable, the licensee shall establish fees, based on cost analysis, that are commensurate with services rendered;

(q) The licensee shall accurately record information and report information as required by facility standards and state and federal laws;

(r) All data recorded in permanent files or records shall be supported by the licensee's observations or by objective measures of data collection;

(s) Client's records shall only be divulged as authorized by law or with the client's consent for release of information;

(t) The licensee shall not delegate to other personnel those client-related services where the clinical skills and expertise of a licensee are required;

(u) The licensee shall refer clients to other service providers or consult with other service providers when additional knowledge and expertise is required.

## **Section 5. Unprofessional Conduct**

The failure of a licensee to abide by the ethical standards adopted by the Board shall constitute unprofessional conduct and grounds for disciplinary action.

**CHAPTER 4**

**Repealed 2018**



## **CHAPTER 5**

### **FEES**

#### **Section 1. General Information.**

(a) The current fee schedule shall appear in the official records of the Board's activities and shall be kept on file in the Board office.

(b) At the time of application, a copy of the current fee schedule shall be provided to applicants.

(c) Fees shall be payable in the exact amount, by money order or cashier's check for all services and shall be paid in advance of the services rendered. Fees for renewal fees of license may, in addition to money order or cashier's check, be paid by personal check.

(d) All fees collected by the Board are non-refundable.

#### **Section 2. Fees.**

The Board shall charge the fees for the following services.

(a) License Fee:

(i) OT or OTR License: \$225.00

(ii) OTA or COTA License: \$175.00

(b) Temporary License Fee:

(i) \$50.00 for OTR or OT

(ii) \$25.00 for COTA or OTA

(c) Limited License Fee:

(i) \$50.00 for OTR or OT

(ii) \$25.00 for COTA or OTA

(d) License Renewal Fee:

(i) \$110.00 for OTR or OT

(ii) \$60.00 for COTA or OTA

(e) Late Renewal Fee: \$100.00 per applicant.

(f) License Verification Fee: \$25.00 per jurisdiction.

(g) Duplicate Certificate Fee: \$25.00

(h) Reinstatement Fee: \$150.00

## **CHAPTER 6**

### **PRACTICE AND PROCEDURE**

#### **Section 1. Complaints.**

(a) Complaints against a licensee shall be filed with the Board in writing and shall contain:

- (i) Name and address of licensee;
- (ii) Name, address and telephone number of complainant;
- (iii) Nature of alleged violations;
- (iv) A short and concise statement of facts relating to the alleged violations; and
- (v) Signature of complainant.

(b) The Board may, upon its own motion, investigate violations of the Act or Board rules and regulations.

#### **Section 2. Investigations.**

(a) The Board shall consider the complaint to determine if further investigation of the matter is warranted. If further investigation is deemed necessary, the Board shall assign an investigation committee comprised of one or two Board members or other.

(b) Upon completion of the investigation, the committee may:

- (i) Prepare and file a formal complaint and notice of hearing with the Board, setting the matter for a contested case hearing;
- (ii) Recommend to the Board that a letter of warning be given to the licensee; or
- (iii) Recommend to the Board that the complaint be dismissed.

(c) The Board may resolve a complaint without a hearing at any time by:

- (i) Sending a written letter of warning to a licensee;
- (ii) Accepting a voluntary surrender of a license;
- (iii) Accepting conditional terms for settlement;

- (iv) Dispensing with it in an informal manner; or
- (v) Dismissal.

### **Section 3. Service of Notice and Formal Complaint.**

Notice and Complaint shall be served by mail at least twenty (20) days prior to the date set for hearing. It shall be sent by certified mail with return receipt to the licensee's last known address.

### **Section 4. Docket.**

A contested case shall be assigned a number when a complaint is filed with the Board. A separate file shall be established for each docketed case, in which shall be placed all papers, pleadings, documents, transcripts, evidence and exhibits.

### **Section 5. Rules of Procedure.**

(a) The Board incorporates the administrative practice and procedure rules found in Chapter 2 of the Uniform Rules for Contested Case Practice and Procedure adopted by the Office of Administrative Hearings and effective October 17, 2014 found at: <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

(b) The Board determined that incorporation of the full text of this rule would be cumbersome and inefficient given the length and nature of the rules.

(c) This incorporation by reference in subsection (a) does not include any later amendments or editions of the incorporated matter beyond the applicable date identified.

(d) A copy of the incorporated rule is available for public inspection or copying at the cost from the Board's offices located at 6101 Yellowstone Road, #501, Cheyenne, WY 82002.

## CHAPTER 7

### INFORMATION PRACTICES

#### **Section 1. Disclosure.**

(a) The personal information compiled by the Board concerning each applicant or licensee is confidential and shall be released only to the person to whom the record pertains. Request from individuals other than the applicant can only be released with written consent of the applicant or upon court order.

(b) Disclosure of confidential records and public records shall also be governed by W.S. 16-4-201 et seq., Public Records Act.

#### **Section 2. Access.**

(a) Any applicant or licensee, or others with the licensee's written consent may personally inspect the contents of the individual's Board file with the following exceptions:

- (i) Personal recommendations.
- (ii) Unverified complaints.

(b) Record inspection shall take place under the following conditions:

(i) An appointment shall be made to review the file between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the Board office.

(ii) Record inspection shall take place in the presence of a Board member or a representative of its administrative staff.

#### **Section 3. Correction and Amendment.**

Any applicant or licensee may clarify erroneous, inaccurate or misleading information contained within their file by submitting a written statement to the Board which shall be placed in the file.

#### **Section 4. Requests for Roster of Licensees.**

The roster shall be made available to state agencies, licensees and any other organization upon written public records request, free of charge.

