

State Occupational Therapy Licensure Board

Board/Commission Members:

- Kristin Guidry, Boise – Chair – Public Member
- Brenda P. Krueger, COTA/L, Boise
- Cherie Strand, OTR/L, CHT, Challis
- Farrell Lindley-Kessler, MOT, OTR/L, Boise
- Jori A. Bathina, MSOTR/L, Boise

Board/Commission Composition: The Board consists of five (5) members: three (3) occupational therapists; one (1) occupational therapy assistant; and one (1) public member. Board members serve a term of three (3) years. [Idaho Code § 54-3714](#).

Operational costs per licensee: \$38.87. This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal and investigative services.

Total number of licensees in Idaho on May 19, 2018: **1,027**.

For the State Occupational Therapy Licensure Board, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **21 days**. The **average time** to licensure was **0.35 days**. Of all licenses, **96.5 percent** were issued the **same day**. The Board issued **115 licenses** between May 19, 2017 and May 19, 2018.

Note: All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#).

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A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

		Statute I.C. Title 54, Chapter 37	Rule IDAPA 24.06.01	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Occupational Therapist	Initial License	I.C. § 54-3706 I.C. § 54-3707	24.06.01.020 24.06.01.021.01	*	Application Certificate of Professional Education	I.C. § 54-3706 I.C. § 54-3713 I.C. § 54-3718	\$80 License Fee
	Renewal Requirements	I.C. § 54-3711	24.06.01.022 24.06.01.025	*		I.C. § 54-3711 I.C. § 54-3713 I.C. § 54-3718 I.C. § 67-2614	\$40 Renewal Fee
	Inactive License	I.C. § 54-3711	24.06.01.031	*		I.C. § 54-3713 I.C. § 54-3718	\$20 Renewal Fee
Occupational Therapist Limited Permit	Limited Permit	I.C. § 54-3706 I.C. § 54-3707 I.C. § 54-3705(1)	24.06.01.021.03	*	Application	I.C. § 54-3706 I.C. § 54-3707 I.C. § 54-3705(1) I.C. § 54-3713 I.C. § 54-3718	\$80 Application Fee \$25 Limited Permit Fee
	Renewal Requirements	N/A	N/A	*		N/A	N/A

**All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

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		Statute I.C. Title 54, Chapter 37	Rule IDAPA 24.06.01	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Occupational Therapist Temporary License	Temporary License	I.C. § 54-3706 I.C. § 54-3707 I.C. § 54-3705(2)	24.06.01.021.04	*	Application	I.C. § 54-3706 I.C. § 54-3707 I.C. § 54-3705(2) I.C. § 54-3713 I.C. § 54-3718	\$80 Application Fee \$25 Temporary Permit Fee
	Renewal Requirements	N/A	N/A	*		N/A	N/A
Occupational Therapist Assistant	Initial License	I.C. § 54-3706 I.C. § 54-3707	24.06.01.020 24.06.01.021.01	*	Application Certificate of Professional Education	I.C. § 54-3706 I.C. § 54-3707 I.C. § 54-3713 I.C. § 54-3718	\$60 Application Fee
	Renewal Requirements	I.C. § 54-3711	24.06.01.022 24.06.01.025	*		I.C. § 54-3713 I.C. § 54-3718 I.C. § 67-2614	\$30 Renewal Fee
	Inactive License	I.C. § 54-3711	24.06.01.031	*		I.C. § 54-3711 I.C. § 54-3713 I.C. § 54-3718	\$20 Renewal Fee

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		Statute I.C. Title 54, Chapter 37	Rule IDAPA 24.06.01	*Policy	Application	Basis to Deny Issuance or Renewal	Fees
Occupational Therapist Assistant Limited Permit	Assistant Limited Permit	I.C. § 54-3706 I.C. § 54-3707 I.C. § 54-3705(1)	24.06.01.021.03	*	Application	I.C. § 54-3706 I.C. § 54-3707 I.C. § 54-3705(1) I.C. § 54-3713 I.C. § 54-3718	\$60 Application Fee \$25 Limited Permit Fee
	Renewal Requirements	N/A	N/A	*		N/A	N/A
Occupational Therapist Assistant Temporary License	Assistant Temporary Permit	I.C. § 54-3706 I.C. § 54-3707 I.C. § 54-3705(2)	24.06.01.021.04	*	Application	I.C. § 54-3705(2) I.C. § 54-3713 I.C. § 54-3718	\$60 Application Fee \$25 Temporary Permit Fee
	Renewal Requirements	N/A	N/A	*		N/A	N/A

