

216-RICR-40-05-12

## **TITLE 216 - DEPARTMENT OF HEALTH**

### **CHAPTER 40 – PROFESSIONAL LICENSING AND FACILITY REGULATION**

#### **SUBCHAPTER 05 – PROFESSIONAL LICENSING**

##### **PART 12 - Occupational Therapists and Occupational Therapy Assistants**

### **12.1 Authority**

These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws § [5-40.1-5\(a\)](#), and are established for the purpose of adopting minimum standards for the licensing of occupational therapists and occupational therapy assistants offering occupational therapy services in this state.

### **12.2 Definitions**

A. Wherever used in this Part the following terms shall be construed as follows:

1. "Act" means R.I. Gen. Laws Chapter [5-40.1](#), entitled "Occupational Therapy".
2. "Administrator" means the Administrator of the Division of Professional Regulation.
3. "Board" means the Board of Occupational Therapy within the Division of Professional Regulation established pursuant to the provisions of R.I. Gen. Laws [§ 5-40.1-4](#).
4. "Director" means the Director of the Rhode Island Department of Health.
5. "Division" means the Division of Professional Regulation.
6. "Occupational therapist" means a person licensed to practice occupational therapy under the provisions of the Act and this Part.
7. "Occupational therapy" means the use of purposeful activity or interventions designed to achieve functional outcomes which promote health, prevent injury or disability, and develop, improve, sustain, or restore the highest possible level of independence of any individual who has an injury, illness, cognitive impairment, sensory impairment,

psychosocial dysfunction, mental illness, developmental or learning disability, physical disability, or other disorder or condition.

- a. Occupational therapy includes evaluation by means of skilled observation of functional performance and/or assessment through the administration and interpretation of standardized or nonstandardized tests and measurements.
  - b. Occupational therapy services include, but are not limited to:
    - (1) The evaluation and provision of treatment in consultation with the individual, family or other appropriate persons;
    - (2) Interventions directed toward developing, improving, sustaining, or restoring daily living skills, including self-care skills and activities that involve interactions with others and the environment, work readiness or work performance, play skills or leisure capacities or educational performance skills;
    - (3) Developing, improving, sustaining or restoring sensorimotor, oral-motor, perceptual or neuromuscular functioning; or emotional, motivational, cognitive or psychosocial components of performance; and
    - (4) Education of the individual, family or other appropriate persons in carrying out appropriate interventions.
    - (5) These services may encompass evaluation of need and the design, development, adaptation, application or training in the use of assistive technology devices; the design, fabrication or
    - (6) Application of rehabilitative technology, such as selected orthotic devices; training in the functional use of orthotic or prosthetic devices; the application of therapeutic activities, modalities, or exercise as an adjunct to or in preparation for functional performance; the application of ergonomic principles; the adaptation of environments and processes to enhance daily living skills; or the promotion of health and wellness.
8. “Occupational therapy assistant” means a person licensed to practice occupational therapy under the provisions of the Act and this Part.

9. "Occupational therapy aide" means a person not licensed pursuant to the statutes and rules applicable to the practice of occupational therapy, who works under the supervision of a licensed occupational therapist or occupational therapy assistant, who assists in the practice of occupational therapy and whose activities require an understanding of occupational therapy, but do not require professional or advanced training in the basic anatomical, psychological and social sciences involved in the practice of occupational therapy.
10. "Supervision" means that a licensed occupational therapist or occupational therapy assistant shall at all times be responsible for supportive personnel and students.

### **12.3 License Requirements**

- A. Pursuant to R.I. Gen. Laws [§ 5-40.1-6](#), no person shall practice occupational therapy or hold himself or herself out as an occupational therapist or occupational therapy assistant or as being able to practice as an occupational therapist or occupational therapy assistant or as being able to practice occupational therapy or to render occupational therapy services in this state unless he or she is licensed under the provisions of the Act and this Part.
  1. The Act shall not be construed as preventing or restricting the practice, services or activities stated in R.I. Gen. Laws § 5-40.1-7.
  2. Limits on the use of words in connection with a licensee's name or place of business are pursuant to R.I. Gen. Laws §§ [5-40.1-6\(c\)](#) and [\(d\)](#).

