

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

connectThe Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed amendments were published in the April 15, 2011 Illinois Register. The 45 day comment period will end May 31, 2011.

Please submit written comments to Craig Cellini as stated in the attached notice.

THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

- 1) Heading of the Part: Illinois Occupational Therapy Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1315
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1315.100	Amendment
1315.110	Amendment
1315.130	Amendment
1315.140	Amendment
1315.145	Amendment
1315.150	Amendment
1315.160	Amendment
1315.162	Amendment
1315.165	Amendment
1315.200	Amendment
- 4) Statutory Authority: Implementing the Illinois Occupational Therapy Practice Act [225 ILCS 75] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds the American and the Illinois Medical Association along with the American Society of Hand Therapists to the list of approved continuing education sponsors/programs. Various non-substantive changes are also being made, including changing references throughout the

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entire Part from “Department” to “Division” to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation. Obsolete language is also being removed and other technical changes are being made and the fee for restoration of a lapsed license is increased from \$20 to \$50.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813
Fax #: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed occupational therapists and occupational therapist assistants.
 - B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: Occupational therapy education and training is required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2011

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1315

ILLINOIS OCCUPATIONAL THERAPY PRACTICE ACT

Section

1315.90	Application for Licensure Under Section 14 of the Act (Repealed)
1315.100	Approved Programs
1315.110	Application for Licensure
1315.120	Examination
1315.130	Fees for the Administration of the Act
1315.140	Renewal
1315.145	Continuing Education
1315.150	Endorsement
1315.160	Restoration
1315.162	Modalities in Occupational Therapy
1315.163	Supervision of an Occupational Therapy Assistant
1315.164	Supervision of an Aide in Occupational Therapy
1315.165	Professional Conduct Standards
1315.170	Advertising
1315.180	Conduct of Hearings (Repealed)
1315.200	Granting Variances

AUTHORITY: Implementing the Illinois Occupational Therapy Practice Act [225 ILCS 75] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 676, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16455, effective August 28, 1984; recodified from Chapter I, 68 Ill. Adm. Code 315 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1315 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2940; amended at 18 Ill. Reg. 7373, effective May 2, 1994; amended at 18 Ill. Reg. 16615, effective October 27, 1994; amended at 23 Ill. Reg. 2304, effective January 22, 1999; amended at 26 Ill. Reg. 18330, effective December 13, 2002; amended at 27 Ill. Reg. 10264, effective June 26, 2003; amended at 35 Ill. Reg. _____, effective _____.

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Section 1315.100 Approved Programs

- a) The Department of Financial and Professional Regulation-Division of Professional Regulation (~~Division~~~~the Department~~) shall approve a program of occupational therapy education as reputable and in good standing if it meets the following minimum criteria:
- 1) Is from an institution legally recognized and authorized by the jurisdiction in which it is located to confer either a baccalaureate degree in occupational therapy, or its equivalent, or an associate degree in occupational therapy, or its equivalent.
 - 2) Has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their ~~area~~~~area(s)~~ of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.
 - 3) Has a curriculum of sufficient content for the achievement of entry level competencies, including liberal and technical education. Documentation shall include instructional objectives, outlines, methods and learning experiences.
 - 4) Accepts only those persons who have graduated from an accredited high school or its equivalent.
 - 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
 - 6) Maintains or is formally affiliated with a field work education center that provides a sufficient number and variety of occupational therapy cases for the student's practical instruction.
 - 7) Publishes the requirements for graduation and degrees in a regularly issued catalog.
- b) In determining whether a program should be approved, the Division~~Department~~ shall take into consideration, but not be bound by, accreditation or approval by the Accreditation Counsel for Occupational Therapy (ACOTE).

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- c) The ~~Division~~Department has determined that all occupational therapy programs accredited or approved by the ACOTE as of July 1, 1996, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1315.110 Application for Licensure

- a) Any person seeking licensure as a registered occupational therapist shall file an application with the ~~Division~~Department, on forms supplied by the ~~Division~~Department, along with the following:
- 1) Certification that the applicant has completed an approved program of occupational therapy as set forth in Section 1315.100;
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapist, Registered, which shall be received directly from the designated testing service;
 - 3) ~~A complete work history since graduation from an occupational therapy program;~~ 4) Verification of employment and ~~Division~~Department approval to sit for the examination if an applicant wishes to practice prior to passing the examination pursuant to Section 3(6) of the Illinois Occupational Therapy Act [225 ILCS 75] (Act);
 - 4)5) The required fee set forth in Section 1315.130(a) of this Part; and
 - 5)6) Certification, on forms provided by the ~~Division~~Department, from the jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