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B. Applications and Renewals Denied, May 19, 2017 – May 19, 2018

Refusal to Issue Initial License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

Refusal to Renew License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

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C. Disciplinary Actions in the Last Five (5) Years**

The State Occupational Therapy Licensure Board received **12 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **6 complaints were closed** by the Board with no disciplinary action; **4 resulted in disciplinary action**; and **2 remained under investigation**.

***The detail provided below is only for disciplinary action closed between May 19, 2017 and May 19, 2018. Cases are not always closed within the same fiscal year they are opened, and sometimes multiple complaints are included in one disciplinary action. The Board's full [disciplinary action information](#) is available online.*

Case No.	Date of Final Action	Action Taken	Basis in Law and/or Rule	Summary of Factual Basis
OCT-2016-2	06/09/2017	Consent Order	I.C. §§ 54-3718 (4), (5) and (2); and IDAPA 24.06.01.11.02.b	Respondent failed to provide direct supervision to a student, and failed to require or provide proper documentation of treatment of a patient.

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D. Changes or Attempted Changes in the Last Five (5) Years to Eliminate Barriers to Entry

Law and Rule

Session	Legislation or Rule	Summary
2013	House Bill 33	<p>A limited permit allows a person who has completed the required education and experience to practice under supervision until they have completed the national exam.</p> <p>Impact: This bill provides more flexibility regarding the time period a graduate may hold a limited permit, and allows the Board to extend the limited permit as appropriate.</p>
2013	Docket No. 24-0601-1201	<p>These rule changes accomplish the following:</p> <ul style="list-style-type: none"> • Update its rules to incorporate by reference the updated Certification Renewal Handbook published by the National Board for Certification and Occupational Therapy (NBCOT). • Remove limitations on close supervision in Section 011.02(c). • Clarify certain continuing education requirements did not have to be recommended by the Idaho Occupational Therapy Association in Section 025.01. <p>Impact: Prior to this change, supervision had to be daily, direct contact at the site of work. This rule change allowed the occupational therapists to provide daily direction in developing a plan of treatment, and required them to inspect on-site the actual implementation of the plan at least every two weeks. This was very helpful to meeting the needs of rural Idahoans. The rule change also provides more opportunities for licensees to meet the continuing education requirement.</p>
2014	Docket No. 24-0601-1301	<p>The rule implements House Bill 33, passed in 2013, in Section 021.03(c) and (d). The Board updated the limited permit rules to comply with the law change.</p>
2015	House Bill 24	<p>This bill eliminates professional development units so only continuing education units are required for renewal of a license. This change provides a licensee more flexibility and clarity in meeting the continuing education requirement.</p> <p>Impact: This bill simplifies the process and saves licensees time and money.</p>

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Law and Rule (continued)

Session	Legislation or Rule	Summary
2015	Docket No. 24-0601-1401	<p>The Board proposes a fee decrease in Section 041 as follows:</p> <ul style="list-style-type: none"> • Initial licensure fees for occupational therapists are reduced from \$115 to \$100, and occupational therapy assistants from \$80 to \$75. • Limited permit or temporary license fees are reduced from \$30 to \$25. • Active license renewal fees for occupational therapists are reduced from \$70 to \$55, and occupational therapy assistants from \$50 to \$35. • Inactive license renewal fee is reduced from \$50 to \$25. <p>Impact: The Board operates primarily on dedicated funds from fees collected from licensees and applicants. This change lowers fees from 14 percent to 50 percent in an effort to reduce the Board's dedicated fund balance. This fee reduction provides a benefit to licensees and applicants by leaving more money in the hands of licensees. This results in a reduction in fees of approximately \$11,770 annually.</p>
2016	Docket No. 24-0601-1501	<p>These rule changes accomplish the following:</p> <ul style="list-style-type: none"> ▪ Implement House Bill 24 passed in 2015, which deleted the requirement for licensees to obtain professional development units each renewal period. ▪ Strike the document incorporated by reference. ▪ Clarify the time when continuing education is required for renewal of license. ▪ Decrease the number of supervised clinical hours required to perform deep thermal and electro-therapeutic modalities and wound care, from 160 to 40 hours. <p>Impact: These rule changes reduce the requirements for licensees to renew by eliminating the requirement for professional development units, and help improve understanding of the continuing education process. These changes also decrease the number of clinical supervised hours required to perform deep thermal and electro-therapeutic modalities and wound care. This is very helpful to meeting the needs of licensees and rural Idahoans, while still ensuring public protection.</p>

