



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules (After completing all of Sections 1 through 3, proceed to Section 5 below)

Regular Rules

1. General Information

a. Agency/Board Name Board of Occupational Therapy		
b. Agency/Board Address 2001 Capitol Ave #105	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Maxine Hernandez		f. Agency Liaison Telephone Number (307)777-7764
g. Agency Liaison Email Address maxie.hernandez@wyo.gov		h. Adoption Date 5/1/2019
i. Program Board of Occupational Therapy		

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Chapter Number:	Chapter Name:	New	Amended	Repealed
1	General Provisions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Licensure Requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Standards of Practice of Occupational Therapy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Fees	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Practice and Procedure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Information Practice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **5/15/2019**

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

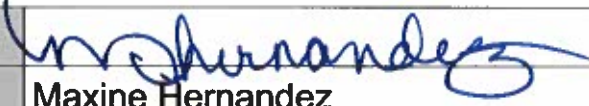
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **5/2/2019**

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: **3/15/2019**

c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Maxine Hernandez
Signatory Title	Executive Director
Date of Signature	5/2/2019

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

STATEMENT OF REASONS
Board of Occupational Therapy
For Formal Adoption of Regular Rules

Overview:

The Wyoming Board of Occupational Therapy is proposing to amend chapters 1, 2, 3, 5, 6, and 7 of its rules. The following amendments to the Board's rules address previously received comments. Throughout the proposed amended rules the Board removed the credential references of OTR and COTA and made changes to clarify and simplify the rules. The sections and subsections were renumbered and re-lettered accordingly. The specific changes to the chapters are as follows:

Chapter 1 – General Provisions

- Unnecessary definitions were removed.
- The definition of Wyoming Occupational Therapy Association (WYOTA) was added.
- Notice of board meetings being posted on the website was added and clarified that all meetings will be open to the public.

Chapter 2 – Licensure Requirements

- The examination requirements and continuing education requirements were clarified. The late renewal date was extended.
- The application review process and the process for a denial of an application was added to this chapter.

Chapter 3 – Standards of Practice

- Section 4 was created to regulate telehealth services.

Chapter 6 – Practice and Procedure

- The complaint review process was amended to eliminate the need to hold a board meeting to select an investigative board member when a complaint is received.
- The process of investigating a complaint and how the complaint is resolved was clarified.
- The process of contested case hearings was clarified.
- The located of the uniform rules was updated.

Chapter 7 – Information Practices

- The located of the uniform rules was updated.

SUMMARY OF COMMENTS

The Wyoming Board of Occupational Therapy proposed changes to Chapters 1, 2, 3, 5, 6 and 7. The Board held a public comment period from March 11, 2019 through April 30, 2019, and received four (4) comments to the proposed revisions from one (1) licensee and the American Occupational Therapy Association (AOTA). The Board reviewed and discussed comments at their subsequent Board meeting on May 1, 2019. The Board did not make changes at this time.

Comment #1: This comment suggested listing AOTA first in Chapter 2, Section 3 (c)(vi).

Comment #2: This comment found a typo in the strikethrough version of the rules.

Comment #3: This comment requested the Board to list the AOTA ethics commission as a resource in the rules.

Comment #4: This comment reiterated AOTA's position regarding the Board having guidelines regarding supervision of OTAs, in Chapter 3, Section 2.

The Board thanked the individuals for their comments and indicated it did not plan to make any changes at this time.

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 were adopted to implement the authority of the Wyoming Board of Occupational Therapy to regulate the qualifications and standards of practice of Occupational Therapists (OTs), and Occupational Therapy Assistants (OTAs) 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) "AOTA" is the American Occupational Therapy Association.
- (b) "Board" means the Wyoming Board of Occupational Therapy.
- (c) "Client" is an individual who receives occupational therapy services.
- (d) "Close Supervision" means daily, direct contact at the site of work and applies only to OTs with initial skill development proficiencies or OTAs, as appropriate, for the delivery of occupational therapy services.
- (e) "Contact Hour" means one (1) hour engaging in continuing education.
- (f) "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 OTAs for the delivery of occupational therapy services.
- (g) "Good Standing" means the individual's license, certification, or registration is not currently suspended or revoked by any state or national regulatory entity.