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- b) Any person seeking licensure as a certified occupational therapy assistant shall file an application with the ~~Division~~Department, on forms supplied by the ~~Division~~Department, along with the following:
- 1) Certification that the applicant has completed an approved program of occupational therapy;
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapy Assistants, which shall be received directly from the designated testing service;
 - 3) ~~A complete work history since completion of education as an occupational therapy assistant;~~ 4) Verification of employment and ~~Division~~Department approval to sit for the examination if an applicant wishes to practice prior to passing the examination pursuant to Section 3(6) of the Act;
 - 4)5) The required fee set forth in Section 1315.130(a) of this Part; and
 - 5)6) Certification, on forms provided by the ~~Division~~Department, from the jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department or the Illinois Occupational Therapy Board (the Board) because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide ~~such~~ information as may be necessary; and/or

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- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- d) An applicant for licensure whose examination scores are more than 5 years old and who is not actively practicing as an occupational therapist or occupational therapy assistant shall be required to successfully complete the examination before the Division~~Department~~ may issue a license.
- e) If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of authorization which allows him/her to practice under supervision in accordance with Section 3(6) of the Act. Supervision means the presence of the licensed occupational therapist on site at least 75% of the employee's work hours. The applicant shall not begin practice as an occupational therapist or occupational therapist assistant, license pending, until the letter of authorization is received from the Division~~Department~~ or until the employer verifies that the application is on file with the Division~~Department~~.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1315.130 Fees for the Administration of the Act

The following fees shall be paid to the Department for the functions performed by the Division~~Department~~ under the ~~Illinois Occupational Therapy Practice Act [225 ILCS 75] (the Act)~~ and shall be non-refundable:

- a) Application Fees
 - 1) The fee for application for a license as an occupational therapist or occupational therapy assistant is \$25. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Division~~Department~~ or the designated testing service, shall result in the forfeiture of the examination fee.

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- 2) The fee for application as a continuing education sponsor is \$250. State colleges, universities, and State agencies are exempt from payment of this fee.
- b) Renewal Fees
- 1) The fee for the renewal of a license as an occupational therapist shall be calculated at the rate of \$20 per year.
 - 2) The fee for the renewal of a license as an occupational therapy assistant shall be calculated at the rate of \$10 per year.
 - 3) The fee for renewal of continuing education sponsor approval is \$125 for the renewal period.
- c) General Fees
- 1) The fee for the restoration of a license other than from inactive status is ~~\$50~~\$20 plus payment of all lapsed renewal fees, but not to exceed \$110.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on ~~Division~~~~Department~~ records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the ~~Division~~~~Department~~ reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as occupational therapists or occupational therapy assistants in this State shall be the actual cost of producing the roster.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 1315.140 Renewal

- a) Every license issued under the Act shall expire on December 31 of each odd numbered year. The holder of the license may renew such license during the month preceding the expiration date by paying the required fee. Beginning with the December 31, 2005 renewal and every renewal thereafter, a renewal applicant will be required to complete 24 contact hours of continuing education as set forth in Section 1315.145 of this Part.
- b) It is the responsibility of each licensee to notify the ~~Division~~Department of any change of address. Failure to receive a renewal form from the ~~Division~~Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing on an expired license shall be considered unlicensed practice.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1315.145 Continuing Education

- a) Continuing Education (CE) Hour Requirements
 - 1) Every occupational therapist and occupational therapy assistant shall complete 24 contact hours of ~~continuing education (CE)~~ relevant to the practice of occupational therapy during each prerenewal period as a condition of renewal. A prerenewal period is the 24 months preceding December 31 in the year of the renewal. 24 contact hours of ~~continuing education (CE)~~ is equivalent to 12 units of Continued Competency Activities (CCA) (2 contact hours = 1 unit).
 - 2) A CE contact hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 3) Courses that are part of the curriculum of an accredited university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.