**Section 5. Public Records Request Procedure.**

(a) The Board incorporates the rules found in Chapter 2 of the Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective September 6, 2016 found at: <https://drive.google.com/file/d/0BxGSi3ZeOf0LS1Zhemo5WGo4aGs/view>.

(b) The Board determined that incorporation of the full text of this rule would be cumbersome and inefficient given the length and nature of the rules;

(c) This incorporation by reference in subsection (a) does not include any later amendments or editions of the incorporated matter beyond the applicable date identified.

(d) A copy of the incorporated rule is available for public inspection or copying at the cost from the Board's office located at 6101 Yellowstone Road, Suite #501, Cheyenne, WY 82002.

## CHAPTER 1

### GENERAL PROVISIONS

#### Section 1. Authority.

These Rules and Regulations are promulgated by the Wyoming State Board of Occupational Therapy pursuant to their authority under the Wyoming Occupational Therapy Practice Act, W.S. 33 40 101 et seq.

#### Section 2. Statement of Purpose.

These Rules and Regulations are adopted to implement the authority of the Wyoming Board of Occupational Therapy to regulate the qualifications and standards of performance of Occupational Therapists (OT's), Occupational Therapists, Registered (OTR's) and Occupational Therapy Assistants (OTAs) and Certified Occupational Therapy Assistants (COTA's) practicing in Wyoming and to provide for enforcement and proper administration of the provisions of the Occupational Therapy Practice Act.

**Section 3. Definitions.** The definitions set out in the Act are hereby incorporated by reference into these Rules. In addition, as used in these Rules, the following definitions shall apply:

(a) "Act" means the Occupational Therapy Practice Act (W.S. 33-40-101 et seq.).

(b) ~~"AOTCB" means The American Occupational Therapy Certification Board or its successor entity, or another certifying body recognized by the Board.~~ "AOTA" is the American Occupational Therapy Association.

(c) "Board" means the Wyoming Board of Occupational Therapy.

(d) Certified Occupational Therapy Assistant, (COTA) is an occupational therapy assistant currently certified by ~~AOTCB~~ the National Board for Certification in Occupational Therapy (NBCOT).

(e) "Client" is an individual who receives occupational therapy services.

(ef) "Close Supervision" means daily, direct contact at the site of work and applies only to OT's or OTRs with initial skill development proficiencies or OTA's or COTAs, as appropriate, for the delivery of occupational therapy services.

(fg) "Contact Hour" means one (1) hour engaging in continuing education.

(gh) "Continuing Education Unit" means 10 (ten) contact hours.

(hi) "General Supervision" means at least monthly direct contact at the site of work with interim supervision available as needed by other methods, such as telephonic, electronic or written communication and applies only to OTA or COTAs ~~an applies only to OT/OTRs with increased skill development and mastery of basic role functions or OTA/COTAs as appropriate,~~ for the delivery of occupational therapy services.

(ij) ~~"Inactive Status" means a license held in abeyance at the request of the licensee.~~ "Good Standing" means the individual's license, certification, or registration is not currently suspended or revoked by any State regulatory entity.

(jk) "Licensee" means any ~~OT/OTR or OTA/COTA~~ as occupational therapy practitioner licensed or permitted by the Board.

(kl) ~~"Occupational Therapist" means any Occupational Therapist who has met all education requirements for an occupational therapist, and was initially certified as an Occupational Therapist, Registered, (OTR) by AOTCB, and did not renew the certification but remains in good standing.~~ "NBCOT" means the National Board of Certification in Occupational Therapy.

(lm) "Occupational Therapist, Registered (OTR)" is an occupational therapist currently certified by ~~AOTCB~~NBCOT.

(m) ~~"Occupational Therapy Assistant" means is an occupational therapy assistant who has met all educational requirements for an occupational therapy assistant, and was initially certified as a Certified Occupational Therapy Assistant (COTA) by AOTCB, and did not renew the certification but remains in good standing.~~

(n) "Relicensure" means the reissuance of a license to an applicant who has allowed a license to expire.

(o) ~~"Reactivation" means the renewal of a license to an applicant who has been on inactive status.~~

(pn) "Routine Supervision" means direct contact at least every two weeks at the site of work, with interim supervision occurring by other methods, such as telephonic, electronic or written communication and applies only to OTA ~~or~~ COTA's.

(qo) "State" means the State of Wyoming

(rp) "Temporary License" means a license issued to allow an applicant to practice while awaiting licensure ~~by endorsement.~~



~~(f) “WYOTA” is the Wyoming Occupational Therapy Association.~~

#### **Section 4. Board Meetings.**

(a) Notice of Board meetings shall be given to any person who requests such notice as specified by the Wyoming Administrative Procedures act. The notice shall specify the time and place of the meeting and the business to be transacted.

~~(b) All meetings shall be open to the public; the Board may conduct executive sessions in accordance with W.S. 16 4 405. In addition the board may hold closed sessions: The Board shall hold its annual meeting the second Friday in July. All other meetings will be at the call of the Chair.~~

~~(i) To approve examinations;~~

~~(ii) Upon request of an applicant who fails an examination, to prepare a response indicating any reason for the applicants failure; or~~

~~(iii) To consider allegations or investigations of possible violations of the Act or these Rules.~~

~~(e) A majority of the Board members constitutes a quorum for the conduct of a Board meeting. The act of the majority of members present at a meeting, which includes a quorum, shall be the act of The Board.~~

## CHAPTER 2

### LICENSURE REQUIREMENTS

**Section 1. Initial License.** ~~The applicant shall submit:~~

~~(a) Completed application. The applicant shall submit:~~

~~(i) Completed application and fee;~~

~~(ii) Provide NBCOT certification number so the Board may verify the applicants standing with the NBCOT;~~

~~(iii) Verification of all licenses held, active or inactive, in any healthcare professions; and~~

~~(iv) Verification of lawful presence in the United States.~~

~~(b) Written verification of initial certification from AOTCB.~~

~~(c) References from two individuals familiar with the applicant which address the applicants character, ability and professional performance in the practice of occupational therapy.~~

~~(d) Required fee.~~

**Section 2. Examination Requirements for Licensure.** The Board shall:

(a) Recognize for initial licensure the Certification Examination for Occupational Therapist, Registered (OTR) and Certified Occupational Therapy Assistant (COTA) as administered by the NBCOT or the current examination recognized by the board.

