

CHAPTER 4666
DEPARTMENT OF HEALTH
OCCUPATIONAL THERAPISTS AND ASSISTANTS

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4666.0010 SCOPE.

Parts 4666.0010 to 4666.1400 apply to persons who are applicants for registration, who are registered, who use protected titles, or who represent that they are registered as occupational therapists or occupational therapy assistants.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0020 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 4666.0010 to 4666.1400, the following terms have the meaning given them.

Subp. 2. **Advisory council.** "Advisory council" means the occupational therapy practitioners advisory council authorized by Minnesota Statutes, section 214.13, subdivision 4.

Subp. 3. **Assign.** "Assign" means the process of instructing direct service staff how to perform a selected task which, under established practice standards, does not require the skills of an occupational therapist or occupational therapy assistant, with the expectation that the task will be performed in the absence of an occupational therapist.

Subp. 4. **Biennial registration period.** "Biennial registration period" means the two-year period for which registration is effective.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Health or a designee.

Subp. 6. **Contact hour.** "Contact hour" means an instructional session of 60 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subp. 7. **Credential.** "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of occupational therapy issued by any authority.

Subp. 8. **Credentialing examination for occupational therapist.** "Credentialing examination for occupational therapist" means the examination sponsored by the National Board for Certification in Occupational Therapy for credentialing as an occupational therapist, registered.

Subp. 9. **Credentialing examination for occupational therapy assistant.** "Credentialing examination for occupational therapy assistant" means the examination sponsored by the National Board for Certification in Occupational Therapy for credentialing as a certified occupational therapy assistant.

Subp. 10. **Delegate.** “Delegate” means to transfer to an occupational therapy assistant the authority to perform selected portions of an occupational therapy evaluation or treatment plan for a specific patient.

Subp. 11. **Direct supervision.** “Direct supervision” of a level one practitioner or an occupational therapy assistant using physical agent modalities means that the level two practitioner has evaluated the patient and determined a need for use of a particular physical agent modality in the occupational therapy treatment plan, has determined the appropriate physical agent modality application procedure, and is physically present in the department and available for in person intervention while treatment is provided.

Subp. 12. **Electrical stimulation device.** “Electrical stimulation device” is any device which generates pulsed, direct, or alternating electrical current for the purposes of rehabilitation of neuromusculoskeletal dysfunction.

Subp. 13. **Electrotherapy.** “Electrotherapy” is the use of electrical stimulation devices for a therapeutic purpose.

Subp. 14. **Level one practitioner.** “Level one practitioner” means an occupational therapist who is qualified to use superficial physical agent modalities, electrical stimulation devices, or ultrasound devices following completion of the theoretical training required in part 4666.1000, subpart 3, 4, or 5, and who uses the modality under the direct supervision of a level two practitioner.

Subp. 15. **Level two practitioner.** “Level two practitioner” means an occupational therapist who is qualified to use superficial physical agent modalities, electrical stimulation devices, or ultrasound without supervision following completion of the requirements in part 4666.1000, subpart 6, 7, or 8.

Subp. 16. **Licensed health care professional.** “Licensed health care professional” means a person licensed in good standing in Minnesota to practice medicine, osteopathy, chiropractic, podiatry, or dentistry.

Subp. 17. **Limited registration.** “Limited registration” means a method of registration described in part 4666.0400, subpart 3, item D, subitem (1), for persons who have allowed their registration to lapse four years or more and who choose a supervised practice as the method of qualifying for registration.

Subp. 18. **Occupational therapist.** Except as provided in part 4666.0060, subpart 3, item B, “occupational therapist” means an individual who meets the qualifications in parts 4666.0010 to 4666.1400 and registers with the commissioner. For purposes of part 4666.0060, subpart 3, item B, occupational therapist means the employment title of a natural person before June 17, 1996.

Subp. 19. **Occupational therapy.** “Occupational therapy” means the use of purposeful activity to maximize the independence and the maintenance of health of an individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or learning disability, or an adverse environmental condition. The practice encompasses evaluation, assessment, treatment, and consultation. Occupational therapy services may be provided individually, in groups, or through social systems. Occupational therapy includes those services described in part 4666.0040.

Subp. 20. **Occupational therapy assistant.** Except as provided in part 4666.0070, subpart 3, item B, “occupational therapy assistant” means an individual who meets the qualifications for an occupational therapy assistant in parts 4666.0010 to 4666.1400, and registers with the commissioner. For purposes of part 4666.0070, subpart 3, item B, occupational therapy assistant means the employment title of a natural person before June 17, 1996.

Subp. 21. **Physical agent modalities.** “Physical agent modalities” means modalities that use the properties of light, water, temperature, sound, or electricity to produce a response in soft tissue. The physical agent modalities referred to in parts 4666.0040 and 4666.1000 are superficial physical agent modalities, electrical stimulation devices, and ultrasound.

Subp. 22. **Provisional registration.** "Provisional registration" means a method of registration described in part 4666.0060, subpart 3, for occupational therapists and part 4666.0070, subpart 3, for occupational therapy assistants, in effect for a limited time, by which an individual who has not completed an accredited or approved education program but who meets the employment requirements specified in those subparts may qualify for registration pending successful completion of the credentialing examination.

Subp. 23. **Qualified supervisor.** "Qualified supervisor" means the supervisor of an applicant for provisional registration, under part 4666.0060, subpart 3, who:

A. supervises occupational therapists, or before the adoption of parts 4666.0010 to 4666.1400, supervised persons certified as occupational therapists by the National Board for Certification in Occupational Therapy; or

B. is licensed by the Board of Medical Practice, the Board of Nursing, or the Board of Teaching and is knowledgeable of occupational therapy evaluations, intervention planning, and therapeutic procedures; or

C. submits evidence of sufficient knowledge of occupational therapy evaluations, intervention planning, and therapeutic procedures to assess the extent to which the applicant has performed these tasks.

Subp. 24. **Register or registered.** "Register" or "registered" means the act or status of a natural person who meets the requirements of parts 4666.0010 to 4666.1400 and is authorized by the commissioner to use the titles in part 4666.0030.

Subp. 25. **Registrant.** "Registrant" means a person who meets the requirements of parts 4666.0010 to 4666.1400 and is authorized by the commissioner to use the titles in part 4666.0030.

Subp. 26. **Registration.** "Registration" means a system in which practitioners, who are the only individuals permitted to use the designated titles in part 4666.0030, are listed on an official roster after having met predetermined qualifications.

Subp. 27. **Registration by equivalency.** "Registration by equivalency" means a method of registration described in part 4666.0080 by which an individual who possesses a credential from the National Board for Certification in Occupational Therapy may qualify for registration.

Subp. 28. **Registration by reciprocity.** "Registration by reciprocity" means a method of registration described in part 4666.0090 by which an individual who possesses a credential from another jurisdiction may qualify for Minnesota registration.

Subp. 29. **Service competency.** "Service competency" of an occupational therapy assistant in performing evaluation tasks means the ability of an occupational therapy assistant to obtain the same information as the supervising occupational therapist when evaluating a client's function.

Service competency of an occupational therapy assistant in performing treatment procedures means the ability of an occupational therapy assistant to perform treatment procedures in a manner such that the outcome, documentation, and follow-up are equivalent to that which would have been achieved had the supervising occupational therapist performed the treatment procedure.

Service competency of an occupational therapist means the ability of an occupational therapist to consistently perform an assessment task or intervention procedure with the level of skill recognized as satisfactory within the appropriate acceptable prevailing practice of occupational therapy.

Subp. 30. **Superficial physical agent modality.** "Superficial physical agent modality" means a therapeutic medium which produces temperature changes in skin and underlying subcutaneous tissues within a depth of zero to three centimeters for the purposes of rehabilitation of neuromusculoskeletal dysfunction. Superficial physical agent modalities may include, but are not limited to: paraffin baths, hot packs, cold packs, fluidotherapy, contrast baths, and whirlpool baths. Superficial physical agent modalities do not include the use of electrical stimulation devices, ultrasound, or quick icing.

Subp. 31. **Temporary registration.** "Temporary registration" means a method of registration described in part 4666.0100, by which an individual who (1) has completed an approved or accredited education program but has not met the examination requirement; or (2) possesses a credential from another jurisdiction or the National Board for Certification in Occupational Therapy but who has not submitted the documentation required by part 4666.0200, subparts 3 and 4, may qualify for Minnesota registration for a limited time period.

Subp. 32. **Ultrasound device.** "Ultrasound device" means a device intended to generate and emit high frequency acoustic vibrational energy for the purposes of rehabilitation of neuromusculoskeletal dysfunction.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0030 PROTECTED TITLES AND RESTRICTIONS ON USE; EXEMPT PERSONS; SANCTIONS.

Subpart 1. **Protected titles and restrictions on use.** Use of the phrase "occupational therapy" or "occupational therapist," or the initials "O.T." alone or in combination with any other words or initials to form an occupational title, or to indicate or imply that the person is registered by the state as an occupational therapist or occupational therapy assistant, is prohibited unless that person is registered under parts 4666.0010 to 4666.1400.