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- 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 5) Individuals licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
 - 6) All continuing education hours must be earned by verified attendance at or participation, regardless on the method of delivery, in a program that is offered by an approved CE continuing education sponsor who meets the requirements set forth in subsection (c) or by other CE activities set forth in subsection (b).
 - 7) ~~CE~~ Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois if they meet the requirements for CE in Illinois.
 - 8) Credit shall not be given for courses taken in Illinois from unapproved sponsors.
- b) Additional CE activities
- 1) Independent Study
 - A) Independent Study Activities include reading books or journal articles, reviewing professional videos, etc.
 - B) A licensee may earn contact hours spent in an independent study activity with a maximum of 4 contact hours per renewal period.
 - C) Documentation shall include title, author, publisher, time spent, and date of completion. A licensee shall include a statement that describes how the activity relates to a licensee's current or anticipated roles and responsibilities.
 - 2) Mentorship
 - A) Participation as Mentee

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- i) Participation in a formalized mentorship agreement with a mentor as defined by a signed contract between the mentor and mentee that outlines specific goals and objectives and designates the plan of activities that are to be met by the mentee.
 - ii) A licensee may earn contact hours spent in activities directly related to achievement of goals and objectives with a maximum of 8 contact hours per renewal period. The ~~Division~~Department may accept formalized mentorship programs for the amount of credit recommended by the mentor, not to exceed 8 hours per renewal period.
 - iii) Documentation shall include name of mentor and mentee, copy of signed contract, dates, hours spent in and focus of mentorship activities, and outcomes of mentorship agreement.
- B) Participation as Mentor
- i) Participation in a formalized mentorship agreement with a mentee as defined by a signed contract that designates the responsibilities of the mentor and specific goals and objectives that are to be met by the mentee.
 - ii) A licensee may earn contact hours spent in mentorship activities as a mentor with a maximum of 8 hours per renewal period.
 - iii) Documentation shall include name of mentor and mentee, copy of signed contract, dates, hours spent in and focus of mentorship activities, and outcomes of mentorship agreement.
- 3) Fieldwork Supervision
Participation as the primary clinical fieldwork educator for Level I/Level II OT or OTA fieldwork students.
- A) A licensee may earn 2 contact hours for each Level I student supervised. A licensee may earn 6 contact hours for each Level II

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student supervised. A licensee may earn a maximum of 8 contact hours for student supervision per renewal period.

- B) Documentation shall include verification provided by the school to the fieldwork educator with the name of student, school, and dates of fieldwork or the signature page of the completed student evaluation form. Evaluation scores and comments should be deleted or blocked out.

4) Professional writing

- A) First time publication of a professional or non-professional book, chapter, or article. A licensee may earn a maximum per renewal period as follows:

- i) 18 hours as an author of a book;
- ii) 12 hours as an author of a chapter;
- iii) 12 hours as an author of an article in a professional publication;
- iv) 6 hours as an author of an article in a non-professional publication;
- v) 12 hours as an editor of a book.

- B) Documentation shall consist of full reference for publication including: title, author, editor, and date of publication, or copy of acceptance letter if not yet published.

5) Presentation and Instruction

- A) First time or significantly revised presentation of an academic course or workshop, seminar, in-service, electronic or Web-based course. Speeches made at luncheons or banquets or any other presentation not within the guidelines of this Part are not eligible for CE credit.

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- B) A licensee who serves as an instructor, speaker or discussion leader of a CE program will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.
 - C) Documentation shall include a copy of official program/schedule/syllabus, including presentation title, date, hours of presentation, and type of audience or verification of the presentations~~such~~ signed by the sponsor.
- 6) Research
- A) Development of or participation in a research project.
 - B) A licensee may earn credit for hours spent working on a research project, for a maximum of 12 hours per renewal period.
 - C) Documentation includes verification from the primary investigator indicating the name of the research project, dates of participation, major hypotheses or objectives of the project, and licensee's role in the project.
- 7) Grants
- A) Development of a grant proposal.
 - B) A licensee may earn credit for hours working on a grant proposal for a maximum of 12 hours per renewal period.
 - C) Documentation includes name of grant proposal, name of grant source, purpose and objectives of the project, and verification from the grant author regarding licensee's role in the development of the grant if not the author.
- 8) Professional meetings and activities

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- A) Participation in board or committee work with agencies or organizations in professionally related areas to promote and enhance the practice of occupational therapy.
 - B) A licensee may earn 2 hours per appointment on a committee or board for one year for a maximum of 8 hours per renewal period.
 - C) Documentation includes name of committee or board, name of agency or organization, purpose of service, and description of licensee's role. Participation must be validated by an officer or representative of the organization or committee.
- 9) Advanced competence recognition/specialty certification
- A) Advanced recognition and/or specialty certification from a nationally recognized certifying body or approved provider.
 - B) A licensee may earn 12 contact hours for each advanced competence recognition or specialty certification credential earned.
 - C) Documentation includes certificate of completion or other documentation that identifies satisfactory completion of requirements for obtaining advanced competence or specialty certification.
- c) Continuing Education Sponsors and Programs
- 1) Approved sponsor, as used in this Section, shall mean:
 - A) American Occupational Therapy Association (AOTA) and its affiliates;
 - B) American Physical Therapy Association ~~and the Illinois Physical Therapy Association~~;
 - C) AOTA Approved Providers;
 - D) American Speech and Hearing Association and the Illinois Speech and Hearing Association;