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Law and Rule (continued)

Session	Legislation or Rule	Summary
2018	Docket No. 24-0601-1701	<p>Section 041 is amended to provide for a second licensure fee decrease in the last three years. The Board decreased fees as follows:</p> <ul style="list-style-type: none">• Initial licensure fees for occupational therapists are reduced from \$100 to \$80, and occupational therapist assistants from \$75 to \$60.• Active license renewal fees for occupational therapists are reduced from \$55 to \$40, and occupational therapy assistants from \$35 to \$30.• Inactive license renewal fee is reduced from \$25 to \$20. <p>Impact: This change lowered fees from 14.3 percent to 28 percent. This results in a reduction in fees of approximately \$12,095 annually.</p>
2018	House Bill 349	<p>This legislation removes obsolete terms related to qualifications for Board appointments from the Occupational Therapy Practice Act (Act). It clarifies that the definitions of "Graduate Occupational Therapy Assistant," "Occupational Therapist," and "Occupational Therapy Assistant" refer to persons regulated by the Act. This legislation also removes an obsolete section of the law pertaining to endorsement licensure.</p>

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Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p>I.C. § 67-2620 For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications.</p> <p>I.C. § 67-2602A Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</p>
2015	I.C. § 67-2614	<p>Sets the reinstatement fee to \$35 and eliminates the requirement that, in addition to the reinstatement fee, the licensee has to include payment of the license fees for all of the years the license has been expired. It also clarifies the continuing education required to reinstate.</p> <p>Impact: Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduces barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminates the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency when reviewing applications.</p>
2015	I.C. Title 54, Chapter 57	The Idaho Telehealth Access Act allows practitioners to provide telehealth services.

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Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barriers/Opportunities	Summary
2010	House Bill 469	This bill removes members of the State Occupational Therapy Board from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I.C. § 59-509 .
2009	House Bill 261	In 2009, the legislature passed House Bill 261 which created the State Occupational Therapy Licensure Board as a board within the department of self-governing agencies. Prior to this legislation, occupational therapy was regulated by the Idaho Board of Medicine.
2015/ 2018	Impact of Combined Fee Reductions	<p>Since becoming self-regulating, the Board has proposed, and the legislature has approved, combined fee reductions (2015 and 2018) which had the following impact:</p> <ul style="list-style-type: none"> • Initial licensure for occupational therapists - \$115 to \$80 (30% reduction) • Initial licensure for occupational therapy assistants - \$85 to \$60 (29% reduction) • Temporary or limited permit - \$30 to \$25 (17% reduction) • Active license renewal for occupational therapists - \$70 to \$40 (43% reduction) • Active license renewal for occupational therapy assistants - \$50 to \$30 (40% reduction) • Inactive license renewal fee - \$50 to \$20 (60% reduction)

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E. Assessment of Public Interest

Occupational therapy services promote health and wellness in everyday settings to those who have developed, or are at risk for developing, an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being and quality of life.

Individuals or groups requiring the services of an occupational therapist may have lost their ability to participate in normal life activities. They may need to relearn or maintain functional skills to engage in meaningful activities or occupations.