Subp. 2. **Use of "Minnesota registered."** Use of the term "Minnesota registered" in conjunction with titles protected under this part by any person is prohibited unless that person is registered under parts 4666.0010 to 4666.1400.

Subp. 3. **Persons licensed or certified in other states.** Persons who are registered in Minnesota and licensed or certified in another state may use the designation "licensed" or "certified" with a protected title only if the state of licensure or certification is clearly indicated.

Subp. 4. **Exempt persons.** Subpart 1 does not apply to:

A. a person employed as an occupational therapist or occupational therapy assistant by the government of the United States or any agency of it. However, use of the protected titles under those circumstances is allowed only in connection with performance of official duties for the federal government;

B. a student participating in supervised fieldwork or supervised coursework that is necessary to meet the requirements of part 4666.0060, subpart 1, or 4666.0070, subpart 1, if the person is designated by a title which clearly indicates the person's status as a student trainee. Any use of the protected titles under these circumstances is allowed only while the person is performing the duties of the supervised fieldwork or supervised coursework; or

C. a person performing occupational therapy services in the state, if the services are performed no more than 30 days in a calendar year in association with an occupational therapist registered under parts 4666.0010 to 4666.1400, and

(1) the person is credentialed under the law of another state which has credentialing requirements at least as stringent as the requirements of parts 4666.0010 to 4666.1400; or

(2) the person meets the requirements for certification as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA), established by the National Board for Certification in Occupational Therapy.

Subp. 5. **Sanctions.** Persons who hold themselves out as occupational therapists or occupational therapy assistants by or through the use of any title provided in subpart 1 without prior registration according to parts 4666.0010 to 4666.1400 are subject to

sanctions or action against continuing the activity according to Minnesota Statutes, chapter 214, or other statutory authority.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0040 SCOPE OF PRACTICE.

The practice of occupational therapy by an occupational therapist or occupational therapy assistant includes, but is not limited to, intervention directed toward:

A. assessment and evaluation, including the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements, to identify areas for occupational therapy services;

B. providing for the development of sensory integrative, neuromuscular, or motor components of performance;

C. providing for the development of emotional, motivational, cognitive, or psychosocial components of performance;

D. developing daily living skills;

E. developing feeding and swallowing skills;

F. developing play skills and leisure capacities;

G. enhancing educational performance skills;

H. enhancing functional performance and work readiness through exercise, range of motion, and use of ergonomic principles;

I. designing, fabricating, or applying rehabilitative technology, such as selected orthotic and prosthetic devices, and providing training in the functional use of these devices;

J. designing, fabricating, or adapting assistive technology and providing training in the functional use of assistive devices;

K. adapting environments using assistive technology such as environmental controls, wheelchair modifications, and positioning;

L. employing physical agent modalities, in preparation for or as an adjunct to purposeful activity, within the same treatment session or to meet established functional occupational therapy goals, consistent with the requirements of part 4666.1000; and

M. promoting health and wellness.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0050 REGISTRATION REQUIREMENTS; PROCEDURES AND QUALIFICATIONS.

An applicant for registration must comply with the general registration procedures in part 4666.0200. To qualify for registration, an applicant must satisfy one of the requirements in items A to E and not be subject to denial of registration under part 4666.1300.

A. A person who applies for registration as an occupational therapist and who has not been credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must meet the requirements in part 4666.0060.

B. A person who applies for registration as an occupational therapy assistant and who has not been credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must meet the requirements in part 4666.0070.

C. A person who is certified by the National Board for Certification in Occupational Therapy may apply for registration by equivalency and must meet the requirements in part 4666.0080.

D. A person who is credentialed in another jurisdiction may apply for registration by reciprocity and must meet the requirements in part 4666.0090.

E. A person who applies for temporary registration must meet the requirements in part 4666.0100.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0060 QUALIFICATIONS FOR OCCUPATIONAL THERAPIST.

Subpart 1. Education required.

A. An applicant who has received professional education in the United States or its possessions or territories must successfully complete all academic and fieldwork requirements of an educational program for occupational therapists approved or accredited by the Accreditation Council for Occupational Therapy Education.

B. An applicant who has received professional education outside the United States or its possessions or territories must successfully complete all academic and fieldwork requirements of an educational program for occupational therapists approved by a member association of the World Federation of Occupational Therapists.

Subp. 2. Qualifying examination score required.

A. An applicant must achieve a qualifying score on the credentialing examination for occupational therapist.

B. The commissioner shall determine the qualifying score for the credentialing examination for occupational therapist. In determining the qualifying score, the commissioner shall consider the cut score recommended by the National Board for Certification in Occupational Therapy, or other national credentialing organization approved by the commissioner, using the modified Angoff method for determining cut score or another method for determining cut score that is recognized as appropriate and acceptable by industry standards.

C. The applicant is responsible for:

- (1) making arrangements to take the credentialing examination for occupational therapist;
- (2) bearing all expenses associated with taking the examination; and
- (3) having the examination scores sent directly to the commissioner from the testing service that administers the examination.

Subp. 3. Waiver of education requirement.

A. This subpart is effective as long as the National Board for Certification in Occupational Therapy allows the commissioner to authorize persons to take the certification examination for state registration only or until June 17, 1999, whichever occurs first.

B. A person who has been employed as an occupational therapist for at least 4,000 hours during the six years immediately preceding June 17, 1996, may apply to the commissioner to take the credentialing examination for occupational therapist without meeting the education requirements of subpart 1. A person employed as an occupational therapy assistant does not qualify for registration under this subpart. The commissioner shall determine whether the applicant was employed as an occupational therapist based on the information provided under item C, subitems (1) and (2). A person granted permission to take the credentialing examination for occupational therapist will be issued a provisional registration. Provisional registration must be renewed annually. All provisional registrations will expire June 17, 1999, or when the commissioner grants or denies registration, whichever occurs first. If the applicant passes the credentialing examination for occupational therapist within three years of June 17, 1996, the commissioner shall waive the education requirement of subpart 1.

C. To qualify to take the examination, a person must:

- (1) submit the application materials required by part 4666.0200 and the fees required by part 4666.1200; and

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(2) obtain documentation from a qualified supervisor on forms provided by the commissioner that verifies that the applicant has been employed as an occupational therapist for at least 4,000 hours during the six years immediately preceding June 17, 1996. This documentation must include the applicant's job title, employment setting, diagnoses of persons seen for occupational therapy, and the type and frequency of evaluations, intervention planning, and therapeutic procedures.

D. When the commissioner has authorized an applicant under this subpart to take the credentialing examination, the applicant is responsible for:

- (1) making all arrangements to take the credentialing examination for occupational therapists;
- (2) bearing all expense associated with taking the examination; and
- (3) having the examination scores sent directly to the commissioner from the testing service that administers the examination.

E. June 17, 1996, is the first day of the three-year provisional registration period. Applications for registration under this subpart will not be accepted if the National Board for Certification in Occupational Therapy discontinues offering the certification examination for state registration only or the three-year provisional registration period expires, whichever occurs first.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0070 QUALIFICATIONS FOR OCCUPATIONAL THERAPY ASSISTANTS.

Subpart 1. **Education required.** An applicant must successfully complete all academic and fieldwork requirements of an occupational therapy assistant program approved or accredited by the Accreditation Council for Occupational Therapy Education.

Subp. 2. **Qualifying examination score required.**

A. An applicant for registration must achieve a qualifying score on the credentialing examination for occupational therapy assistants.

B. The commissioner shall determine the qualifying score for the credentialing examination for occupational therapy assistants. In determining the qualifying score, the commissioner shall consider the cut score recommended by the National Board for Certification in Occupational Therapy, or other national credentialing organization approved by the commissioner, using the modified Angoff method for determining cut score or another method for determining cut score that is recognized as appropriate and acceptable by industry standards.

C. The applicant is responsible for:

- (1) making all arrangements to take the credentialing examination for occupational therapy assistants;
- (2) bearing all expense associated with taking the examination; and
- (3) having the examination scores sent directly to the commissioner from the testing service that administers the examination.

Subp. 3. **Waiver of education requirement.**

A. This subpart is effective as long as the National Board for Certification in Occupational Therapy allows the commissioner to authorize persons to take the certification examination for state registration only or for three years after June 17, 1996, whichever occurs first.

B. A person who has been employed as an occupational therapy assistant for at least 4,000 hours during the six years immediately preceding June 17, 1996, may apply to the commissioner to take the credentialing examination for occupational therapy assistant without meeting the education requirements of subpart 1. The commissioner shall determine whether the applicant was employed as an occupational therapy assistant based on the information provided under item C, subitems (1) and

(2). A person granted permission to take the credentialing examination for occupational therapy assistant will be issued a provisional registration. Provisional registration must be renewed annually. All provisional registrations will expire June 17, 1999, or when the commissioner grants or denies registration, whichever occurs first. If the applicant passes the credentialing examination for occupational therapy assistant within three years of June 17, 1996, the commissioner shall waive the education requirement of subpart 1.