(h) "Licensee" means any occupational therapy practitioner licensed by the Board.

(i) "NBCOT" means the National Board for Certification in Occupational Therapy.

(j) "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 OTAs.

(k) "WYOTA" means the Wyoming Occupational Therapy Association.

Section 4. Board Meetings.

(a) Notice of Board meetings shall be posted on the Board website and 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 in July. All other meetings will be in accordance with the Wyoming Administrators Procedure Act.

(c) All Board meetings are open to the public.

CHAPTER 2

LICENSURE REQUIREMENTS

Section 1. Initial License.

- (a) The applicant shall submit:
 - (i) Completed application and fee;
 - (ii) Verification of passing scores of the national certification examination, administered by NBCOT or current national examination recognized by the board;
 - (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. Continuing Education.

- (a) Each licensee must complete thirty-two (32) hours of continuing education every two years. These hours must be obtained during the three years (3) immediately preceding the annual license renewal.
- (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 sponsored 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, written courses 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 course for continuing education once.

(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.

(j) All renewals received after June 15 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 and therefore no longer able to practice.

(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 15 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 issue a renewal license to a licensee who meets all requirements for renewal.

(b) License renewal applications shall be postmarked no later than June 15 in order to ensure timely processing.

(i) Renewal applications postmarked after June 15 are subject the 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 15 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. Application Review Process.

(a) Upon receipt of a completed application, the Board Office shall review the application and if it is complete and, if there are no known grounds for denial of the license requested, issue the license. If there are known grounds for denial, the Board Office shall forward the application to the Application Review Board Member (ARBM).

(b) The ARBM shall review the application and all other information available and following the review may:

- (i) Approve the application if the applicant meets all requirements, or
- (ii) If there are questions as to whether denial is appropriate, forward the application and an ARBM report to the Assistant Attorney General assigned to the Board for prosecution to review.

(c) If, after review, the ARBM and Assistant Attorney General recommend denial of an application:

- (i) preliminary denial letter shall be sent to applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules,

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within 30 days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARBM, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the ARBM shall either approve or deny the application.

(v) If denied, the applicant must submit a written request for a hearing within thirty (30) days of the date of the denial letter.

(d) Application denial hearings,

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The hearing is to be conducted in the presence of a quorum of the Board, and follow the process set forth in Chapter 6. Section 4.

(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(e) The ARBM shall not take part in the consideration of any contested case.

(f) The ARBM shall not, by this rule, be barred from attending any contested case hearing.

Section 10. 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 11. 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 fee.

(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 the fee. 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 OTA may assist in the practice of occupational therapy only under the supervision of an OT.
- (b) The supervisory guidelines are as follows:
 - (i) An entry-level OTA is an individual working on initial skill development or entering a new practice area. At this level the OT shall provide close supervision.
 - (ii) An intermediate-level 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 OT shall provide routine supervision.

(iii) Advanced-level OTA is an individual_refining specialized skills with the ability to understand complex issues affecting role functions. At this level the OT shall provide general supervision.

(c) Each supervising OT shall maintain a supervisory plan and shall document the supervision of each 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 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 OTAs performance and discussing the_appraisal with the OTA;

(iv) A supervising 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 OTA. Assignment under this subsection must be consistent with OTA's education and training.

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

(d) A supervisor who is temporarily unable to provide supervision shall arrange for substitute supervision by an 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. Telehealth

(a) In order to provide occupational therapy services via telehealth to a client in Wyoming, the OT providing services to a client must have a valid and current license issued by the Board. Wyoming licensed OT using telehealth technology with a client in another state may also be required to be licensed in the state in which the client receives those services and must adhere to those state licensure laws.