~~(b) Following examination, recognize achievement of certification from the AOTCB;~~

~~(c) Provide, on request, dates and sites of certification exams.~~

**Section 3. Continuing Education.** ~~Continuing education requirements may be fulfilled through inservice, coursework, conference or workshop attendance, presentation, other means as deemed adequate by the Board. The applicant shall submit with application for renewal:~~

~~(a) A notarized continuing education affidavit form and documentation of attendance verifying sixteen (16) contact hours of continuing education per year. Hours shall be obtained within a three (3) year period, and shall be used only once. This form is available from the Board. Each licensee must complete thirty-two (32) hours of continuing education every two years. These hours must be obtained during the thirty-six (36) months immediately preceding July 31 of every even year.~~

~~(b) A copy of the conference flyer, agenda or description of conference.~~

~~(c) A short statement of the relevance of the conference topic to the practice of occupational therapy. All licensees shall report their number of continuing education hours every even numbered year in conjunction with the licensee's application for renewal.~~

~~(d) Licensees are required to keep documentation of their continuing education hours, to be submitted to the board upon audit. The documentation of verification of attendance shall include;~~

~~(i) Name of licensee;~~

~~(ii) Title of course;~~

~~(iii) Date of attendance;~~

~~(iv) Number of hours earned;~~

~~(v) Signature of the person verifying the attendance.~~

~~(vi) If the class is not approved by the NBCOT, AOTA, or WYOTA the licensee must also present a copy of the conference flyer, agenda, or written course description of the course on the continuing education log sheet.~~

~~(e) Continuing education credit is available for live courses, on-line courses, college courses beyond degree requirements, or conferences.~~

~~(f) Extra hours submitted will not be carried over, and courses may not be split unless a separate attendance verification is obtained for separate sections of the education provided.~~

~~(g) Employment orientation, facility specific documentation training, CPR and First Aid classes do not count toward continuing education requirements.~~

~~(h) A licensee may obtain continuing education credit for hours spent presenting a class if:~~

~~(i) The licensee is the primary presenter or a co-presenter;~~

~~(ii) The licensee only submits the topic for continuing education once during a compliance period.~~

~~(iii) Time spent preparing the class is not included for credit; and~~

(iv) The licensee shall submit a copy of the presentation, and a program agenda that includes the presentation title, presenter's name, date and time of the presentation.

(i) No more than four (4) of the licensee's thirty-two (32) continuing education hours submitted may be made up of classes that are less than one hour in length.

(j) Proof of continuing education hours must be submitted to the board upon audit. License holders selected for audit will be notified in June. All renewals received after June 1st must submit proof of continuing education hours for audit.

#### **Section 4. Temporary License ~~by Endorsement.~~**

(a) An applicant who is currently licensed to practice occupational therapy in another jurisdiction ~~and who meets the requirements for licensure by endorsement~~ may obtain a temporary license while the application is being processed by the Board. The temporary license must be approved by the board prior to practice in Wyoming, and ~~The temporary license~~ shall be in effect until a permanent regular license is issued by the Board. A Temporary License shall ~~but not to~~ exceed ninety (90) days from the date of issuance.

(b) To request a temporary license, the applicant shall submit ~~to the Board the an~~ application, application fee and temporary license required fees, and a copy of the current license held in another jurisdiction to the Board. ~~Prior to permanent license being issued, a temporary licensee shall submit the appropriate license fee.~~

#### **~~Section 5. Licensure by Endorsement.~~**

~~(a) An applicant who is currently licensed to practice occupational therapy in another jurisdiction whose standards for licensure or regulation are equivalent to or at least as stringent as requirements established by the Act may apply for licensure by endorsement.~~

~~(b) The applicant shall:~~

~~(i) Be required to fulfill all requirements for licensure by endorsement, as stated in W.S. 33-40-108.~~

~~(ii) Submit the application and fee for licensure by endorsement to the Board;~~

~~(iii) Procure verification of licensure from each jurisdiction in which the~~

~~applicant has held a license. This form is to be mailed directly to the Board from the offices of each jurisdiction.~~

### **Section 65. Limited Permit License.**

~~(a) An individual who completes the academic and fieldwork requirements for occupational therapist or occupational therapy assistant who has not yet taken or received the results of the entry-level certification examination may apply for and receive A~~a limited permit license may be granted to an applicant to practice occupational therapy, under the general supervision of a licensed occupational therapist. This permit shall expire six (6) months after issuance or when the applicant is issued a license under W.S. 33-40-109, whichever occurs first. The Board may require a limited license for occupational therapists and occupational therapy assistants re-entering the profession as outlined in Chapter 2, Section 7. Re-Entry.

~~(b) Applicants who may seek a limited permit license are:~~ A limited license shall be valid for six (6) months.