C. To qualify to take the examination, a person must:

(1) submit the application materials required by part 4666.0200 and the fees required by part 4666.1200; and

(2) obtain documentation from an occupational therapist on forms provided by the commissioner that verifies that the applicant has been employed as an occupational therapy assistant for at least 4,000 hours during the six years immediately preceding June 17, 1996. This documentation must include the applicant's job title, employment setting, diagnoses of persons seen for occupational therapy, and the type and frequency of occupational therapy services provided by the applicant.

D. When the commissioner has authorized an applicant under this part to take the credentialing examination, the applicant is responsible for:

(1) making all arrangements to take the credentialing examination for occupational therapy assistants;

(2) bearing all expense associated with taking the examination; and

(3) having the examination scores sent directly to the commissioner from the testing service that administers the examination.

E. June 17, 1996, is the first day of the three-year provisional registration period. Applications for registration under this subpart will not be accepted if the National Board for Certification in Occupational Therapy discontinues offering the certification examination for state registration only or the three-year provisional registration period expires, whichever occurs first.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0080 REGISTRATION BY EQUIVALENCY.

Subpart 1. Persons certified by National Board for Certification in Occupational Therapy before June 17, 1996. Persons certified by the National Board for Certification in Occupational Therapy as an occupational therapist before June 17, 1996, may apply for registration by equivalency for occupational therapist. Persons certified by the National Board for Certification in Occupational Therapy as an occupational therapy assistant before June 17, 1996, may apply for registration by equivalency for occupational therapy assistant.

Subp. 2. Persons certified by National Board for Certification in Occupational Therapy after June 17, 1996. The commissioner may register any person certified by the National Board for Certification in Occupational Therapy as an occupational therapist after June 17, 1996, if the commissioner determines the requirements for certification are equivalent to or exceed the requirements for registration as an occupational therapist under part 4666.0060. The commissioner may register any person certified by the National Board for Certification in Occupational Therapy as an occupational therapy assistant after June 17, 1996, if the commissioner determines the requirements for certification are equivalent to or exceed the requirements for registration as an occupational therapy assistant under part 4666.0070. Nothing in this part limits the commissioner's authority to deny registration based upon the grounds for discipline in parts 4666.0010 to 4666.1400.

Subp. 3. Application procedures. Applicants for registration by equivalency must provide:

A. the application materials as required by part 4666.0200, subparts 1, 3, and 4; and

B. the fees required by part 4666.1200.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0090 REGISTRATION BY RECIPROCITY.

A person who holds a current credential as an occupational therapist in the District of Columbia or a state or territory of the United States whose standards for credentialing are determined by the commissioner to be equivalent to or exceed the requirements for registration under parts 4666.0060 may be eligible for registration by reciprocity as an occupational therapist. A person who holds a current credential as an occupational therapy assistant in the District of Columbia or a state or territory of the United States whose standards for credentialing are determined by the commissioner to be equivalent to or exceed the requirements for registration under part 4666.0070 may be eligible for registration by reciprocity as an occupational therapy assistant. Nothing in this part limits the commissioner's authority to deny registration based upon the grounds for discipline in parts 4666.0010 to 4666.1400. An applicant must provide:

A. the application materials as required by part 4666.0200, subparts 1, 3, and 4;

B. the fees required by part 4666.1200;

C. a copy of a current and unrestricted credential for the practice of occupational therapy as either an occupational therapist or occupational therapy assistant;

D. a letter from the jurisdiction that issued the credential describing the applicant's qualifications that entitled the applicant to receive the credential; and

E. other information necessary to determine whether the credentialing standards of the jurisdiction that issued the credential are equivalent to or exceed the requirements for registration under parts 4666.0010 to 4666.1400.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0100 TEMPORARY REGISTRATION.

Subpart 1. Application. The commissioner shall issue temporary registration as an occupational therapist or occupational therapy assistant to applicants who have applied for registration under part 4666.0060, subparts 1 and 2, 4666.0070, subparts 1 and 2, 4666.0080, or 4666.0090 and who are not the subject of a disciplinary action or past disciplinary action, nor disqualified on the basis of items listed in part 4666.1300, subpart 1.

Subp. 2. Procedures. To be eligible for temporary registration, an applicant must submit the application materials required by part 4666.0200, subpart 1, the fees required by part 4666.1200, and one of the following:

A. evidence of successful completion of the requirements in part 4666.0060, subpart 1, or 4666.0070, subpart 1;

B. a copy of a current and unrestricted credential for the practice of occupational therapy as either an occupational therapist or occupational therapy assistant in another jurisdiction; or

C. a copy of a current and unrestricted certificate from the National Board for Certification in Occupational Therapy stating that the applicant is certified as an occupational therapist or occupational therapy assistant.

Subp. 3. Additional documentation. Persons who are credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must provide an affidavit with the application for temporary registration stating that they are not the

subject of a pending investigation or disciplinary action and have not been the subject of a disciplinary action in the past.

Subp. 4. **Supervision required.** An applicant who has graduated from an accredited occupational therapy program, as required by part 4666.0060, subpart 1, or 4666.0070, subpart 1, and who has not passed the examination required by part 4666.0060, subpart 2, or 4666.0070, subpart 2, must practice under the supervision of a registered occupational therapist. The supervising therapist must, at a minimum, supervise the person working under temporary registration in the performance of the initial evaluation, determination of the appropriate treatment plan, and periodic review and modification of the treatment plan. The supervising therapist must observe the person working under temporary registration in order to assure service competency in carrying out evaluation, treatment planning, and treatment implementation. The frequency of face-to-face collaboration between the person working under temporary registration and the supervising therapist must be based on the condition of each patient or client, the complexity of treatment and evaluation procedures, and the proficiencies of the person practicing under temporary registration. The occupational therapist or occupational therapy assistant working under temporary registration must provide verification of supervision on the application form provided by the commissioner.

Subp. 5. **Expiration of temporary registration.** A temporary registration issued to a person pursuant to subpart 2, item A, expires ten weeks after the next credentialing examination for occupational therapists and occupational therapy assistants or on the date the commissioner grants or denies registration, whichever occurs first. A temporary registration issued to a person pursuant to subpart 2, item B or C, expires 90 days after it is issued. Upon application for renewal, a temporary registration shall be renewed once to persons who have not met the examination requirement under part 4666.0060, subpart 2, or 4666.0070, subpart 2, within the initial temporary registration period and who are not the subject of a disciplinary action nor disqualified on the basis of items in part 4666.1300, subpart 1. Upon application for renewal, a temporary registration shall be renewed once to persons who are able to demonstrate good cause for failure to meet the requirements for registration under part 4666.0080 or 4666.0090 within the initial temporary registration period and who are not the subject of a disciplinary action nor disqualified on the basis of items in part 4666.1300, subpart 1.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0200 GENERAL REGISTRATION PROCEDURES.

Subpart 1. **Applications for registration.** An applicant for registration must:

A. submit a completed application for registration on forms provided by the commissioner. The applicant must supply the information requested on the application, including:

- (1) the applicant's name, business address and business telephone number, business setting, and daytime telephone number;
- (2) the name and location of the occupational therapy program the applicant completed;
- (3) a description of the applicant's education and training, including a list of degrees received from educational institutions;
- (4) the applicant's work history for the six years preceding the application, including the number of hours worked;
- (5) a list of all credentials currently and previously held in Minnesota and other jurisdictions;
- (6) a description of any jurisdiction's refusal to credential the applicant;
- (7) a description of all professional disciplinary actions initiated against the applicant in any jurisdiction;

(8) information on any physical or mental condition or chemical dependency that impairs the person's ability to engage in the practice of occupational therapy with reasonable judgment or safety;

(9) a description of any misdemeanor or felony conviction that relates to honesty or to the practice of occupational therapy;

(10) a description of any state or federal court order, including a conciliation court judgment or a disciplinary order, related to the individual's occupational therapy practice; and

(11) a statement indicating the physical agent modalities the applicant will use and whether the applicant will use the modalities as a level one practitioner, a level two practitioner, or an occupational therapy assistant;

B. submit with the application all fees required by part 4666.1200;

C. sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

D. sign a waiver authorizing the commissioner to obtain access to the applicant's records in this or any other state in which the applicant holds or previously held a credential for the practice of an occupation, has completed an accredited occupational therapy education program, or engaged in the practice of occupational therapy;

E. submit additional information as requested by the commissioner; and

F. submit the additional information required for provisional registration, registration by equivalency, registration by reciprocity, and temporary registration as specified in parts 4666.0060 to 4666.0100.

Subp. 2. Persons applying for registration under part 4666.0060 or 4666.0070. Persons applying for registration under part 4666.0060, subparts 1 and 2, or 4666.0070, subparts 1 and 2, must submit the materials required in subpart 1 and the following:

A. a certificate of successful completion of the requirements in part 4666.0060, subpart 1, or 4666.0070, subpart 1; and

B. the applicant's test results from the examining agency, as evidence that the applicant received a qualifying score on a credentialing examination meeting the requirements of part 4666.0060, subpart 2, or 4666.0070, subpart 2.