### **12.4 Qualifications for Licensure**

- A. Any applicant seeking licensure as an occupational therapist or occupational therapy assistant in this state must fulfill the requirements of R.I. Gen. Laws § [5-40.1-8](#), and:
  1. Have successfully completed the academic requirements of an education program in occupational therapy accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education or such other accrediting agency as may be approved by the Board;
  2. Have successfully completed a period of supervised fieldwork experience arranged by the recognized educational institution where he or she met the academic requirements;

- a. For an occupational therapist, a minimum of twenty-four (24) weeks of supervised fieldwork experience is required;
  - b. For an occupational therapy assistant, a minimum of twelve (12) weeks is required.
3. Have successfully passed the National Certification Examination for Occupational Therapists, Registered or National Certification Examination for Occupational Therapy Assistants of the National Board for Certification in Occupational Therapy (NBCOT) or other occupational therapy certification examination as approved by the Board.

## **12.5 Application for Licensure and Fee**

- A. Application for licensure to practice occupational therapy in this state either by endorsement or by examination, shall be made on forms provided by the Division. Such application shall be accompanied by the following:
  1. Documented evidence and supporting transcripts of qualifying credentials as set forth in § 12.4 of this Part;
  2. A statement from the Board of Occupational Therapy in each state in which the applicant has held or holds licensure or is otherwise subject to state regulation to be submitted to the Board of this state attesting to the licensure status of the applicant during the time period the applicant held licensure in said state;
  3. The results of the written national examination; and
  4. The non-refundable application fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health ([Part 10-05-2](#) of this Title).

## **12.6 Licensure of Occupational Therapists and Occupational Therapy Assistants**

- A. By Examination: Applicants seeking licensure as occupational therapists or occupational therapy assistants shall be required to pass, with a grade determined by the Board, the national written examination of the National Board for Certification in Occupational Therapy (NBCOT) approved by the Board to test the applicant's fitness to engage in the practice of occupational therapy pursuant to the provisions of the Act.
  1. The date, time and place of examinations shall be available from the National Board for Certification in Occupational Therapy (NBCOT).

2. In case of failure of any applicant to satisfactorily pass an examination, such applicant shall be entitled to re-examination.
- B. Foreign Trained Applicants: Applicants from foreign occupational therapy schools must meet the requirements stated in R.I. Gen. Laws § [5-40.1-8\(f\)](#).
- C. Graduate Practice: Any individual who graduates from an approved occupational therapy school who has filed a completed application for licensure, may upon receiving a receipt (permit to perform as a graduate occupational therapist or graduate occupational therapy assistant) from the Division, perform as an occupational therapist, or occupational therapy assistant, under the supervision of an occupational therapist licensed in this state, only until successful completion of the examination, but in no event shall the receipt (permit) extend beyond ninety (90) days from its issuance.
1. If such an applicant fails to take the examination without due cause or fails to pass the examination within ninety (90) days from the effective date of graduate status and fails to receive a license, the graduate practice permit shall become null and void and all aforementioned privileges shall automatically cease.
  2. Furthermore, an individual referred to in § 12.6(C) of this Part, shall, during the interim period (between time of application and examination) identify himself or herself only as a "graduate occupational therapist" or "graduate occupational therapy assistant."
- D. Licensure by Endorsement. Occupational therapists and occupational therapy assistants who are licensed or otherwise regulated to practice under laws of another state or territory or the District of Columbia may perform as an occupational therapist or occupational therapy assistant pursuant to R.I. Gen. Laws § [5-40.1-8\(e\)](#).
- E. Supervision of occupational therapist assistants is pursuant to R.I. Gen. Laws § [5-40.1-21](#).

## **12.7 Issuance and Renewal of License**

- A. Upon the recommendation of the Board, the Director shall issue to applicants who have satisfactorily met the licensure requirements of this Part, a license to practice occupational therapy in this state. Said license, unless sooner suspended or revoked, shall expire on the thirty-first (31st) day of March, of each even year (biennially).
- B. On or before the first (1st) day of March of each even year, the Administrator of the Division shall mail an application for renewal of license to every individual to

whom a license has been issued or renewed during the current licensure period. Every individual so licensed who desires to renew his or her license shall file with the Division such renewal application duly executed together with the evidence of continuing education requirements of § 12.7(E) of this Part and the renewal fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health ([Part 10-05-2](#) of this Title) on or before the thirty-first day of March of each even year.