(b) When providing occupational therapy services via telehealth, an OT shall determine whether an in-person evaluation is necessary and make every attempt to ensure that a OT is available if an on-site visit is required.

(c) The OT is responsible for determining whether any aspect of the provision of services may be conducted via telehealth or must be conducted in person. An OT shall consider at a minimum:

- (i) the complexity of the client's condition;
- (ii) his or her own knowledge skills and abilities;
- (iii) the client's context and environment;
- (iv) the nature and complexity of the intervention;
- (v) the pragmatic requirements of the practice setting; and
- (vi) the capacity and quality of the technological interface.

(d) OT shall obtain informed consent of the delivery of service via telehealth from the client prior to initiation of occupational therapy services via telehealth and maintain documentation in the client's health record.

(e) An OT or OTA providing occupational therapy services via telehealth must:

(i) Exercise the same standard of care when providing occupational therapy services via telehealth as with any other mode of delivery of occupational therapy services.

Section 5. 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 not delegate client care, evaluations or treatment to interning students or fieldwork students when the licensee is not in the facility. The OTA is not allowed to supervise a Level II OT student;

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

(m) The licensee shall only provide services and use techniques for which he or she is 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 6. Unprofessional Conduct

(a) 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 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 License: \$225.00

(ii) OTA License: \$175.00

(b) Temporary License Fee:

(i) OT: \$50.00

(ii) OTA: \$25.00

(c) Limited License Fee:

(i) OT: \$50.00

(ii) OTA: \$25.00

(d) License Renewal Fee:

(i) OT: \$110.00

(ii) OTA: \$60.00

- (e) Late Renewal Fee: \$100.00
- (f) License Verification Fee: \$25.00
- (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.

Section 2. Investigations and Board Action.

(a) Written complaints shall be referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. Licensees against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.

(i) The IBM shall not take part in the consideration of any contested case.

(ii) The IBM shall not, by this rule, be barred from attending any contested case hearing.

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

- (i) Recommend dismissal of the complaint;
- (ii) Recommend to the Board that a letter of warning be given to the licensee; or
- (iii) Recommend approval of a settlement agreement, which may include a reprimand, conditions, restrictions, suspension, voluntary surrender, other discipline, or a combination thereof;

(iv) Recommend disciplinary action, which may include a reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.

(c) Voluntary Surrender. A licensee may petition the Board in writing to surrender his or her license voluntarily. The Board shall hold an expedited proceeding at its earliest convenience to consider a petition under this section. The Board may accept or reject the petition for voluntary surrender and may consider whether the licensee is under investigation.

Section 3. Service of Notice.

- (a) The IBM shall notify the licensee of his or her recommended action.
- (ii) The notice shall:
- (A) Include a brief description of facts or conduct which warrant the intended action; and
- (B) Provide the licensee an opportunity to respond to the action within twenty (20) days of the date of the mailing of the notice.
- (ii) The licensee may request a contested case hearing.
- (A) The request for a contested case hearing shall be in writing and within the twenty (20) days permitted to respond to the IBM's recommended decision.
- (B) If a contested case hearing is requested the IBM shall initiate formal proceedings for disciplinary action by serving a petition and notice of hearing to the licensee.
- (b) Informal Conference. The licensee may request an informal conference with the IBM to provide any additional information or to resolve an administrative complaint without a hearing.
- (c) If the licensee does not provide a written response within twenty (20) days, the IBM shall provide the Board with his or her recommended decision for approval or rejection by the Board.
- (i) The IBM shall notify the licensee of the date and time that the recommendation will be presented to the Board.

Section 4. Rules of Procedure.

(a) All contested case hearings shall be sent to the Office of Administrative Hearings (OAH) in order for OAH to conduct the hearing and issue a recommended decision.

(b) Upon receipt of the recommended decision the Board shall issue a final decision.