Subp. 3. Applicants who are certified by National Board for Certification in Occupational Therapy. An applicant who is certified by the National Board for Certification in Occupational Therapy must provide the materials required in subpart 1 and the following:

A. Verified documentation from the National Board for Certification in Occupational Therapy stating that the applicant is certified as an occupational therapist, registered or certified occupational therapy assistant, the date certification was granted, and the applicant's certification number. The document must also include a statement regarding disciplinary actions. The applicant is responsible for obtaining this documentation by sending a form provided by the commissioner to the National Board for Certification in Occupational Therapy.

B. A waiver authorizing the commissioner to obtain access to the applicant's records maintained by the National Board for Certification in Occupational Therapy.

Subp. 4. Applicants credentialed in another jurisdiction. In addition to providing the materials required in subpart 1, an applicant credentialed in another jurisdiction must request that the appropriate government body in each jurisdiction in which the applicant holds or held an occupational therapy credential send a letter to the commissioner that verifies the applicant's credentials. Except as provided in part 4666.0100, registration will not be issued until the commissioner receives letters verifying each of the applicant's credentials. Each letter must include the applicant's name, date of birth, credential number, date of issuance, a statement regarding investigations pending and disciplinary actions taken or pending against the applicant, current status of the credential, and the terms under which the credential was issued.

Subp. 5. **Action on applications for registration.** The commissioner shall approve, approve with conditions, or deny registration. The commissioner shall act on an application for registration according to items A to C.

A. The commissioner shall determine if the applicant meets the requirements for registration. The commissioner, or the advisory council at the commissioner's request, may investigate information provided by an applicant to determine whether the information is accurate and complete.

B. The commissioner shall notify an applicant of action taken on the application and, if registration is denied or approved with conditions, the grounds for the commissioner's determination.

C. An applicant denied registration or granted registration with conditions may make a written request to the commissioner, within 30 days of the date of the commissioner's determination, for reconsideration of the commissioner's determination. Individuals requesting reconsideration may submit information which the applicant wants considered in the reconsideration. After reconsideration of the commissioner's determination to deny registration or grant registration with conditions, the commissioner shall determine whether the original determination should be affirmed or modified. An applicant is allowed no more than one request in any one biennial registration period for reconsideration of the commissioner's determination to deny registration or approve registration with conditions.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0300 REGISTRATION RENEWAL.

Subpart 1. **Renewal requirements.** To be eligible for registration renewal, a registrant must:

A. Submit a completed and signed application for registration renewal on forms provided by the commissioner.

B. Submit the renewal fee required under part 4666.1200.

C. Submit proof of having met the continuing education requirement of part 4666.1100 on forms provided by the commissioner.

D. Submit additional information as requested by the commissioner to clarify information presented in the renewal application. The information must be submitted within 30 days after the commissioner's request.

Subp. 2. **Renewal deadline.** Except as provided in subpart 4, registration must be renewed every two years. Registrants must comply with the following procedures:

A. Each registration certificate must state an expiration date. An application for registration renewal must be received by the Department of Health or postmarked at least 30 calendar days before the expiration date. If the postmark is illegible, the application will be considered timely if received at least 21 calendar days before the expiration date.

If the commissioner changes the renewal schedule and the expiration date is less than two years, the fee shall be prorated.

B. An application for registration renewal not received within the time required under item A, but received on or before the expiration date, must be accompanied by a late fee in addition to the renewal fee specified by part 4666.1200.

C. Registration renewals received after the expiration date will not be accepted and persons seeking registered status must comply with the requirements of part 4666.0400.

Subp. 3. **Registration renewal notice.** At least 60 calendar days before the expiration date in subpart 2, the commissioner shall mail a renewal notice to the registrant's last known address on file with the commissioner. The notice must include an application for registration renewal and notice of fees required for renewal. The

registrant's failure to receive notice does not relieve the registrant of the obligation to meet the renewal deadline and other requirements for registration renewal.

Subp. 4. Renewal of provisional registration. Provisional registration must be renewed annually. Provisional registrants must comply with all requirements of this part except subpart 1, items B and C. In addition, provisional registrants must submit the fee for renewal of provisional registration required by part 4666.1200. A provisional registration will not be renewed for any period of time beyond the expiration of the three-year provisional registration period.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0400 RENEWAL OF REGISTRATION; AFTER EXPIRATION DATE.

Subpart 1. Removal of name from list. The names of registrants who do not comply with the registration renewal requirements of part 4666.0300 on or before the expiration date shall be removed from the list of individuals authorized to use the protected titles in part 4666.0030 and the registrants must comply with the requirements of this part in order to regain registered status.

Subp. 2. Registration renewal after registration expiration date. Except as provided in subpart 4, an individual whose application for registration renewal is received after the registration expiration date must submit the following:

A. a completed and signed application for registration following lapse in registered status on forms provided by the commissioner;

B. the renewal fee and the late fee required under part 4666.1200;

C. proof of having met the continuing education requirements since the individual's initial registration or last registration renewal; and

D. additional information as requested by the commissioner to clarify information in the application, including information to determine whether the individual has engaged in conduct warranting disciplinary action as set forth in part 4666.1300. The information must be submitted within 30 days after the commissioner's request.

Subp. 3. Registration renewal four years or more after registration expiration date. Except as provided in subpart 4, an individual who submits a registration renewal four years or more after the registration expiration date must submit the following:

A. a completed and signed application for registration following lapse in registered status on forms provided by the commissioner;

B. the renewal fee and the late fee required under part 4666.1200;

C. proof of having met the continuing education requirement for the most recently completed two-year continuing education cycle. In addition, at the time of the next registration renewal, the registrant must submit proof of having met the continuing education requirement, which shall be prorated based on the number of months registered during the biennial registration period;

D. proof of successful completion of one of the following:

(1) verified documentation of 160 hours of supervised practice approved by the commissioner. To participate in a supervised practice, the applicant shall obtain limited registration. To apply for limited registration, the applicant shall submit the completed limited registration application, fees, and agreement for supervision of an occupational therapist or occupational therapy assistant practicing under limited registration signed by the supervising therapist and the applicant. The supervising occupational therapist shall state the proposed level of supervision on the supervision agreement form provided by the commissioner. The supervising therapist shall determine the frequency and manner of supervision based on the condition of the patient or client, the complexity of the procedure, and the proficiencies of the supervised occupational therapist. At a minimum, a supervising occupational therapist shall:

(a) be on the premises at all times that the person practicing under limited registration is working;

(b) be in the room ten percent of the hours worked each week by the person practicing under provisional registration; and

(c) provide daily face-to-face collaboration for the purpose of observing service competency of the occupational therapist or occupational therapy assistant, discussing treatment procedures and each client's response to treatment, and reviewing and modifying, as necessary, each treatment plan. The supervising therapist shall document the supervision provided. The occupational therapist participating in a supervised practice is responsible for obtaining the supervision required under this subitem and must comply with the commissioner's requirements for supervision during the entire 160 hours of supervised practice. The supervised practice must be completed in two months and may be completed at the applicant's place of work;

(2) submit verified documentation of having achieved a qualifying score on the credentialing examination for occupational therapists or the credentialing examination for occupational therapy assistants administered within the past year; or

(3) submit documentation of having completed a combination of occupational therapy courses or an occupational therapy refresher program that contains both a theoretical and clinical component approved by the commissioner. Only courses completed within one year preceding the date of the application or one year after the date of the application will qualify for approval; and

E. additional information as requested by the commissioner to clarify information in the application, including information to determine whether the applicant has engaged in conduct warranting disciplinary action as set forth in part 4666.1300. The information must be submitted within 30 days after the commissioner's request.

Subp. 4. **Registration after lapse of provisional registration.** Permission to take the certification examination for an individual whose provisional registration has lapsed more than 30 days is revoked. In order to qualify to take the certification examination, an individual whose provisional registration has lapsed must comply with part 4666.0060, subpart 3, or 4666.0070, subpart 3.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0500 CHANGE OF ADDRESS.

A registrant who changes addresses must inform the commissioner, in writing, of the change of address within 30 days. All notices or other correspondence mailed to or served on a registrant by the commissioner at the registrant's address on file with the commissioner shall be considered as having been received by the registrant.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0600 DELEGATION OF DUTIES; ASSIGNMENT OF TASKS.

The occupational therapist is responsible for all duties delegated to the occupational therapy assistant or tasks assigned to direct service personnel. The occupational therapist may delegate to an occupational therapy assistant those portions of a client's evaluation, reevaluation, and treatment that, according to prevailing practice standards of the American Occupational Therapy Association, can be performed by an occupational therapy assistant. The occupational therapist may not delegate portions of an evaluation or reevaluation of a person whose condition is changing rapidly. Delegation of duties related to use of physical agent modalities to occupational therapy assistants is governed by part 4666.1000, subpart 9.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0700 SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS.

