The 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 August 14, 2015 Illinois Register. The 45 day comment period will end September 28, 2015.

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) Section Numbers: Proposed Action:
   1315.100   Amendment
   1315.110   Amendment
   1315.145   Amendment
   1315.150   Amendment
   1315.160   Amendment
   1315.162   Amendment
   1315.163   Amendment
   1315.164   Amendment
   1315.165   Amendment
   1315.166   New Section

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: Public Act 98-264, effective December 31, 2013, is the sunset reauthorization of the Illinois Occupational Therapy Practice Act; this proposed rulemaking implements its provisions. Updates to the Modalities provisions in Section 1315.162 reflect changes in industry standards.
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Section 1315.160 is amended to clarify standards to restore a license that has been inactive for more than 5 years. Section 1315.166 concerning confidentiality is being added to reflect statutory changes. Changes to Section 1315.145 would expand Continuing Education (CE) opportunities as well as CE sponsors. Additional technical and clean up changes are being made to reflect standard Department language and procedures.

6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking, in accordance with 1 Ill. Adm. Code 100.355: 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: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice 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:
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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

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: July 2015

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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
1315.166 Confidentiality
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)].

Section 1315.100 Approved Programs

a) The Department of Financial and Professional Regulation-Division of Professional Regulation (Division) 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 masters or doctoral degree in occupational therapy, or its equivalent, or an associate degree as an occupational therapy assistant, 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 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 shall take into consideration, but not be bound by, accreditation or approval by the Accreditation Counsel for Occupational Therapy (ACOTE).
c) The Division 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.

d) The Division has determined that all occupational therapist (OT) or occupational therapy assistant (OTA) programs approved by the National Board for Certification in Occupational Therapy (NBCOT) as of July 1, 1996 meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 39 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, on forms supplied by the Division, 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, which shall be received directly from the designated testing service;

3) Verification of employment and Division 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) The required fee set forth in Section 1315.130(a) of this Part; and

5) Certification, on forms provided by the Division, 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.

b) Any person seeking licensure as an occupational therapy assistant shall file an application with the Division, on forms supplied by the Division, along with the following:

1) Certification that the applicant has completed an approved program as an occupational therapy assistant as set forth in Section 1315.100;

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) Verification of employment and Division 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) The required fee set forth in Section 1315.130(a) of this Part; and

5) Certification, on forms provided by the Division, 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 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 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.

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 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 or until the employer verifies that the application is on file with the Division.

(Source: Amended at 39 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 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 CE is equivalent to 12 units of Continued Competency Activities (CCA) (2 contact hours = 1 unit).

2) In each renewal period, one contact hour shall include a course in ethics.

3) A CE contact hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.

4) 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. **There is no restriction on the amount of CE hours that can be earned in this manner per renewal period.**

5) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

6) Individuals licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

6) All CE hours must be earned by verified attendance at or participation, regardless of the method of delivery, in a program that is offered by an approved CE sponsor who meets the requirements set forth in subsection (c) or by other CE activities set forth in subsection (b).

7) CE 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) **Approved Continuing Education**

1) All CE activities shall:

A) Be relevant to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of occupational therapy or fulfilling the other professional roles of an occupational therapist or occupational therapy assistant;

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.

2) Regardless of delivery method, all CE hours must be earned by verified attendance or participation in a program that is offered by an approved CE sponsor who meets the requirements set forth in subsection (d), or by other
CE activities set forth in subsection (c). This includes distance learning CE courses. Distance learning courses include, but are not limited to, web-based courses, webinars, moderated teleconferences or audio cassettes, CDs or videos of professional presentations offered by approved sponsors.

c) CE may also be earned from the following activities:

1) Independent Study

A) Independent study activities include, but are not limited to, 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) Professional Study Group

A) A licensee may earn up to 12 contact hours per renewal period participating in a professional study group or online study group designed to advance knowledge through active participation.

B) Documentation shall include goals and objectives, summary of the discussion, and dates, times and results of the study group.