(c) 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: <https://rules.wyo.gov>, Reference Number 270.0001.2.07202017.

(d) 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.

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

(f) A copy of the incorporated rule is available for public inspection or copying at the Board's office.

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 the Wyoming 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://rules.wyo.gov> under Reference Number:

006.0011.2.09062106.

(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 Board's office.

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~~ were adopted to implement the authority of the Wyoming Board of Occupational Therapy to regulate the qualifications and standards of ~~performance~~ practice of Occupational Therapists (OTs), ~~Occupational Therapists, Registered (OTRs)~~ 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.).~~

(ba) "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).~~

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

(fd) "Close Supervision" means daily, direct contact at the site of work and applies only to OTs ~~or OTRs~~ with initial skill development proficiencies or OTAs ~~or COTAs~~, as appropriate, for the delivery of occupational therapy services.

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

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

(if) “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 OTAs ~~or COTAs~~ for the delivery of occupational therapy services.

(jg) “Good Standing” means the individual’s license, certification, or registration is not currently suspended or revoked by any state or national regulatory entity.

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

(li) “NBCOT” means the National Board ~~of~~ Certification in Occupational Therapy.

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

(nj) “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 OTAs ~~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.~~

(k) “WYOTA” means the Wyoming Occupational Therapy Association.

Section 4. Board Meetings.

(a) Notice of Board meetings shall be posted on the Board website and 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~~ in accordance with the Wyoming Administrative Procedure Act.

(c) All Board meetings are open to the public.

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~~ Verification of passing scores of the national certification examination, administered by NBCOT or current national examination recognized by the board;
 - (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 32. 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~~ three years (3) immediately preceding the annual license renewal.
- (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~~sponsored 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, written courses 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~~ course 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.~~

(j) All renewals received after June 15 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 and therefor no longer able to practice.

(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~~15 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 issue a renewal license to a licensee who meets all requirements for renewal.

(b) License renewal applications shall be postmarked no later than June 15 in order to ensure timely processing.

(i) Renewal applications postmarked after June 15 are subject to ~~a one hundred dollar (\$100.00)~~ the 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 15 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. Application Review Process.

(a) Upon receipt of a completed application, the Board Office shall review the application and if it is complete and, if there are no known grounds for denial of the license requested, issue the license. If there are known grounds for denial, the Board Office shall forward the application to the Application Review Board Member (ARBM).

(b) The ARBM shall review the application and all other information available and following the review may:

(i) Approve the application if the applicant meets all requirements, or

(ii) If there are questions as to whether denial is appropriate, forward the application and an ARBM report to the Assistant Attorney General assigned to the Board for prosecution to review.

(c) If, after review, the ARBM and Assistant Attorney General recommend denial of an application:

(i) preliminary denial letter shall be sent to applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules,

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within 30 days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARBM, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the ARBM shall either approve or deny the application.

(v) If denied, the applicant must submit a written request for a hearing within thirty (30) days of the date of the denial letter.

(d) Application denial hearings,

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The hearing is to be conducted in the presence of a quorum of the Board, and follow the process set forth in Chapter 6. Section 4.

(iii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(e) The ARBM shall not take part in the consideration of any contested case.

(f) The ARBM shall not, by this rule, be barred from attending any contested case hearing.

Section 910. 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 101. 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)~~fee.

(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 fee. 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. Telehealth

(a) In order to provide occupational therapy services via telehealth to a client in Wyoming, the OT providing services to a client must have a valid and current license issued by the Board. Wyoming licensed OT using telehealth technology with a client in another state may also be required to be licensed in the state in which the client receives those services and must adhere to those state licensure laws.

(b) When providing occupational therapy services via telehealth, an OT shall determine whether an in-person evaluation is necessary and make every attempt to ensure that a OT is available if an on-site visit is required.