Subpart 1. **Applicability.** If the professional standards identified in part 4666.0600 permit an occupational therapist to delegate an evaluation, reevaluation, or treatment

procedure, the occupational therapist must provide supervision consistent with this part. Supervision of occupational therapy assistants using physical agent modalities is governed by part 4666.1000, subpart 9.

Subp. 2. Evaluations. The occupational therapist shall determine the frequency of evaluations and reevaluations for each client. The occupational therapy assistant shall inform the occupational therapist of the need for more frequent reevaluation if indicated by the client's condition or response to treatment. Before delegating a portion of a client's evaluation pursuant to part 4666.0600, the occupational therapist shall assure the service competency of the occupational therapy assistant in performing the evaluation procedure and shall provide supervision consistent with the condition of the patient or client and the complexity of the evaluation procedure.

Subp. 3. Treatment.

A. General principles. The occupational therapist shall determine the frequency and manner of supervision of an occupational therapy assistant performing treatment procedures delegated pursuant to part 4666.0600, based on the condition of the patient or client, the complexity of the treatment procedure, and the proficiencies of the occupational therapy assistant.

B. Minimum requirements. Face-to-face collaboration between the occupational therapist and the occupational therapy assistant shall occur, at a minimum, every two weeks during which time the occupational therapist is responsible for:

- (1) planning and documenting an initial treatment plan and discharge from treatment;
- (2) reviewing treatment goals, therapy programs, and client progress;
- (3) supervising changes in the treatment plan;
- (4) conducting or observing treatment procedures for selected clients and documenting appropriateness of treatment procedures. Clients will be selected based on the occupational therapy services provided to the client and the role of the occupational therapist and the occupational therapy assistant in those services; and
- (5) assuring the service competency of the occupational therapy assistant in performing delegated treatment procedures.

C. Additional supervision required. Face-to-face collaboration must occur more frequently than every two weeks if necessary to meet the requirements of item A or B.

D. Documentation required. The occupational therapist shall document compliance with this subpart in the client's file or chart.

Subp. 4. Exception. The supervision requirements of this part do not apply to an occupational therapy assistant who:

- A. works in an activities program; and
- B. does not perform occupational therapy services. The occupational therapy assistant must meet all other applicable requirements of parts 4666.0010 to 4666.1400.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0800 COORDINATION OF SERVICES.

An occupational therapist shall:

A. collect information necessary to assure that the provision of occupational therapy services are consistent with the client's physical and mental health status. The information required to make this determination may include, but is not limited to, contacting the client's licensed health care professional for health history, current health status, current medications, and precautions;

B. modify or terminate occupational therapy treatment of a client that is not beneficial to the client, not tolerated by the client, or refused by the client, and if treatment was terminated for a medical reason, notify the client's licensed health care

professional by correspondence postmarked or delivered to the licensed health care professional within seven calendar days of the termination of treatment;

C. refer a client to an appropriate health care, social service, or education practitioner if the client's condition requires services not within the occupational therapist's service competency or not within the practice of occupational therapy generally;

D. participate and cooperate in the coordination of occupational therapy services with other related services, as a member of the professional community serving the client; and

E. communicate, in writing, with the appropriate licensed health care professional an occupational therapy plan of care, postmarked or delivered to the licensed health care professional within 14 calendar days of the initiation of treatment. The occupational therapist must provide this written communication even if occupational therapy treatment is concluded in less than 14 consecutive days. The occupational therapist shall document modifications to the plan of care requested by the licensed health care professional following consultation with the licensed health care professional. Occupational therapists employed by a school system are exempt from the requirements of this item in the performance of their duties within the school system.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.0900 RECIPIENT NOTIFICATION.

Subpart 1. **Required notification.** In the absence of a physician referral or prior authorization, and before providing occupational therapy services for remuneration or expectation of payment from the client, an occupational therapist must provide the following written notification in all capital letters of 12-point or larger bold-face type, to the client, parent, or guardian:

“Your health care provider, insurer, or plan may require a physician referral or prior authorization and you may be obligated for partial or full payment for occupational therapy services rendered.”

Information other than this notification may be included as long as the notification remains conspicuous on the face of the document. A nonwritten disclosure format may be used to satisfy the recipient notification requirement when necessary to accommodate the physical condition of a client or client's guardian.

Subp. 2. **Evidence of recipient notification.** The occupational therapist is responsible for providing evidence of compliance with the recipient notification requirement of this part.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.1000 PHYSICAL AGENT MODALITIES.

Subpart 1. **General considerations.**

A. Occupational therapists who use superficial physical agent modalities must comply with the standards in subparts 3 and 6. Occupational therapists who use electrotherapy must comply with the standards in subparts 4 and 7. Occupational therapists who use ultrasound devices must comply with the standards in subparts 5 and 8. Occupational therapy assistants who use physical agent modalities must comply with subpart 9.

B. Use of superficial physical agent modalities, electrical stimulation devices, and ultrasound devices must be on the order of a physician.

C. The commissioner shall maintain a roster of persons registered under parts 4666.0010 to 4666.1400 who use physical agent modalities. Prior to using a physical agent modality, registrants must inform the commissioner of the physical agent modality they will use and whether they will use the modality as a level one

practitioner, level two practitioner, or occupational therapy assistant. Persons who use physical agent modalities must indicate on their initial and renewal applications the physical agent modalities that they use and whether they use the modality as a level one practitioner, level two practitioner, or occupational therapy assistant.

D. Registrants are responsible for informing the commissioner of any changes in the information required in this subpart within 30 days of any change.

Subp. 2. Written documentation required.

A. Prior to use of physical agent modalities, an occupational therapist who will work as a level one practitioner and an occupational therapy assistant, must possess and maintain the following documentation:

(1) a signed, notarized statement from a level two practitioner stating that the level two practitioner will provide direct supervision of the level one practitioner or occupational therapy assistant and that the level one practitioner or occupational therapy assistant has completed the clinical training requirements in this part for each physical agent modality used by the level one practitioner or occupational therapy assistant; and

(2) a copy of the course, workshop, or seminar description with a transcript or certificate showing completion of the theoretical training required for each physical agent modality used, from one of the institutions or organizations identified in this part; or

(3) a copy of current certification as a certified hand therapist by the Hand Therapy Certification Commission.

B. Prior to practice as a level two practitioner using superficial physical agent modalities, an occupational therapist must possess and maintain the following documentation:

(1) a signed statement from the employer verifying completion of the required number of hours of direct service experience as an occupational therapist; and

(2) the documentation in item A and a signed, notarized statement from the level two practitioner that the level one practitioner has developed and implemented the treatment plans required in subpart 6, item B, subitem (1), and that the level two practitioner has observed the level one practitioner to be competent in the use of superficial physical agent modalities; or

(3) the documentation in item A, subitem (2), and a signed, notarized statement from the occupational therapist that the therapist has completed the required number of treatment plans required in subpart 6, item B, subitem (2); or

(4) a copy of certification as a certified hand therapist from the Hand Therapy Certification Commission that was current during the three-year period following June 17, 1996.

C. Prior to practice as a level two practitioner using electrotherapeutic devices, an occupational therapist must possess and maintain the following documentation:

(1) a signed statement from the employer verifying completion of the required number of hours of direct service experience as an occupational therapist; and

(2) the documentation in item A and a signed, notarized statement from the level two practitioner that the level one practitioner has developed and implemented the treatment plans required in subpart 7, item B, subitem (1), and that the level two practitioner has observed the level one practitioner to be competent in the use of electrotherapeutic devices; or

(3) a copy of certification as a certified hand therapist from the Hand Therapy Certification Commission that was current during the three-year period following June 17, 1996.

D. Prior to practice as a level two practitioner using ultrasound devices, an occupational therapist must possess and maintain the following documentation:

(1) a signed statement from the employer verifying completion of the required number of hours of direct service experience as an occupational therapist; and

(2) the documentation in item A and a signed, notarized statement from the level two practitioner that the level one practitioner has developed and implemented the treatment plans required in subpart 8, item B, subitem (1), and that the level two practitioner has observed the level one practitioner to be competent in the use of ultrasound devices; or

(3) a copy of certification as a certified hand therapist from the Hand Therapy Certification Commission that was current during the three-year period following June 17, 1996.

E. Upon request of the commissioner, persons registered under parts 4666.0010 to 4666.1400 who use physical agent modalities must provide the commissioner with the documentation described in this subpart.

F. Once in each biennial registration period, the commissioner may audit a percentage of persons who are using physical agent modalities, based on random selection. The commissioner shall require that audited persons provide the documentation required by this subpart.