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- E) American Medical Association and the Illinois State Medical Society and their affiliates;
 - F) Accredited Colleges and Universities;
 - G) American Society of Hand Therapists;
 - ~~H)~~F) Any other person, firm, association, corporation, or group that has been approved and authorized by the Division~~Department~~ pursuant to subsection (c)(2) ~~of this Section~~ upon the recommendation of the Board to coordinate and present CE~~continuing education~~ courses or programs.
- 2) Entities seeking a license as a CE sponsor pursuant to subsection (c)(1)(F) shall file a sponsor application, along with the required fee set forth in Section 1315.130. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:
- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) ~~of this Section~~ and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(7); and
 - C) That, upon request by the Division~~Department~~, the sponsor will submit evidence as is necessary to establish compliance with this Section. This evidence shall be required when the Division~~Department~~ has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) Each sponsor shall submit by December 31 of each odd numbered year a sponsor application along with the renewal fee set forth in Section

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1315.130. With the application the sponsor shall be required to submit to the ~~Division~~Department a list of all courses and programs offered in the prerenewal period, which includes a course description and location, date and time the course was offered.

- 4) Each CE program shall provide a mechanism for written evaluation of the program and instructor by the participants. The evaluation forms shall be kept for 5 years and shall be made available to the ~~Division~~Department upon written request.
- 5) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of occupational therapy;
 - B) Provide experiences that contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program.
- 6) All programs given by approved sponsors shall be open to all licensees and not be limited to the members of a single organization or group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 7) Certificate of Attendance
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name and address of the sponsor;
 - ii) The name and address of the participant and his/her license number;
 - iii) A detailed statement of the subject matter;

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- iv) The number of hours actually attended in each topic;
 - v) The date of the program; and
 - vi) Signature of the sponsor.
- B) The sponsor shall maintain these records for not less than 5 years.
- 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.
- 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the ~~Division~~Department, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the ~~Division~~Department receives reasonably satisfactory assurances of compliance with this Section.
- d) Continuing Education Earned in Other Jurisdictions
 - 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or 90 days prior to the expiration date of the license. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an ~~out-of-state~~out-of-state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
- e) Certification of Compliance with CE Requirements

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- 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).
 - 2) The ~~Division~~Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the ~~Division~~Department a renewal application, the renewal fee set forth in Section 1315.130, a statement setting forth the facts concerning the non-compliance, and a request for waiver of the CE requirements on the basis of these facts. If the ~~Division~~Department, upon the written recommendation of the Board, finds from the affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the ~~Division~~Department shall waive enforcement of these requirements for the renewal period for which the applicant has applied.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician;

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- ii) A physical inability to travel to the sites of approved programs; or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for the waiver is filed with the ~~Division~~Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the ~~Division's~~Department's final decision on the application has been made.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1315.150 Endorsement

- a) An applicant who is licensed under the laws of another jurisdiction shall file an application with the ~~Division~~Department, along with the following:
- 1) Certification that the applicant has completed an approved program of occupational therapy;
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapist, Registered or Certification Examination for Occupational Therapy Assistants, which shall be received directly from the designated testing service;
 - 3) ~~A complete work history since completion of occupational therapy training;~~ 4) Certification, on forms provided by the ~~Division~~Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

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- B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1315.160 Restoration

- a) A person seeking restoration of a license that has expired or been placed on inactive status for 5 years or more shall file an application with the ~~Division~~Department, on forms supplied by the ~~Division~~Department, along with the required fees specified in Section 1315.130 and proof of 24 hours of continuing education (e.g., certificate of attendance or completion) within 24 months prior to the restoration application in accordance with Section 1315.145. In addition the of this Part. The applicant shall also submit one of the following:
- 1) Sworn evidence of active practice in another jurisdiction. ~~The~~Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 11 of the Act (no fee is required when restoring from a period of military service if application is made within 2 years after termination of the service); or
 - 3) Verification of successful completion of the Certification Examination of the NBCOT for licensure as a registered occupational therapist or certified