3) Mentorship/Participation as a Mentor/Mentee

A) Participation as Mentee - 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.
B) A mentor/mentee, 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 may accept formalized mentorship programs for the amount of credit recommended by the mentor, not to exceed 8 hours per renewal period.

C) 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.

4) Fieldwork Supervision

Participation as the primary clinical fieldwork educator for Level I/Level II OT or OTA fieldwork students.

A) A licensee, as the primary clinical fieldwork educator for a Level I/Level II OT or OTA fieldwork student may earn 1 contact hour per week of supervision for each Level I student supervised. A licensee may earn 6 contact hours for each Level II student supervised. A licensee may earn a maximum of 128 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.

C) If student supervision is provided by more than one OT or OTA, each OT or OTA may claim only the hours actually spent in supervision.

5)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.

6)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.

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 presentation signed by the sponsor.

7) Research

A) Development of or participation in a research project or development of an evidence based project.

B) A licensee may earn credit for hours spent working on a research project or evidence based 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 or evidence based project, dates of participation, major hypotheses or objectives of the project, and licensee's role in the project.

8) 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.

9) Professional Meetings and Activities
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A) Participation in board or committee work with agencies or organizations in professionally related community based programs to promote and enhance the practice of occupational therapy.

B) A licensee may earn 2 contact 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.

10) Volunteer Service

A) Provide volunteer services that utilize occupational therapy skills and experiences to enhance and/or better the lives of organizations, populations, communities or individuals.

B) A licensee may earn 2 contact hours per 5 hours of volunteer service, for a maximum of 12 hours per renewal period.

C) Documentation includes the name of the agency or organization, purpose of the service, and a description of the licensee's role with dates, hours and outcomes of volunteer service. Participation must be validated by an officer or representative of the organization or agency.

11) 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 during a renewal period.
C) Documentation includes certificate of completion or other documentation that identifies satisfactory completion of requirements for obtaining advanced competence or specialty certification.

D) American Occupational Therapy Association (AOTA) approved post-professional clinical residency or fellowship. A licensee may earn 1 contact hour for every 2 hours spent in a clinical residency or fellowship, for a maximum of 24 hours per renewal period.

d) 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 (APTA) and the Illinois Physical Therapy Association (IPTA);

C) AOTA approved sponsors; Approved Providers;

D) American Speech and Hearing Association (ASHA) and the Illinois Speech and Hearing Association (ISHA);

E) American Medical Association (AMA) and the Illinois State Medical Society (ISMS) and their affiliates;

F) Colleges, universities, community colleges or institutions with occupational therapy or occupational therapy assistant education programs accredited by the American Council for Occupational Therapy Education (ACTOE);

G) Regionally accredited colleges and universities;

H) American Society of Hand Therapists;

I) Licensed hospitals;
J) State agencies;

K) Educational institutions that provide occupational therapy services, including, but not limited to, public or private primary and secondary schools;

L) Any other person, firm, association, corporation, or group that has been approved and authorized by the Division pursuant to subsection (de)(2) upon the recommendation of the Board to coordinate and present CE courses or programs.

2) Entities seeking a license as a CE sponsor pursuant to subsection (de)(1)(GF) 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 (de) 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 (de)(7); and

C) That, upon request by the Division, the sponsor will submit evidence necessary to establish compliance with this Section. This evidence shall be required when the Division 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 1315.130. With the application, the sponsor shall be required to submit to the Division 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 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;

   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, 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 the Division receives reasonably satisfactory assurances of compliance with this Section.

e)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 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.

de) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a).

2) The Division 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].