Subp. 3. Level one practitioner; standards for use of superficial physical agent modalities. An occupational therapist may use superficial physical agent modalities as a level one practitioner if the occupational therapist:

A. is under the direct supervision of a level two practitioner for superficial physical agent modalities;

B. has received theoretical training in the use of the modality that enables the occupational therapist to:

(1) explain the rationale and clinical indications for use of superficial physical agent modalities;

(2) explain the physical properties and principles of the superficial physical agent modalities;

(3) describe the types of heat and cold transference;

(4) explain the factors affecting tissue response to superficial heat and cold;

(5) describe the biophysical effects of superficial physical agent modalities in normal and abnormal tissue;

(6) describe the thermal conductivity of tissue, matter, and air;

(7) explain the advantages and disadvantages of superficial physical agent modalities; and

(8) explain the precautions and contraindications of superficial physical agent modalities;

C. has received the theoretical training specified in item B by meeting the requirements of subitem (1) or (2):

(1) possess written evidence that the occupational therapist received the training required in item B at courses, workshops, or seminars offered through:

(a) a college or university accredited by the Accreditation Council for Occupational Therapy Education for training occupational therapists;

(b) an educational program sponsored or approved by the American Occupational Therapy Association;

(c) an educational program sponsored or approved by the American Society of Hand Therapists;

(d) a college or university accredited by the Commission on Accreditation in Physical Therapy Education for training physical therapists; or

(e) an educational program sponsored or approved by the American Physical Therapy Association.

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(2) possess current certification as a certified hand therapist by the Hand Therapy Certification Commission; and

D. has completed clinical training through on-site demonstration to the supervising level two practitioner of theoretical knowledge and technical applications of the modality. This clinical component must include the following clinical experiences for each superficial physical agent modality used by the level one practitioner:

- (1) observation of treatments performed by the level two practitioner;
- (2) application of the modality to normal physiological tissue to demonstrate appropriate techniques while the supervising level two practitioner is physically present and observing the level one practitioner apply the modality;
- (3) application of the modality to persons who would benefit from the treatment while the supervising level two practitioner is physically present and observing the level one practitioner apply the modality; and
- (4) demonstration of ability to work within competency in using the specific modality.

Subp. 4. Level one practitioner; standards for use of electrotherapy. An occupational therapist may use electrotherapy as a level one practitioner if the occupational therapist:

A. is under the direct supervision of a level two practitioner for electrotherapy;

B. has received theoretical training in the use of electrotherapy that enables the occupational therapist to:

- (1) explain the rationale and clinical indications of electrotherapy, including pain control, muscle dysfunction, and tissue healing;
- (2) demonstrate comprehension and understanding of electrotherapeutic terminology and biophysical principles, including current, voltage, amplitude, and resistance (Ohm's law);
- (3) describe the types of current (direct, pulsed, and alternating) used for electrical stimulation, including the description, modulations, and clinical relevance;
- (4) describe the time-dependent parameters of pulsed and alternating currents, including pulse and phase durations and intervals;
- (5) describe the amplitude-dependent characteristics of pulsed and alternating currents;
- (6) describe neurophysiology and the properties of excitable tissue (nerve and muscle);
- (7) describe nerve and muscle response from externally applied electrical stimulation, including tissue healing;
- (8) describe the electrotherapeutic effects and the response of nerve, denervated and innervated muscle, and other soft tissue; and
- (9) explain the precautions and contraindications of electrotherapy, including considerations regarding pathology of nerve and muscle tissue;

C. has received the theoretical training specified in item B by meeting the requirements of subitem (1) or (2):

- (1) possess written evidence that the occupational therapist received the training required in item B at courses, workshops, or seminars offered through:
 - (a) a college or university accredited by the Accreditation Council for Occupational Therapy Education for training occupational therapists;
 - (b) an educational program sponsored or approved by the American Occupational Therapy Association;
 - (c) an educational program sponsored or approved by the American Society of Hand Therapists;
 - (d) a college or university accredited by the Commission on Accreditation in Physical Therapy Education for training physical therapists; or

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(e) an educational program sponsored or approved by the American Physical Therapy Association; or

(2) possess current certification as a certified hand therapist by the Hand Therapy Certification Commission; and

D. has completed clinical training through on-site demonstration to the supervising level two practitioner of theoretical knowledge and technical applications of electrical stimulation devices. This clinical component must include the following clinical experiences for each electrical stimulation device used by the level one practitioner:

(1) observation of treatments performed by the level two practitioner;

(2) application of the electrical stimulation device to normal physiological tissue to demonstrate appropriate techniques while the supervising level two practitioner is physically present and observing the level one practitioner apply the electrical stimulation device;

(3) application of the electrical stimulation device to persons who would benefit from the treatment while the supervising level two practitioner is physically present and observing the level one practitioner apply the electrical stimulation device; and

(4) demonstration of ability to work within competency in using the specific electrical stimulation device.

Subp. 5. Level one practitioner; standards for use of ultrasound. An occupational therapist may use an ultrasound device as a level one practitioner if the occupational therapist:

A. is under the direct supervision of a level two practitioner for ultrasound devices;

B. has received theoretical training in the use of ultrasound that enables the occupational therapist to:

(1) explain the rationale and clinical indications for the use of ultrasound, including anticipated physiological responses of the treated area;

(2) describe the biophysical thermal and nonthermal effects of ultrasound on normal and abnormal tissue;

(3) explain the physical principles of ultrasound, including wavelength, frequency, attenuation, velocity, and intensity;

(4) explain the mechanism and generation of ultrasound and energy transmission through physical matter; and

(5) explain the precautions and contraindications regarding use of ultrasound devices;

C. has received the theoretical training specified in item B by meeting the requirements of subitem (1) or (2):

(1) possess written evidence that the occupational therapist received the training required in item A at courses, workshops, or seminars offered through:

(a) a college or university accredited by the Accreditation Council for Occupational Therapy Education for training occupational therapists;

(b) an educational program sponsored or approved by the American Occupational Therapy Association;

(c) an educational program sponsored or approved by the American Society of Hand Therapists;

(d) a college or university accredited by the Commission on Accreditation in Physical Therapy Education for training physical therapists; or

(e) an educational program sponsored or approved by the American Physical Therapy Association; or

(2) possess current certification as a certified hand therapist by the Hand Therapy Certification Commission; and

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D. has completed clinical training through on-site demonstration to the supervising level two practitioner of theoretical knowledge and technical applications of ultrasound devices. This clinical component must include the following clinical experiences in the use of ultrasound devices for the level one practitioner:

- (1) observation of treatments performed by the level two practitioner;
- (2) application of ultrasound to normal physiological tissue to demonstrate appropriate techniques while the supervising level two practitioner is physically present and observing the level one practitioner apply ultrasound;
- (3) application of ultrasound to persons who would benefit from the treatment while the supervising level two practitioner is physically present and observing the level one practitioner apply the ultrasound; and
- (4) demonstration of ability to work within competency in using ultrasound.

Subp. 6. Level two practitioner; standards for unsupervised use of superficial physical agent modalities. To obtain status as a level two practitioner, an occupational therapist must:

A. complete 1800 hours in a two-year period of employment in a clinical setting providing direct service as an occupational therapist;

B. meet one of the following requirements:

(1) complete the training required in subpart 3, practice as a level one practitioner using superficial physical agent modalities under the direct supervision of a level two practitioner, and develop and implement a treatment plan for six patients in which ice or other cold medium is used and for 14 patients in which heat is used in an appropriate occupational therapy treatment plan;

(2) complete the training required in subpart 3, items B and C, and have used both ice or other cold medium and heat in a treatment plan for at least 20 patients in the one year preceding June 17, 1996; or

(3) possess certification as a certified hand therapist by the Hand Therapy Certification Commission on June 17, 1996, or, prior to practice as a level two practitioner, obtain certification as a certified hand therapist by the Hand Therapy Certification Commission within three years of June 17, 1996; and

C. demonstrate competency in:

(1) appropriate incorporation of superficial physical agent modalities into an occupational therapy treatment plan, as it relates to established goals and home program;

(2) preparing the patient, including positioning and educating the patient about the process and possible risks and benefits of treatment;

(3) safe administration of the superficial physical agent modalities as related to the clinical condition;

(4) safe and appropriate equipment operation and maintenance;

(5) identifying possible adverse reactions to treatment and appropriate adjustment or discontinuance, and aftercare; and

(6) utilizing appropriate methods of documentation.

Subp. 7. Level two practitioner; standards for unsupervised use of electrotherapy. To obtain status as a level two practitioner, an occupational therapist must:

A. complete 1800 hours in a two-year period of employment in a clinical setting providing direct service as an occupational therapist;

B. meet one of the following requirements:

(1) complete the training required in subpart 4, practice as a level one practitioner using electrical stimulation under the direct supervision of a level two practitioner, and develop and implement a treatment plan for 12 patients in which electrical stimulation is used in an appropriate occupational therapy treatment plan; or

(2) possess certification as a certified hand therapist by the Hand Therapy Certification Commission on June 17, 1996, or, prior to practice as a level two practitioner, obtain certification as a certified hand therapist by the Hand Therapy Certification Commission within three years of June 17, 1996; and

C. demonstrate competency in:

(1) appropriate incorporation of electrotherapy into an occupational therapy treatment plan as it relates to established treatment goals and home program;

(2) preparing the patient, including positioning, and educating the patient about the process and the possible risks and benefits of treatment;

(3) appropriate use of electrodes, including size, placement, and type, as well as resultant effects on current flow and density;

(4) appropriate selection and safe operation and maintenance of electrotherapeutic equipment, including controls, components, and parameters, as related to the clinical condition and therapeutic value;

(5) identifying possible adverse reactions to treatment and appropriate adjustment in or discontinuance of treatment and aftercare; and

(6) utilizing appropriate methods of documentation which communicate equipment type and parameters used.