(c) The OT is responsible for determining whether any aspect of the provision of services may be conducted via telehealth or must be conducted in person. An OT shall consider at a minimum:

- (i) the complexity of the client's condition;
- (ii) his or her own knowledge skills and abilities;
- (iii) the client's context and environment;
- (iv) the nature and complexity of the intervention;
- (v) the pragmatic requirements of the practice setting; and
- (vi) the capacity and quality of the technological interface.

(d) The OT shall obtain informed consent of the delivery of service via telehealth from the client prior to initiation of occupational therapy services via telehealth and maintain documentation in the client's health record.

(e) An OT or OTA providing occupational therapy services via telehealth must Exercise the same standard of care when providing occupational therapy services via telehealth as with any other mode of delivery of occupational therapy services.

Section 4-5. 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 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~~ he or she ~~are~~ is 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 56. Unprofessional Conduct

(a) 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 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.

~~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: \$50.00~~

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

(c) Limited License Fee:

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

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

(d) License Renewal Fee:

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

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

- (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 and Board Action.

~~(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. Written complaints shall be referred to an Investigative Board Member (IBM) selected by Board staff from a rotating schedule. Licensees against whom charges are made will be advised of the investigation, the name of the IBM, and the nature of the complaint.~~

~~(i) The IBM shall not take part in the consideration of any contested case.~~

~~(ii) The IBM shall not, by this rule, be barred from attending any contested case hearing.~~

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

(i) ~~Prepare and file a formal complaint and notice of hearing with the Board, setting the matter for a contested case hearing; Recommend dismissal of the~~

complaint;

(ii) Recommend to the Board that a letter of warning be given to the licensee;

(iii) ~~Recommend to the Board that the complaint be dismissed.~~ approving a settlement agreement, which may include a reprimand, conditions, restrictions, suspension, voluntary surrender, other discipline, or a combination thereof; or

(iv) Recommend disciplinary action, which may include a reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.

~~(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.~~

(c) Voluntary Surrender. A licensee may petition the Board in writing to surrender his or her license voluntarily. The Board shall hold an expedited proceeding at its earliest convenience to consider a petition under this section. The Board may accept or reject the petition for voluntary surrender and may consider whether the licensee is under investigation.

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.~~

(a) The IBM shall notify the licensee of his or her recommended action.

(i) The notice shall:

(A) Include a brief description of facts or conduct which warrant the intended action; and

(B) Provide the licensee an opportunity to respond to the action within twenty (20) days of the date of the mailing of the notice.

(ii) The licensee may request a contested case hearing.

(A) The request for a contested case hearing shall be in writing and within the twenty (20) days permitted to respond to the IBM's recommended decision.

(B) If a contested case hearing is requested, the IBM shall initiate formal proceedings for disciplinary action by serving a petition and notice of hearing to the licensee.

(b) Informal Conference. The licensee may request an informal conference with the IBM to provide any additional information or to resolve an administrative complaint without a hearing.

(c) If the licensee does not provide a written response within twenty (20) days, the IBM shall provide the Board with his or her recommended decision for approval or rejection by the Board.

(i) The IBM shall notify the licensee of the date and time that the recommendation will be presented to the Board.

~~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 54. Rules of Procedure.

(a) All contested case hearings shall be sent to the Office of Administrative Hearings (OAH) in order for OAH to conduct the hearing and issue a recommended decision.

(b) Upon receipt of the recommended decision the Board shall issue a final decision.

(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> <https://rules.wyo.gov>, Reference Number

270.0001.2.07202017.

(~~b~~d) 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.

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

(~~f~~) A copy of the incorporated rule is available for public inspection or copying at the cost from the Board's offices located at ~~2001 Capitol Avenue #105, 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 the Wyoming 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/0BxG5i3ZcOf0LS1Zhemo5WGo4aGs/view>~~:-
<https://rules.wyo.gov> under Reference Number: 006.0011.2.09062106 .

(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 2001 Capitol Avenue, #105, Cheyenne, WY 82002.~~