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occupational therapy assistant within the last 5 years prior to applying for restoration; or

- 4) Evidence of successful completion of 48 hours of continuing education in occupational therapy, including attendance at college level courses, professionally oriented continuing education classes, special seminars, or any other similar program completed within 2 years prior to application for restoration.
- b) A registrant seeking restoration of a license that has been expired for less than 5 years shall have the license restored upon payment of \$20 plus all lapsed renewal fees required by Section 1315.130 of this Part. A licensee seeking restoration of a license shall be required to submit proof of the required 24 hours of CE ~~continuing education~~ in accordance with Section 1315.145. These CE hours shall be earned within the 2 years prior to renewal.
- c) A registrant seeking restoration of a license that has been on inactive status for less than 5 years shall have the license restored upon payment of the current renewal fee. A licensee seeking restoration of a license shall be required to submit proof of the required 24 hours of CE ~~continuing education~~ in accordance with Section 1315.145. These CE hours shall be earned within the 2 years prior to renewal.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division~~Department~~ or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide ~~such~~ information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain ~~the~~such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1315.162 Modalities in Occupational Therapy

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Occupational therapy services include the use of physical agent modalities for occupational therapists and occupational therapy assistants who have the training, skill and competency to apply these modalities.

- a) Physical agent modalities:
 - 1) refer to those modalities that produce a response in soft tissue through the use of light, water, temperature, sound, or electricity;
 - 2) are characterized as adjunctive methods used in conjunction with or in immediate preparation for: patient involvement in purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; or the promotion of health and wellness; and
 - 3) include but are not limited to the following:
 - A) electrical stimulation;
 - B) iontophoresis;
 - C) superficial heating agents;
 - D) cryotherapy; and
 - E) deep heating agents.
- b) Following is the training required for the use of physical agent modalities used by occupational therapists and occupational therapy assistants.
 - 1) Modalities
 - A) Modalities using electricity would cover: pain control, edema reduction, and muscle reeducation. Examples include, but are not limited to: biofeedback, NMES/FES, TENS, HVGS, interferential, iontophoresis. The training shall include:
 - i) a minimum of 12 hours of didactic training in a program defined in this Section that includes demonstration and return demonstration and an examination; and

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- ii) 5 treatments in each modality supervised by a licensed health care professional trained in the use of the modality.
 - B) Thermal modalities would include superficial and deep heat and cyrotherapy. Examples include, but are not limited to, hot and cold packs, ice massage, fluidotherapy, warm whirlpool, cool whirlpool, ultrasound, phonophoresis, paraffin, contrast baths.
 - i) a minimum of 3 hours of didactic training in a program defined in this Section that includes demonstration and return demonstration and an examination. The training session should include the mechanics and precautions of using the modality safely as well as case studies and problem solving on when to use. The ethics, economics, liability, and insurance issues related to using modalities should also be addressed in the educational process.
 - ii) 5 treatments in each modality supervised by a licensed health care professional trained in the use of the modality.
- 2) The didactic training shall be obtained through educational programs, workshops, or seminars offered or approved by a college or university, Illinois Occupational Therapy Association, the American Occupational Therapy Association and its affiliates, Illinois Physical Therapy Association, the American Physical Therapy Association or its chapters, National Board of Certification of Occupational Therapy (NBCOT), or the Hand Therapy Certification Commission.
- 3) The training shall be documented and made available to the Division~~Department~~ or Board upon request. Training shall be completed prior to the use of these modalities. Documentation shall include:
 - A) a transcript or proof of successful completion of the coursework, including the number of educational hours;
 - B) the name and address of the individual or organization sponsoring the activity;

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- C) the name and address of the facility at which the activity was presented;
 - D) a copy of the course, workshop, or seminar description that includes topics covered, learning objectives, credentials of presenters and standards for meeting the objectives;
 - E) documentation of the 5 clinical treatments that includes date of the treatments, the modality and the name and credentials of the supervisor.
- c) Occupational therapists and occupational therapy assistants who, prior to January 1, 2002, have attended training programs and have developed competencies in the use of physical agent modalities may demonstrate competency through proof of one or more of the following:
- 1) documentation of previous attendance and completion of the required training as stated in subsection (b);
 - 2) documentation of professional experience at the work place through policy and procedures indicating the use of modalities, inservice training, proof of prior use. ~~The~~Such experience shall include at least 20 applications for each modality within the last 3 years;
 - 3) documentation of attendance at educational programs, including post-professional programs, in-service training and specific certifications in the use of modalities; or
 - 4) documentation of certification as a hand therapist from the Hand Therapy Certification Commission.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1315.165 Professional Conduct Standards

All licensed occupational therapists or occupational therapy assistants shall comply with the standards of professional conduct set forth in this Section~~below~~. Any violation of these conduct rules may be considered unethical, unauthorized or unprofessional conduct. The Division~~Department~~ may suspend or revoke a license, refuse to issue or renew a license, or take

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other disciplinary action, based upon the finding of "unethical, unauthorized or unprofessional conduct" within the meaning of Section 19 of the Act.