~~(i) Persons whose license has been on inactive status for more than five years and who have not practiced occupational therapy for five (5) years. Limited licenses shall expire when the person is issued a license; or when the person is notified that he or she did not pass the examination.~~

~~(ii) Persons who have not practiced occupational therapy for more than five years.~~

~~(iii) Persons who have graduated from an accredited program and have completed all fieldwork requirements and have applied for the next certification exam, or are awaiting results.~~

~~(c) The limited permit licenses may be renewed once~~ are not renewable; however, the license may be extended upon showing of good cause.

~~(i) The licensee shall provide a written request to the Board.~~

~~(ii) The Board will review the request on a case by case basis, and the license may be renewed one month at a time, not to exceed three (3) months.~~

### **Section 7 6. Annual Renewal of License.**

~~(a) Licenses shall expire on July 31 of each year unless renewed under these rules. The Board shall mail a renewal notice and an application for renewal of licensure to active licensees at their address of record on or before May first (1st) of the renewal period~~ each

year. The Board shall and issue a renewal license when the to a licensee has met who meets all of the requirements for renewal.

(b) License renewal applications shall be postmarked no later than June first (1st) 1 in order to meet the August first (1st) renewal deadline without penalty ensure timely processing.

(i) Renewal applications postmarked after June 1 are subject to a one hundred dollar (\$100.00) late fee.

(ii) Licensees may submit a renewal application up to one (1) year after the expiration of the license. Once the license expires, the licensee may not practice until the renewal is issued by the Board.

(c) A licensee shall meet the following requirements for renewal: The Board will use an audit system to review continuing education hours obtained by the licensee.

(i) Submission of a completed application for renewal: Every even year 10% of current licensees will be selected at random and required to submit verification of the thirty-two (32) hours of continuing education hours as outlined in Chapter 2, Section 3.

(ii) Payment of the prescribed fee Licensees selected for audit will be notified by June 10 every even year. Audited licensees shall submit documentation verifying their completion of continuing education hours. Licensees shall have twenty (20) days from the date of notification to submit documentation.

(iii) Proof of completion of acceptable continuing education activities as defined in the Rules. Proof shall include: Licensees subject to a penalty under subsection (b) of this section must also submit to an audit of their continuing education compliance.

(A) Dates of continuing education; and

(B) Number of contact hours or Continuing Education Units.—

(C) Statement of relevance to occupational therapy.

(d) If a license is suspended under these rules, the licensee shall submit a renewal application and fee, otherwise, the suspended license will expire.

(i) Renewal of a suspended license shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended.

(e) A license revoked on disciplinary grounds is subject to expiration as provided in the Act but it may not be renewed. The licensee, as a condition of reinstatement, shall meet license requirements for new licensees and shall pay a reinstatement fee set by the

Board.

**Section 7. Re-entry.**

(a) Re-entering occupational therapists and occupational therapy assistants are individuals who:

(i) Practiced as an occupational therapist or an occupational therapy assistant for a minimum of one (1) year;

(ii) Have not been involved in direct intervention, supervision, teaching, consulting, administration, case or care management, community programming, research, or otherwise practiced as an occupational therapist or an occupational therapy assistant for a minimum of three (3) years.

(iii) Wish to return to the profession of occupational therapy.

(b) Re-entering occupational therapists and occupational therapy assistants must complete sixteen (16) hours of continuing education for every year the therapist has been out of practice.

(i) At least one of the continuing education courses submitted for re-entry must be an occupational therapy review course.

(c) Re-entering occupational therapists and occupational therapy assistants may receive a Limited License as described in Section 5 of this chapter. Upon completion of the six (6) month Limited License period a re-entering licensee may apply for and be granted a full license if the individual meets the requirements for licensure under these rules.

**~~Section 8. Inactive Status.~~** While the license is held in inactive status, the licensee shall not present him or herself as a licensed occupational therapy providers in the State of Wyoming. A licensee may apply for inactive status by submitting a request in writing to the Board which shall include:

~~(a) Effective date;~~

~~(b) A brief explanation for the request.~~

**~~Section 9. Reactivation~~**

~~(a) A licensee whose license is in inactive status for less than five (5) years may~~

~~apply for reactivation and shall:~~

~~(i) Submit the renewal application and license renewal fee,~~

~~(b) For reactivation after more than a five (5) year inactive status refer to the requirements of a Limited Permit may apply at the discretion of the Board.~~

#### **~~Section 10. Relicensure.~~**

~~(a) A licensee who has failed to renew a license for up to one (1) year may apply for relicensure and shall meet the following requirements:~~

~~(i) Complete all requirements for license renewal;~~

~~(ii) Pay the renewal fee and late fee.~~

~~(b) A licensee who has failed to renew a license for more than one year shall be treated as a new applicant pursuant to W.S. 33-40-106, shall be required to pay applicable fees. (c) If an applicant has not practiced Occupational Therapy for more than five (5) years the applicant shall be treated as a new application pursuant to W.S. 33-40-106, shall be required to pay applicable fees., and the requirements of a Limited Permit may apply at the discretion of the Board.~~

#### **~~Section 118. Reinstatement.~~**

~~(a) An individual licensee who has had a license revoked by the Board may apply for reinstatement no less than one (1) year after the date of revocation. To apply for reinstatement the individual shall submit:~~

~~(i) Submit Evidence that just cause for reinstatement exists; and~~

~~(ii) Submit ~~the~~ application and ~~non-refundable~~ a non-refundable fee for reinstatement to the Board; and~~

~~(iii) Submit ~~e~~Evidence of meeting the requirements for Annual Renewal of License.~~

~~**Section 12. Verification of Licensure to Another Jurisdiction.** Upon receipt of a written request for verification of licensure and the required administrative fee of ten dollars (\$10.00), the Board shall provide the information to the jurisdiction specified by the licensee.~~



~~**Section 13. Registration for Temporary Practice Status.** Any person providing occupational therapy services in Wyoming for no more than forty five (45) days in a calendar year, in association with another occupational therapist licensed in Wyoming shall submit to the Board: (a) Proof of compliance with 33-40-104, (a) and (b); (b) Registration for Temporary Practice Status form; and (c) Signed agreement provided by the Board and signed by the associated licensed occupational therapist, or occupational therapy assistant.~~

**Section 149. Change of Name and/or Address.**

(a) A licensee shall promptly notify the Board of any changes in name or address in writing.