Examples of occupational therapy include:

- Providing delicate care to severely fragile infants in the neonatal intensive care units where therapists assess and determine neurodevelopment and feeding plans for optimal functioning when they go home with their parents;
- Ensuring knowledge of precautions and safety with medically fragile multi-trauma patients in helping them gain functional living skills to prepare them to go home from the hospital or rehabilitation setting;
- Working with breast cancer survivors to help facilitate functional mobility and lymphedema management so they can engage in self-care activities such as brushing their hair or getting dressed after major surgery;
- Working with school-aged children to develop motor, sensory, cognitive and social skills so they can play, socialize and learn with their peers;
- Providing specialized therapeutic care for upper extremity patients who sustained traumatic or repetitive use injuries and require specific skilled treatment such as modalities, wound care, and fabrication of custom orthotics so they can return to daily activities;
- Working with the elderly population in multiple settings (home, skilled nursing facility, assisted living facility) to help them be as independent as possible after stroke, hip replacement, and degenerative or debilitating conditions such as Alzheimer's or dementia.

Occupational therapists are educated and trained to provide evidence-based assessments and treatments that restore abilities to participate in normal life activities across the lifespan. Conversely, unqualified practitioners put the public at risk for serious

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injury and even death. The public has the right to know that the occupational therapist they are entrusting their quality of life to is educationally, ethically and clinically qualified to provide the services that are rendered.

The Idaho Occupational Therapy Licensure Board licenses individuals who meet a national level standard set of education and qualifications to therapeutically use everyday life activities to help individuals or groups participate in roles and situations in home, school, workplace, community, and other settings. Licensure of occupational therapists assures the public that those who work with vulnerable members of our society are ethical in their practice and possess and maintain the education and training to assess and treat people who need services in order to function in everyday life activities.

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F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Board created three subcommittees to examine: 1) limited permit; 2) supervision/recordkeeping; and 3) continuing education rules/online competency assessments. Recommendations from Board members serving on the subcommittees include:

1. Examine continuing education requirements to make it easier for licensees, such as allowing one-year carryover of continuing education hours if a licensee has obtained more hours than necessary in one year, and expanding the online courses/self-assessments to which licensees have access.
2. Simplify and clean up supervision statutes and rules to provide clarification regarding type of supervision to use, how supervision fits in with telehealth specific to occupational therapy, how recordkeeping should be utilized, timelines for when an OT is allowed to supervise, and recommendations for out-of-state supervisors within the state.
3. Review limited permits and what happens when a person fails the national competency exam.
4. Add language to allow the Board to deal with persons needing felony reviews, either prior to or after licensing.
5. Add language providing direction to the Board regarding how to deal with unlicensed out-of-state applicants with no recent employment history, education, or continuing education related to occupational therapy.
6. The Board is currently participating in discussions at a national level, as well as reviewing the Idaho Telehealth Access Act, to see if profession-specific rules may be needed.

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Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the State Occupational Therapy Licensure Board respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
 - ✓ Protect the public. (*I.C. [§ 54-3701](#)*)
 - ✓ Portability of licensure. (*License endorsement, I.C. [§ 54-3709](#); IDAPA [24.06.01.021](#)*)
 - ✓ Eliminate barriers to entry to work. (*Fee decreases; reduction of continuing education requirements; limited permit*)
 - ✓ Do away with unnecessary regulation. (*Reduction of continuing education requirements and fee decreases*)
 - ✓ Modernize licensure and regulatory requirements. (*Updated language for Board appointment; waiver for licensure by endorsement, I.C. [§ 54-3709](#)*)
- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
 - ✓ Telework – Idaho recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*I.C. [Title 54, Chapter 57](#), the Board is considering how the Act impacts the practice of occupational therapy*)
 - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*Online learning, IDAPA [24-06.01.025.05\(g\)](#)*)
 - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. [§ 54-3713](#); I.C. [§ 54-3718](#); and IDAPA [24.06.01.032.02](#)*)
 - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*Limited permit, I.C. [§ 54-3705](#); and IDAPA [24.06.01.021.03](#)*)
 - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*Exemptions, IDAPA [02.06.01.025.06](#)*)
 - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*Temporary license, IDAPA [24.06.01.021.04](#); limited permit, I.C. [§ 54-3705](#) and IDAPA [24.06.01.021.03](#)*)