- a) Individuals licensed under the Act shall be required, when signing official patient records, to designate licensure by including the notation O.T.R./L (Occupational Therapist, Registered/Licensed) or C.O.T.A./L (Certified Occupational Therapy Assistant/Licensed) after the licensee's signature.
- b) Occupational therapy personnel shall respect the rights of the recipients of their services.
 - 1) Occupational therapy personnel should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.
 - 2) Occupational therapy personnel shall avoid those relationships or activities that interfere with professional judgment and objectivity. Occupational therapy personnel shall not have relationships that exploit the recipient of services sexually, physically, emotionally, financially, socially or in any other manner.
 - 3) Occupational therapy personnel shall strive to ensure that fees are fair, reasonable and commensurate with the service performed and are set with due regard for the service recipient's ability to pay.
 - 4) Occupational therapy personnel shall collaborate with service recipients or their ~~surrogates~~ surrogate(s) in determining goals and priorities throughout the intervention process.
 - 5) Occupational therapy personnel shall fully inform the service recipients of the nature, risks and potential outcomes of any interventions.
 - 6) Occupational therapy personnel shall obtain informed consent from subjects involved in research activities indicating they have been fully advised of the potential risks and outcomes.

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- 7) Occupational therapy personnel shall respect the individual's right to refuse professional services or involvement in research or educational activities.
 - 8) Occupational therapy personnel shall protect the confidential nature of information gained from educational, practice and research activities.
- c) Occupational therapy personnel shall achieve and continually maintain high standards of competence.
- 1) Occupational therapy personnel shall take responsibility for maintaining competence by participating in professional development and educational activities.
 - 2) Occupational therapy personnel shall perform their duties on the basis of accurate and current information.
 - 3) Occupational therapy practitioners shall protect service recipients by ensuring that duties assumed by or assigned to other occupational therapy personnel are commensurate with their qualifications and experience.
 - 4) Occupational therapy practitioners shall provide appropriate supervision to consult with other service providers when additional knowledge and expertise are required.
 - 5) Occupational practitioners shall refer recipients to other service providers or consult with other service providers when additional knowledge and expertise are required.
- d) Occupational therapy personnel shall comply with laws and rules in relation to the profession of occupational therapy.
- 1) Occupational therapy personnel shall understand and abide by local, State and federal laws and institutional rules.
 - 2) Occupational therapy personnel shall require those they supervise in occupational therapy activities to adhere to the professional conduct rules established in this Part.

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- 3) Occupational therapy personnel shall accurately record and report all information related to professional activities.
- e) Occupational therapy personnel shall provide accurate information about occupational therapy services.
 - 1) Occupational therapy personnel shall accurately represent their qualifications, education, experience, training and competence.
 - 2) Occupational therapy personnel shall disclose to recipients any affiliations that may pose a conflict of interest.
 - 3) Occupational therapy personnel shall refrain from using or participating in the use of any form of communication that contains false, fraudulent, deceptive, or unfair statements or claims.
- f) Occupational therapy personnel shall treat colleagues and other professionals with fairness, discretion and integrity.
 - 1) Occupational therapy personnel shall safeguard confidential information about colleagues and staff.
 - 2) Occupational therapy personnel shall accurately represent the qualifications, views, contributions and findings of colleagues.
- g) Pursuant to Section 19(8) of the Act, the ~~Division~~Department hereby incorporates by reference the Occupational Therapy Code of Ethics of the American Occupational Therapy Association, 4720 Montgomery Lane, P.O. Box 31220, Bethesda, Maryland 20824, July 1994, with no later amendments or editions.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1315.200 Granting Variances

- a) The Director may grant variances from this Part in individual cases when~~where~~ he/she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;

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- 2) No party will be injured by the granting of the variance;
 - 3) The rule from which the variance is granted would in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons for granting the variance~~therefor~~, at the next meeting of the Board.

(Source: Amended at 35 Ill. Reg. _____, effective _____)