(i) ~~The Board will update the name on a license~~ Upon receipt of a copy of a legal document indicating name change (i.e. marriage certificate, divorce papers, etc.), ~~duplicate certificate fee of ten dollars (\$10.00) and the original certificate issued, the licensee shall be reissued a certificate with the current name.~~

(b) Any correspondence from the Board to the licensee required or permitted under the Act shall be mailed to the last known name and address provided to the Board by the licensee and shall be deemed proper service on the licensee.

**Section ~~15~~10. Duplicate License.**

(a) A licensee shall promptly notify the Board in writing if a license is lost, stolen or destroyed.

(b) ~~The Board shall issue a duplicate certificate to a licensee who submits~~ Upon receipt of a notarized statement with the reason for requesting a duplicate certificate and the duplicate certificate fee of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00), the licensee shall be reissued a duplicate certificate.

(c) ~~The Board shall issue a~~ A statement from the Board verifying license status may be sent to an licensee's employer, other jurisdiction or any other institution as requested by the licensee upon receipt of the licensee's written request and payment of twenty-five dollars (\$25.00). The Board shall also make this information available free of charge on the Board's website.

## CHAPTER 3

### STANDARDS OF PRACTICE OF OCCUPATIONAL THERAPY

#### Section 1. Delineation of Roles.

(a) An occupational therapist currently licensed by the Board:

(i) Evaluates the ~~patient~~/client using the appropriate evaluation tool(s) for condition.

(ii) Prepares a custom written program plan and provides treatment as appropriate within the licensee's scope of practice and training.

(iii) When applicable ~~Assigns~~ treatment duties based on that program plan to an occupational therapy assistant currently licensed by the Board who has been specifically trained to carry out those duties.

(iv) Monitors the occupational therapy assistant's performance.

(v) Accepts professional responsibility for the occupational therapy assistant's performance.

(b) An occupational therapy assistant currently licensed by the board assists in the practice of occupational therapy and performs treatment and delegated assessment commensurate with their education and training.

#### Section 2. Supervision of Certified Occupational Therapy Assistants/ or Occupational Therapy Assistants.

(a) A licensed COTA/ ~~or~~ OTA may assist in the practice of occupational therapy only under the supervision of an OTR/ ~~or~~ OT.

(b) ~~The supervisor shall have supervisory contact with the COTA/OTA at least 5% of the time worked by the assistant in direct patient care. Additional supervisory guidelines are as follows:~~

(i) ~~An~~ Entry-level COTA/ ~~or~~ OTA ~~is an individual (working on initial skill development or entering a new practice area.) At this level the OTR or OT shall provide~~ close supervision. ~~by OTR/OT is recommended. "Close Supervision" means daily, direct contact at the site of work.~~

(ii) ~~An~~ Intermediate-level COTA/ ~~or~~ OTA ~~is an individual (working on increased skill development and mastery of basic role functions and demonstrates ability to respond to situations based on previous experience.) At this level the OTR or OT shall provide~~ Routine supervision ~~by an OTR/ or OT is recommended. "Routine supervision" means direct contact at least every two weeks at the site of work, with interim supervision occurring by other methods, such as telephonic, electronic or written communication.~~

(iii) ~~Advanced-level COTA/ or OTA (is an individual refining specialized skills with the ability to understand complex issues affecting role functions.) At this level the OTR or OT shall provide Ggeneral supervision-is recommended. “General Supervision” means at least monthly direct contact, with interim supervision available as needed by other methods.~~

(c) ~~Each supervising OTR or OT The supervisor shall maintain a supervisory plan and shall document the supervision of each COTA/ or OTA using the supervision form provided by the Board. Documentation shall include evidence of regular supervision and contact between the supervisor and the assistant and may be subject to Board review upon request. Documentation shall be kept for three (3) years. Supervision shall includes the following:~~

(i) ~~Communicating to the COTA/ or OTA the results of patient/ or client evaluation and discussing the goals and program plan for the patient/ or client;~~

(ii) ~~Providing information, instruction and assistance as needed;~~

(iii) ~~Annually, or more often if warranted, Ppreparing on-a-regular basis, but at least annually, a written appraisal of the COTA/ or OTA’s performance and discussing the appraisal with the COTA or OTA;~~

(iv) ~~A supervising OTR or OT The supervisor after initial record review is performed may assign the administration of standardized tests, activities of daily living evaluations, or other elements of patient evaluation and re-evaluation that do not require the professional judgment and skill of an occupational therapist to a-competent an intermediate or advanced COTA/ or OTA. Assignment under this subsection must be consistent with COTA or OTA’s education and training. the administration of standardized tests, the performance of activities of daily living evaluations and other elements of patient/client evaluation and reevaluation that do not require the professional judgment and skill of an occupational therapist.~~

(v) ~~More frequent supervision may be necessary as determined by the OTR/ or OT or the COTA/ or OTA, dependent on the level of expertise displayed by the COTA/ or OTA, the setting and the population characteristics.~~

(d) ~~A supervisor who is temporarily unable to provide supervision shall arrange for substitute supervision by an OTR/ or OT currently licensed by the Board. The substitute shall provide supervision that is as rigorous and thorough as that provided by the permanent supervisor.~~

~~(e) Failure to comply with this section constitutes unprofessional conduct.~~

### **Section 3. Supervision Under a Limited Permit License.**

(a) ~~Individuals licensed Supervision under a limited permit license shall receive requires on-going daily direction and instruction from a licensee in good standing with the Board. The supervising licensee shall also provide to establish and maintain occupational therapy service combined with evaluations of performance of a the limited licensee/permit holder's therapy skills. services without the necessity of the supervising therapist being physically present when services are being conducted.~~

(b) The limited licensee may provide services outside of the physical presence of the supervising licensee.