Subp. 8. Level two practitioner; standards for unsupervised use of ultrasound devices. To obtain status as a level two practitioner, an occupational therapist must:

A. complete 1800 hours in a two-year period of employment in a clinical setting providing direct service as an occupational therapist;

B. meet one of the following requirements:

(1) complete the training required in subpart 5, practice as a level one practitioner using ultrasound under the direct supervision of a level two practitioner, and develop and implement a treatment plan for 12 patients in which ultrasound devices are used in an appropriate occupational therapy treatment plan; or

(2) possess certification as a certified hand therapist by the Hand Therapy Certification Commission on June 17, 1996, or, prior to practice as a level two practitioner, obtain certification as a certified hand therapist by the Hand Therapy Certification Commission within three years of June 17, 1996; and

C. demonstrate competency in:

(1) appropriate incorporation of ultrasound into an occupational therapy treatment plan as it relates to established treatment goals and home program, including anticipated physiological response of treated areas and appropriate clinical conditions;

(2) preparing the patient, including positioning, and educating the patient about the process and possible risks and benefits of treatment;

(3) safe clinical administration of ultrasound including use of appropriate frequency, intensity, duration, and delivery method, as related to the clinical condition;

(4) appropriate application techniques, including coupling methods and duty cycle, as they relate to tissue condition, area, and depth;

(5) selection and use of ultrasound equipment, including controls, sound-head size, effective radiating area, and beam nonuniformity ratio, and maintenance and calibration requirements;

(6) recognizing adverse reaction to ultrasound treatment and appropriate adjustment of treatment, discontinuance, and aftercare; and

(7) appropriate methods of documentation which communicate specifics of ultrasound application.

Subp. 9. Occupational therapy assistant use of physical agent modalities. An occupational therapy assistant may set up and implement treatment using physical agent modalities if the assistant meets the requirements of this part, has demonstrated service competency for the particular modality used, and works under the direct supervision of an occupational therapist who is a level two practitioner for the

particular modality used. An occupational therapy assistant who uses superficial physical agent modalities must meet the requirements of subpart 3, items B and C. An occupational therapy assistant who uses electrotherapy must meet the requirements of subpart 4, items B and C. An occupational therapy assistant who uses ultrasound must meet the requirements of subpart 5, items B and C. A level two practitioner may not delegate evaluation, reevaluation, treatment planning, and treatment goals for physical agent modalities to an occupational therapy assistant.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.1100 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. General requirements. An occupational therapist applying for registration renewal must have completed a minimum of 24 contact hours of continuing education in the two years preceding registration renewal. An occupational therapy assistant applying for registration renewal must have completed a minimum of 18 contact hours of continuing education in the two years preceding registration renewal. Registrants who are issued registration for a period of less than two years shall prorate the number of contact hours required for registration renewal based on the number of months registered during the biennial registration period. Registrants shall receive contact hours for continuing education activities only for the biennial registration period in which the continuing education activity was performed.

To qualify as a continuing education activity, the activity must be a minimum of one contact hour. Contact hours must be earned and reported in increments of one contact hour or one-half contact hour for each continuing education activity. One-half contact hour means an instructional session of 30 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Each registrant is responsible for financing the cost of the registrant's continuing education activities.

Subp. 2. Standards for determining qualified continuing education activities. Except as provided in subpart 3, item E, in order to qualify as a continuing education activity, the activity must:

- A. constitute an organized program of learning;
- B. reasonably be expected to advance the knowledge and skills of the occupational therapy practitioner;
- C. pertain to subjects that directly relate to the practice of occupational therapy;
- D. be conducted by individuals who have education, training, and experience by reason of which said individuals should be considered experts concerning the subject matter of the activity; and
- E. be presented by a sponsor who has a mechanism to verify participation and maintains attendance records for three years.

Subp. 3. Activities qualifying for continuing education contact hours. The following activities qualify for continuing education contact hours if they meet all other requirements of this part.

A. A registrant may obtain an unlimited number of contact hours in any two-year continuing education period through participation in the following:

- (1) attendance at educational programs of annual conferences, lectures, panel discussions, workshops, in-service training, seminars, and symposiums;
- (2) successful completion of college or university courses. The registrant must obtain a grade of at least a "C" or a pass in a pass or fail course in order to receive the following continuing education credits:
 - (a) one semester credit equals 14 contact hours;
 - (b) one trimester credit equals 12 contact hours; and
 - (c) one quarter credit equals ten contact hours; and

(3) successful completion of home study courses that require the participant to demonstrate the participant's knowledge following completion of the course.

B. A registrant may obtain a maximum of six contact hours in any two-year continuing education period for teaching continuing education courses that meet the requirements of this part. A registrant is entitled to earn a maximum of two contact hours as preparation time for each contact hour of presentation time. Contact hours may be claimed only once for teaching the same course in any two-year continuing education period. A course schedule or brochure must be maintained for audit.

C. A registrant may obtain a maximum of two contact hours in any two-year continuing education period for continuing education activities in the following areas:

(1) business-related topics: marketing, time management, administration, risk management, government regulations, techniques for training professionals, computer skills, and similar topics;

(2) personal skill topics: career burnout, communication skills, human relations, and similar topics; and

(3) training that is obtained in conjunction with a registrant's employment, occurs during a registrant's normal workday, and does not include subject matter specific to the fundamentals of occupational therapy.

D. An occupational therapy practitioner that utilizes leisure activities, recreational activities, or hobbies as part of occupational therapy services in the practitioner's current work setting may obtain a maximum of six contact hours in any two-year continuing education period for participation in courses teaching these activities.

E. A registrant may obtain a maximum of six contact hours in any two year continuing education period for supervision of occupational therapist or occupational therapy assistant students. A registrant may earn one contact hour for every eight hours of student supervision. Registrants must maintain a log indicating the name of each student supervised and the hours each student was supervised. Contact hours obtained by student supervision must be obtained by supervising students from an occupational therapy education program accredited by the Accreditation Council for Occupational Therapy Education.

Subp. 4. Activities not qualifying for continuing education contact hours. No credit shall be granted for the following activities: hospital rounds, entertainment or recreational activities, employment orientation sessions, holding an office or serving as an organizational delegate, meetings for the purpose of making policy, noneducational association meetings, training related to payment systems (including covered services, coding, and billing), training required by part 4666.1000, subparts 3, item B; 4, item B; and 5, item B.

Subp. 5. Reporting continuing education contact hours. At the time of registration renewal, each registrant shall submit verification that the registrant has met the continuing education requirements of this part on the continuing education report form provided by the commissioner. The continuing education report form may require the following information:

A. title of continuing education activity;

B. brief description of the continuing education activity;

C. sponsor, presenter, or author;

D. location and attendance dates;

E. number of contact hours; and

F. registrant's notarized affirmation that the information is true and correct.

Subp. 6. Auditing continuing education reports.

A. The commissioner may audit a percentage of the continuing education reports based on random selection. A registrant shall maintain all documentation required by this part for two years after the last day of the biennial registration period in which the contact hours were earned.

B. All renewal applications that are received after the expiration date may be subject to a continuing education report audit.

C. Any registrant against whom a complaint is filed may be subject to a continuing education report audit.

D. The registrant shall make the following information available to the commissioner for auditing purposes:

(1) a copy of the completed continuing education report form for the continuing education reporting period that is the subject of the audit including all supporting documentation required by subpart 5;

(2) a description of the continuing education activity prepared by the presenter or sponsor that includes the course title or subject matter, date, place, number of program contact hours, presenters, and sponsors. Self-study programs must be documented by materials prepared by the presenter or sponsor that include the course title, course description, name of sponsor or author, and the number of hours required to complete the program. University, college, or vocational school courses must be documented by a course syllabus, listing in a course bulletin, or equivalent documentation that must include the course title, instructor's name, course dates, number of contact hours, and course content, objectives, or goals; and

(3) verification of attendance. Verification must consist of a signature of the presenter or a designee at the continuing education activity on the continuing education report form or a certificate of attendance with the course name, course date, and registrant's name. A registrant may summarize or outline the educational content of an audio or video educational activity to verify the registrant's participation in the activity if a designee is not available to sign the continuing education report form. Self-study programs must be verified by a certificate of completion or other documentation indicating that the individual has demonstrated knowledge and has successfully completed the program. Attendance at a university, college, or vocational course must be verified by an official transcript.