- C. Upon receipt of such renewal application and payment of fee, the Director, upon the recommendation of the Board, shall grant a renewal license effective the thirty-first (31st) day of March for a period of two (2) years, unless sooner suspended or revoked.
- D. Any individual who allows his or her license to lapse by failing to renew it on or before the thirty-first (31st) day of March of the next even year as provided above, may be reinstated by the Director upon receiving a receipt from the Division for payment of the current renewal fee plus an additional fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health ([Part 10-05-2](#) of this Title).
1. Any individual using the title "occupational therapist" or "occupational therapy assistant" during the time his or her license has lapsed shall be subject to the penalties provided for violations of this Part and the Act.
- E. Continuing Education

1. On application for renewal of license, occupational therapists and occupational therapy assistants must show proof of participation in twenty (20) hours biennially in presentations, clinical instruction, publications, research, inservice programs, continuing education activities offered by the American Occupational Therapy Association or American Occupational Therapy Association approved providers, Rhode Island Occupational Therapy Association, National Board for Certification in Occupational Therapy, university courses, and/or self-study courses. Contact hours of continuing education shall be recognized by the Board as follows:

Category I: Formal continuing education program that may consist of university courses, workshops, inservice programs, and/or institutes.	Credit: One (1) continuing education contact hour for each hour attended
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Category II: Professional continuing education activities and scientific meetings and self-directed continuing education activities that may consist of local, regional, national symposia, colloquia, journal clubs, self-study courses, etc.	Credit: One (1) continuing education contact hour for each hour attended or One (1) competency assessment unit (CAU) for each hour completed.
Category III: Formal presentations (including clinical instruction)	Credit: Two (2) hours of continuing education contact hours for each hour of instruction; four (4) hours of continuing education contact hours for two (2) hours of instruction; five (5) hours of continuing education contact hours for three (3) hours of instruction; up to a maximum of five (5) hours of continuing education contact hours.
Category IV: Exceptional contributions to professional development that may consist of written publications	<p>Credit: Continuing education contact hours shall be awarded for each written publication as listed below:</p> <p>Book: ten (10) continuing education contact hours;</p> <p>Juried article: eight (8) continuing education contact hours;</p> <p>Book chapter: five (5) continuing education contact hours;</p> <p>Non-juried article (must be published in a national publication in order to receive CE credit): four (4) continuing education contact hours</p>

2. It shall be the sole responsibility of the individual occupational therapist or occupational therapy assistant to obtain documentation (e.g., course descriptions, proof of attendance) from the sponsoring organization, agency, or institution of his/her participation in a continuing education program and/or activity. These documents shall be retained by each licensee for no less than four (4) years and are subject to random audit by the Department.
3. Occupational therapists or occupational therapy assistants initially licensed during the two (2) year period preceding license renewal shall

have their credits for continuing education prorated according to the time actually licensed during the two (2) year period.

4. The Board, at its discretion, may grant one of the following to an occupational therapist or occupational therapy assistant for reasons of hardship or other extenuating circumstances:
  - a. An extension of time to complete the continuing education requirements;
  - b. A variance from the continuing education requirements;
  - c. A waiver from the continuing education requirements.

#### **12.7.1 Inactive Status**

An individual licensed as an occupational therapist in this state who does not intend to engage in the practice of occupational therapy within this state during any year, may upon request to the Division, may have his or her name transferred to an inactive status in accordance with the provisions of [R.I. Gen. Laws § 5-40.1-12\(b\)](#).

### **12.8 Denial, Suspension or Revocation of License and Violations**

- A. Pursuant to R.I. Gen. Laws [§ 5-40.1-14](#), the Board may deny a license or refuse to renew a license or may suspend or revoke a license or may impose probationary conditions if the licensee has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Such unprofessional conduct shall include but not be limited to those actions stated in R.I. Gen. Laws § [5-40.1-14\(a\)](#).
- B. A denial, refusal to renew, suspension, revocation or imposition of probationary conditions upon the license may be ordered by the Board or the Director, after a hearing in the manner provided by the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35, and in accordance with § 12.9 of this Part.
- C. The American Occupational Therapy Association's "Occupational Therapy Code of Ethics" shall be adopted as a public statement of the values and principles used in promoting and maintaining high standards of behavior in occupational therapy. These include, but are not limited to, the following:
  1. Occupational therapy personnel shall demonstrate a concern for the well-being of the recipients of their services;



2. Occupational therapy personnel shall respect the rights of the recipients of their services;
3. Occupational therapy personnel shall achieve and continually maintain high standards of competence;
4. Occupational therapy personnel shall comply with laws and association policies guiding the profession of occupational therapy;
5. Occupational therapy personnel shall provide accurate information about occupational therapy services; and
6. Occupational therapy personnel shall treat colleagues and other professionals with fairness, discretion, and integrity.

## **12.9 Rules Governing Practices and Procedures**

All hearings and reviews required under the provisions of the Act, and the rules and regulations thereof, shall be held in accordance with the provisions of the rules and regulations of regarding Practices and Procedures Before the Department of Health ([Part 10-05-4](#) of this Title) and Access to Public Records ([Part 10-05-1](#) of this Title).

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**PART 12 - OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY  
ASSISTANTS (216-RICR-40-05-12)**

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