~~(bc)~~ Written documentation of each supervisory session shall be recorded on the supervision form provided by the Board and signed by the supervising ~~therapist licensee~~ and limited ~~permit holder licensee~~. The limited licensee shall submit the original documentation supervision forms shall be submitted to the Board as part of the application for full licensure prior to a permanent license being issued.

~~(ed)~~ The ~~S~~supervisor shall notify the Board in writing of termination of supervision.

~~(de)~~ All treatment documentation must be co-signed by the Limited ~~Permit Licensee holder~~ and the supervising therapist.

#### **Section 4. Code of Ethics.**

(a) It is the professional responsibility of licensees to provide services for clients without regard to race, creed, national origin, gender, disability or religious affiliation;:

(b) The licensee shall be acquainted with applicable local, state, federal laws and institutional rules and shall function accordingly;:

(c) The licensee shall inform employers, employees, and colleagues about those laws and policies that apply to the profession of occupational therapy;

(d) The licensee shall function with discretion and integrity in relations with colleagues and other professionals and shall be concerned with the quality of their services;:

(e) The licensee shall report illegal, incompetent, or unethical practice to the appropriate authority;:

(f) The licensee shall not disclose privileged information when participating in reviews of peers, programs or systems;:

(g) The licensee who employs or supervises colleagues shall provide appropriate supervision, as defined in the American Occupational Therapy Association (AOTA) supervision guidelines or state laws, rules and regulations, and institutional policies;:

(h) The licensee shall recognize the contributions of colleagues when disseminating professional information;:

(i) Treatment objectives and the therapeutic process shall be formulated to ensure professional accountability;:

(j) Occupational therapy evaluation services shall be goal-directed in accordance with the overall educational, habilitation or rehabilitation plan and shall include a system to ensure professional accountability;:

(k) ~~The licensee shall recommend termination of services when established goals have been met or when further services would not produce improved client performance.;~~ not delegate client care, evaluations or treatment to interning students or fieldwork students when the licensee is not in the facility. The COTA is not allowed to supervise a Level II OT student;

(l) The licensee shall accurately represent their competence, education, training and experience.;

(m) The licensee shall only provide services and use techniques for which they are qualified by, and have supporting documentation of, education, training or experience.;

(n) The licensee shall take all reasonable precautions to avoid harm to the client or detriment to the client's property.;

(o) The licensee shall inform subjects involved in education or research activities of the potential outcome of those activities.;

(p) When applicable, the licensee shall establish fees, based on cost analysis, that are commensurate with services rendered.;

(q) The licensee shall accurately record information and report information as required by facility standards and state and federal laws.;

(r) All data recorded in permanent files or records shall be supported by the licensee's observations or by objective measures of data collection.;

(s) Client's records shall only be divulged as authorized by law or with the client's consent for release of information.;

(t) The licensee shall not delegate to other personnel those client-related services where the clinical skills and expertise of a licensee are required.;

(u) The licensee shall refer clients to other service providers or consult with other service providers when additional knowledge and expertise is required.

## **Section 5. Unprofessional Conduct**

The failure of a licensee to abide by the ethical standards adopted by the Board shall constitute unprofessional conduct and grounds for disciplinary action.

## CHAPTER 4

### Repealed 2018

#### ~~REVOCATION, SUSPENSION, REFUSAL AND PURSUING PROSECUTION FOR VIOLATIONS~~

~~**Section 1. Grounds.** The Board may revoke, suspend, or reuse to issue and renew licenses or otherwise discipline licensees for any of the following reasons based upon unprofessional conduct:~~

- ~~(a) Violation of the Act or Board Rules.~~
- ~~(b) Violation of the Code of Ethics.~~
- ~~(c) Gross incompetence or malpractice.~~
- ~~(d) Mental or physical incompetency rendering the licensee unable to practice with reasonable skill or safety.~~
- ~~(e) Habitual use of alcohol or a controlled substance.~~
- ~~(f) Knowingly submitting false information to the Board in any application for licensing or any other correspondence.~~
- ~~(g) Obtaining any fee by fraud, misrepresentation or false pretenses.~~
- ~~(h) Loaning of a license issued by the Board.~~
- ~~(i) Employing either directly or indirectly any suspended or unlicensed occupational therapy practitioner to perform any work covered by the Act or Rules.~~
- ~~(j) Delegating responsibilities to a person who is not qualified by training, experience or License.~~

~~**Section 2. Emergency Suspension of License.** Per W.S. 16-3-113 (c) the Board may summarily suspend a license if the Board finds that the public health, safety or welfare imperatively requires emergency action. The Board shall notify the licensee of the grounds for suspension and immediately set the matter for hearing.~~

## CHAPTER 5

### FEES

#### Section 1. General Information

(a) The current fee schedule shall appear in the official records of the Board's activities and shall be kept on file in the Board office.

(b) At the time of application, a copy of the current fee schedule shall be provided to applicants.

(c) Fees shall be payable in the exact amount, by money order or cashier's check for all services and shall be paid in advance of the services rendered. Fees for renewal fees of license may, in addition to money order or cashier's check, be paid by personal check.