Subp. 7. Waiver of continuing education requirements. The commissioner may grant a waiver of the requirements of this part in cases where the requirements would impose an extreme hardship on the registrant. The request for a waiver must be in writing, state the circumstances that constitute extreme hardship, state the period of time the registrant wishes to have the continuing education requirement waived, and state the alternative measures that will be taken if a waiver is granted. The commissioner shall set forth, in writing, the reasons for granting or denying the waiver. Waivers granted by the commissioner shall specify, in writing, the time limitation and required alternative measures to be taken by the registrant. A request for waiver shall be denied if the commissioner finds that the circumstances stated by the registrant do not support a claim of extreme hardship, the requested time period for waiver is unreasonable, the alternative measures proposed by the registrant are not equivalent to the continuing education activity being waived, or the request for waiver is not submitted to the commissioner within 60 days after the expiration date.

Subp. 8. Penalties for noncompliance. The commissioner shall refuse to renew or grant, or shall suspend, condition, limit, or qualify the registration of any person who the commissioner determines has failed to comply with the continuing education requirements of this part. A registrant may request reconsideration of the commissioner's determination of noncompliance or the penalty imposed under this part by making a written request to the commissioner, within 30 days of the date of notification to the applicant. Individuals requesting reconsideration may submit information that the registrant wants considered in the reconsideration.

Subp. 9. Effective date. The reporting requirements of this part begin and continue to be in effect for registration renewals until June 17, 1999, and all subsequent registration renewals.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.1200 FEES; SURCHARGE.

Subpart 1. **Initial registration fee.** The initial registration fee for occupational therapists is \$180. The initial registration fee for occupational therapy assistants is \$100. The commissioner shall prorate fees based on the number of quarters remaining in the biennial registration period.

Subp. 2. **Registration renewal fee.** The biennial registration renewal fee for occupational therapists is \$180. The biennial registration renewal fee for occupational therapy assistants is \$100.

Subp. 3. **Late fee.** The fee for late submission of a renewal application is \$25.

Subp. 4. **Initial provisional registration fee.** The fee for initial provisional registration is \$647.

Subp. 5. **Provisional registration renewal fee.** The provisional registration renewal fee for occupational therapists is \$90. The provisional registration renewal fee for occupational therapy assistants is \$50. The commissioner shall prorate fees based on the number of quarters remaining in the annual registration period.

Subp. 6. **Temporary registration fee.** The fee for temporary registration is \$50.

Subp. 7. **Limited registration fee.** The fee for limited registration is \$96.

Subp. 8. **Fee for course approval after lapse of registration.** The fee for course approval after lapse of registration is \$96.

Subp. 9. **Certification to other states.** The fee for certification of registration to other states is \$25.

Subp. 10. **Verification to institutions.** The fee for verification of registration to institutions is \$10.

Subp. 11. **Surcharge.** For five years after June 17, 1996, all registrants must pay a surcharge fee in addition to other applicable fees. Occupational therapists must pay a biennial surcharge fee of \$62 upon application for registration and registration renewal. Occupational therapy assistants must pay a biennial surcharge fee of \$36 upon application for registration and registration renewal.

Subp. 12. **Nonrefundable fees.** All fees are nonrefundable.

Statutory Authority: *MS s 214.13*

History: 20 SR 2625

4666.1300 GROUNDS FOR DENIAL OF REGISTRATION OR DISCIPLINE; INVESTIGATION PROCEDURES; DISCIPLINARY ACTIONS.

Subpart 1. **Grounds for denial of registration or discipline.** The commissioner may deny an application for registration, may approve registration with conditions, or may discipline a registrant using any disciplinary actions listed in subpart 3 on proof that the individual has:

A. intentionally submitted false or misleading information to the commissioner or the advisory council;

B. failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council;

C. performed services of an occupational therapist or occupational therapy assistant in an incompetent manner or in a manner that falls below the community standard of care;

D. failed to satisfactorily perform occupational therapy services during a period of provisional registration;

E. violated parts 4666.0010 to 4666.1400;

F. failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;

G. been convicted of violating any state or federal law, rule, or regulation which directly relates to the practice of occupational therapy;

H. aided or abetted another person in violating any provision of parts 4666.0010 to 4666.1400;

I. been disciplined for conduct in the practice of an occupation by the state of Minnesota, another jurisdiction, or a national professional association, if any of the grounds for discipline are the same or substantially equivalent to those in parts 4666.0010 to 4666.1400;

J. not cooperated with the commissioner or advisory council in an investigation conducted according to subpart 2;

K. advertised in a manner that is false or misleading;

L. engaged in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud, or harm the public;

M. demonstrated a willful or careless disregard for the health, welfare, or safety of a client;

N. performed medical diagnosis or provided treatment, other than occupational therapy, without being licensed to do so under the laws of this state;

O. paid or promised to pay a commission or part of a fee to any person who contacts the occupational therapist for consultation or sends patients to the occupational therapist for treatment;

P. engaged in an incentive payment arrangement, other than that prohibited by item O, that promotes occupational therapy overutilization, whereby the referring person or person who controls the availability of occupational therapy services to a client profits unreasonably as a result of client treatment;

Q. engaged in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws;

R. obtained money, property, or services from a consumer through the use of undue influence, high pressure sales tactics, harassment, duress, deception, or fraud;

S. performed services for a client who had no possibility of benefiting from the services;

T. failed to refer a client for medical evaluation when appropriate or when a client indicated symptoms associated with diseases that could be medically or surgically treated;

U. engaged in conduct with a client that is sexual or may reasonably be interpreted by the client as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient;

V. violated a federal or state court order, including a conciliation court judgment, or a disciplinary order issued by the commissioner, related to the individual's occupational therapy practice; or

W. any other just cause related to the practice of occupational therapy.

Subp. 2. Investigation of complaints. The commissioner, or the advisory council when authorized by the commissioner, may initiate an investigation upon receiving a complaint or other oral or written communication that alleges or implies that an individual has violated parts 4666.0010 to 4666.1400. In the receipt, investigation, and hearing of a complaint that alleges or implies an individual has violated parts 4666.0010 to 4666.1400, the commissioner shall follow the procedures in Minnesota Statutes, section 214.10.

Subp. 3. Disciplinary actions. If the commissioner finds that an occupational therapist or occupational therapy assistant should be disciplined according to subpart 1, the commissioner may take any one or more of the following actions:

A. refuse to grant or renew registration;

B. approve registration with conditions;

C. revoke registration;

D. suspend registration;

E. any reasonable lesser action including, but not limited to, reprimand or restriction on registration; or

F. any action authorized by statute.

Subp. 4. **Effect of specific disciplinary action on use of title.** Upon notice from the commissioner denying registration renewal or upon notice that disciplinary actions have been imposed and the individual is no longer entitled to use the registered titles, the individual shall cease to use titles protected by parts 4666.0010 to 4666.1400 and shall cease to represent to the public that the individual is registered by the commissioner.

Subp. 5. **Reinstatement requirements after disciplinary action.** An individual who has had registration suspended may request and provide justification for reinstatement following the period of suspension specified by the commissioner. The requirements of parts 4666.0300 and 4666.0400 for renewing registration and any other conditions imposed with the suspension must be met before registration may be reinstated.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*

4666.1400 OCCUPATIONAL THERAPY PRACTITIONERS ADVISORY COUNCIL.

Subpart 1. **Membership.** The commissioner shall appoint seven persons to an occupational therapy practitioners advisory council consisting of the following:

A. Two public members, as defined in Minnesota Statutes, section 214.02. The public members shall be either persons who have received occupational therapy services or family members of or caregivers to such persons.

B. Two members who are occupational therapists and two occupational therapy assistants registered under parts 4666.0010 to 4666.1400 each of whom is employed in a different practice area including, but not limited to, long-term care, school therapy, early intervention, administration, gerontology, industrial rehabilitation, cardiac rehabilitation, physical disability, pediatrics, mental health, home health, and hand therapy. Three of the four occupational therapy practitioners who serve on the advisory council must be currently, and for the three years preceding the appointment, engaged in the practice of occupational therapy or employed as an administrator or an instructor of an occupational therapy program. At least one of the four occupational therapy practitioners who serve on the advisory council must be employed in a rural area.

C. One member who is a licensed or registered health care practitioner, or other credentialed practitioner, who works collaboratively with occupational therapy practitioners.

Subp. 2. **Duties.** At the commissioner's request, the advisory council shall:

A. advise the commissioner regarding the occupational therapy practitioner registration standards;

B. advise the commissioner on enforcement of parts 4666.0010 to 4666.1400;

C. provide for distribution of information regarding occupational therapy practitioners registration standards;

D. review applications and make recommendations to the commissioner on granting or denying registration or registration renewal;

E. review reports of investigations relating to individuals and make recommendations to the commissioner as to whether registration should be denied or disciplinary action taken against the individual; and

F. perform other duties authorized for advisory councils by Minnesota Statutes, chapter 214, as directed by the commissioner.

Statutory Authority: *MS s 214.13*

History: *20 SR 2625*