(d) All fees collected by the Board are non-refundable.

#### Section 2. Fees.

The Board shall charge the fees for the following services. for which the Board charges a fee shall include but not be limited to the following schedule.

~~(a) Application Fee: \$125.00 per applicant.~~

~~(b)~~ License Fee:

~~(i) Application Postmarked before February 1: OT or OTR License: \$225.00~~

~~(A) \$100.00 for OTR/OT~~

~~(B) \$50.00 for COTA/OTA~~

~~(ii) Application Postmarked on or after February 1: OTA or COTA License:~~  
\$175.00

~~(A) \$50.00 for OTR/OT~~

~~(B) \$25.00 for COTA/OTA~~

~~(e)~~ Temporary License Fee:

~~(i) \$50.00 for OTR/ or OT~~

~~(ii) \$25.00 for COTA/ or OTA~~

~~(d)~~ Limited Permit License Fee:

~~(i) \$50.00 for OTR/ or OT~~

~~(ii) \$25.00 for COTA/ or OTA~~

~~(e)~~ License Renewal Fee:

~~(i) \$110.00 for OTR/ or OT~~

~~(ii) \$60.00 for COTA/ or OTA~~

(fe) Late Renewal Fee: ~~\$50~~100.00 per applicant.

(g) ~~License Reactivation Fee: \$50.00 per licensee.~~

(hf) License Verification Fee: ~~\$40~~25.00 per jurisdiction.

(ig) Duplicate ~~License~~Certificate Fee: ~~\$40~~25.00

(jh) Reinstatement Fee: ~~\$125~~150.00



## CHAPTER 6

### PRACTICE AND PROCEDURE

#### Section 1. Complaints.

(a) Complaints against a licensee shall be filed with the Board in writing and shall contain:

- (i) Name and address of licensee;
- (ii) Name, address and telephone number of complainant;
- (iii) Nature of alleged violations;
- (iv) A short and concise statement of facts relating to the alleged violations; and
- (v) Signature of complainant.

(b) The Board may, upon ~~it's~~its own motion, investigate violations of ~~this~~the ~~Act~~Act or Board rules and regulations.

#### Section 2. Investigations.

(a) The Board shall consider the complaint to determine if further investigation of the matter is warranted. If further investigation is deemed necessary, the Board shall assign an investigation committee comprised of one or two Board members or other individual ~~and a representative of the Attorney General's Office.~~

(b) Upon completion of the investigation, the committee may:

- (i) Prepare and file a formal complaint and notice of hearing with the Board, setting the matter for a contested case hearing;
- (ii) Recommend to the Board that a letter of warning be given to the licensee; or
- (iii) Recommend to the Board that the complaint be dismissed.

(c) The Board may resolve a complaint without a hearing at any time by:

- (i) Sending a written letter of warning to a licensee;
- (ii) Accepting a voluntary surrender of a license;
- (iii) Accepting conditional terms for settlement;

- (iv) Dispensing with it in an informal manner; or
- (v) Dismissal.

### **Section 3. Service of Notice and Formal Complaint.**

Notice and Complaint shall be served by mail at least twenty (20) days prior to the date set for hearing. It shall be sent by certified mail with return receipt to the licensee's last known address.

### **Section 4. Docket.**

A contested case shall be assigned a number when a complaint is filed with the Board. A separate file shall be established for each docketed case, in which shall be placed all papers, pleadings, documents, transcripts, evidence and exhibits.

~~**Section 5. Default in Licensee Answering or Appearing**~~**Rules of Procedure.** ~~In the event of the failure of a licensee to answer or otherwise appear within the time allowed, a default may be entered and the allegations as set forth in the Notice and Complaint shall be taken as true and an Order of the Board entered accordingly.~~

(a) The Board incorporates the administrative practice and procedure rules found in Chapter 2 of the Uniform Rules for Contested Case Practice and Procedure adopted by the Office of Administrative Hearings and effective October 17, 2014 found at: <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

(b) The Board determined that incorporation of the full text of this rule would be cumbersome and inefficient given the length and nature of the rules.

(c) This incorporation by reference in subsection (a) does not include any later amendments or editions of the incorporated matter beyond the applicable date identified.

(d) A copy of the incorporated rule is available for public inspection or copying at the cost from the Board's offices located at 6101 Yellowstone Road, #501, Cheyenne, WY 82002.

~~**Section 6. Discovery.** In all contested cases coming before the Board, the taking of depositions and discovery shall be available to the parties.~~

~~**Section 7. Subpoenas.** Subpoenas for appearance and to produce testimony, books, papers, documents or exhibits may be issued by the Board or hearing officer on behalf of any party to the contested case.~~

~~**Section 8. Contested Case Hearing.** All issues and matters set forth in the Notice and Complaint shall be presented to the Board. A licensee may be represented by an attorney, licensed to practice law in this State or is otherwise associated at the hearing with an attorney licensed to practice law in this State.~~

~~**Section 9. Hearing Officer.** The Board may employ and secure a hearing officer to assist and advise the Board in the conduct of a hearing and the preparation of recommended findings of fact, conclusions of law and order.~~

~~**Section 10. Order of Procedure at Hearing.** As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:~~

~~(a) The Board or hearing officer shall announce that the hearing is convened upon the call of the docket number and title for the matter and case to be heard, and thereupon the Board or hearing officer shall incorporate all pleadings into the record and shall note for the record all subpoenas issued and all appearances of record;~~

~~(b) All persons testifying at the hearing shall be administered the standard oath;~~

~~(c) The attorney or representative of the State shall thereupon proceed to present State's evidence. Witnesses may be cross examined by the licensee or attorney if represented. Redirect examination may be permitted;~~

~~(d) The licensee shall be heard in the same manner as the State's evidence. The State shall have the opportunity of cross examination and redirect examination may be permitted;~~

~~(e) Opening statements may be made.~~

~~(f) Closing statements, at the conclusion of the presentation of evidence, may be made by the parties or attorneys. a rebuttal statement may be made by the State. The time for oral argument may be limited by the Board or hearing officer;~~

~~(g) After all proceedings have been concluded, the Board or hearing officer shall dismiss and excuse all witnesses and declare the hearing closed. Any party who may wish or desire to tender written briefs of law unto the Board may do so. The Board may take the case under advisement and shall declare unto each of the parties that the decision of the Board shall be announced within due and proper time following consideration of all of the matters presented at the hearing; and~~

~~(h) The Board and hearing officer shall retain the right and opportunity to examine any witness upon the conclusion of all testimony offered by a particular witness.~~

~~**Section 11. Rules of Civil Procedure to Apply.** The rules of practice and procedure~~

~~contained in the Wyoming Rules of Civil Procedure insofar as they are applicable and not inconsistent with the matters before the Board and applicable to the rules and orders promulgated by the Board shall apply.~~

~~**Section 12. Attorneys.** The filing of an answer or other appearance by an attorney constitutes an appearance for the party for whom the pleading is filed. The Board and all parties shall be notified in writing of any withdrawal. Any person appearing before the Board at a hearing in a representative capacity shall be precluded from examining or cross-examining any witness unless the person is an attorney licensed to practice law in this State, or associated with an attorney licensed to practice law in this State. This rule shall not be construed to prohibit any licensee from representing themselves in any hearing before the Board, but any licensee appearing in their own behalf shall not be relieved of abiding by all rules established for the hearing proceedings.~~

~~**Section 13. Attorney General to be Present.** In all hearings held upon formal action brought before the Board, a representative of the Office of Attorney General of Wyoming shall appear on behalf of the State, and shall present all evidence, testimony and legal authority in support of the Notice and Complaint to be considered by the Board.~~

~~**Section 14. Record of Proceedings.** When the denial, revocation or suspension of any license is the subject for hearing, it shall be regarded as a contested case and the proceedings, including all testimony, shall be reported verbatim by a court reporter or other adequate recording device.~~

~~**Section 15. Decision, Findings of Fact and Conclusions of Law and Order.**~~

~~(a) The Board shall, with the assistance of the hearing officer, following the full and complete hearing, make and enter a written decision and order containing findings of fact and conclusions of law. The decision and order shall be filed with the Board and shall, without further action, become the decision and order as a result of the hearing.~~

~~(b) No member, staff or agent of the Board who participated or advised in the investigation or presentation of evidence at the hearing shall participate or advise in the decision.~~

~~(c) Upon entry and filing, the Board shall mail copies of the decision to each licensee and attorneys of record.~~

~~**Section 16. Appeals to District Court.** Appeals from Board decisions shall be taken to the district court having jurisdiction and proper venue in accordance with applicable statutes and the Wyoming Rules of Appellate Procedure.~~

~~**Section 17. Transcript in Case of Appeal.** In the case of an appeal to the district court, the appellant shall pay and arrange for the transcript of the testimony. The transcript shall be verified by the oath of the reporter who took the testimony as a true and correct transcript of the testimony and other evidence in the case.~~

## CHAPTER 7

### INFORMATION PRACTICES

#### Section 1. Disclosure.

(a) The personal information compiled by the Board concerning each applicant or licensee is confidential and shall be released only to the person to whom the record pertains., ~~to others upon written consent or upon court order~~ Request from individuals other than the applicant can only be released with written consent of the applicant or upon court order.

(b) Disclosure of confidential records and public records shall also be governed by W.S. 16-4-201 et seq., Public Records Act.

#### Section 2. Access.

(a) Any applicant or licensee, or others with the licensee's written consent may personally inspect the contents of the individual's Board file with the following exceptions:

(i) Personal recommendations.

(ii) Unverified complaints.

(b) Record inspection shall take place under the following conditions:

(i) An appointment shall be made to review the file between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the Board office.

(ii) Record inspection shall take place in the presence of a Board member or a representative of its administrative staff.

~~(iii) Original documents shall remain with the Board but may be copied at the Board offices for a reasonable fee.~~

#### Section 3. Correction and Amendment.

Any applicant or licensee may clarify erroneous, inaccurate or misleading information contained within their file by submitting a written statement to the Board which shall be placed in the file.

#### Section 4. Requests for Roster of Licensees.

~~(a)~~ The roster shall be made available to state agencies, ~~and~~ licensees and any other organization upon written public records request, free of charge.

~~(b) Any other organization may obtain a roster in the following manner:~~

~~(i) A money order or cashiers check in the amount of \$25.00 shall accompany a written request for a printed copy.~~

~~(ii) A money order or cashiers check in the amount of \$100.00 and a standard personal computer diskette shall accompany a written request for an electronic copy of the roster. The data will be presented in the software format currently used by the Board.~~

### **Section 5. Public Records Request Procedure.**

(a) The Board incorporates the rules found in Chapter 2 of the Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective September 6, 2016 found at: <https://drive.google.com/file/d/0BxGSi3ZeOf0LS1Zhemo5WGo4aGs/view>.

(b) The Board determined that incorporation of the full text of this rule would be cumbersome and inefficient given the length and nature of the rules;

(c) This incorporation by reference in subsection (a) does not include any later amendments or editions of the incorporated matter beyond the applicable date identified.

(d) A copy of the incorporated rule is available for public inspection or copying at the cost from the Board's office located at 6101 Yellowstone Road, Suite #501, Cheyenne, WY 82002.