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 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, 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 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;

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, the renewal applicant shall be given at
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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 (g)(1) shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 39 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, 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 or Certification Examination for Occupational Therapy Assistants, which shall be received directly from the designated testing service;

3) Certification, on forms provided by the Division, 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;

   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 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 39 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, on forms supplied by the Division, along with the required fees specified in Section 1315.130 and proof of 12 hours of continuing education in accordance with Section 1315.145 for each year the license was lapsed or inactive up to a maximum of 60 hours. At least 24 hours must have occurred 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 applicant shall also submit one of the following:

1) Sworn evidence of active practice in another jurisdiction. The 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 occupational therapy assistant within the last 5 years prior to applying for restoration; or

4) Evidence of successful completion of a re-entry program through an accredited college or university that provides an approved program for OTs or OTA. The re-entry program will be clearly labeled as such and may include courses from an accredited entry level OT or OTA program. The certificate of completion or transcript will be submitted to the Division. After receipt of the license, the applicant shall complete 30 hours of supervised work and keep documentation of the supervised work 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 fees required by Section 1315.130. A licensee seeking restoration of a license shall be required to submit proof of the required 12 hours of continuing education in accordance with Section 1315.145 for each year the license was lapsed or inactive, up to a maximum of 60 hours. At least 24 hours must have occurred within 24 months prior to the restoration application. 24 hours of CE 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 12 hours of continuing education in accordance with Section 1315.145 for each year the license was lapsed or inactive, up to a maximum of 60 hours. At least 24 hours must have occurred within 24 months prior to the restoration application. 24 hours of CE 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 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 information as may be necessary; and/or

2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 39 Ill. Reg. ______, effective ____________)

Section 1315.162 Modalities in Occupational Therapy

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, neuromuscular electrical stimulation/functional electrical stimulation (NMES/FES), transcutaneous electrical nerve stimulation (TENS), high volt galvanic stimulation (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
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 cryotherapy. Examples include, but are not limited to, hot and cold packs, ice massage, fluidotherapy, warm whirlpool, cool whirlpool, ultrasound, phonophoresis, paraffin and 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.

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 for Certification in Occupational Therapy (NBCOT), or the Hand Therapy Certification Commission.

3) The training shall be documented and made available to the Division 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;

C) the name and address of the facility at which the activity was
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.

4) The clinical treatment demonstration shall include the following:

A) The ability to evaluate or contribute to the evaluation of the client, and make an appropriate selection of the modality to be utilized;

B) A thorough knowledge of the effects of the modality that is to be utilized;

C) The ability to explain the precaution, contraindication and rationale of the specific modality utilized;

D) The ability to formulate and justify the occupational therapy intervention plan, specifically delineating the adjunctive strategy associated with the use of each modality;

E) The capability to safely and appropriately administer the modality;

F) The ability to properly document the parameters of intervention, which include the client's response to treatment and the recommendation for the progression of the intervention process.

5) The clinical supervisor for the treatment session shall:

A) Be licensed or certified and in good standing in this profession or another profession within Illinois that permits the use of the physical agent modalities;

B) Be a practitioner at the same or greater professional level;
C) Have a minimum of 1 year of clinical experience, within the previous 3 years, in the use of the physical agent modalities.

e) 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 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 39 Ill. Reg. ______, effective ____________)

Section 1315.163 Supervision of an Occupational Therapy Assistant

a) A certified occupational therapy assistant shall practice only under the supervision of a registered occupational therapist. Supervision is a process in which 2 or more persons participate in a joint effort to establish, maintain and elevate a level of performance and shall include the following criteria:

1) To maintain high standards of practice based on professional principles, supervision shall connote the physical presence of the supervisors and the assistant at regularly scheduled supervision sessions.

2) Supervision shall be provided in varying patterns as determined by the demands of the areas of patient/client service and the competency of the individual assistant. Such supervision shall be structured according to the assistant's qualifications, position, level of preparation, depth of
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experience and the environment within which he/she functions.

3) The supervisors shall be responsible for the standard of work performed by the assistant and shall have knowledge of the patients/clients and the problems being discussed. **Co-signature does not reflect supervision.**

4) A minimum guideline of formal supervision is as follows:

   A) The occupational therapy assistant who has less than one year of work experience or who is entering new practice environments or developing new skills shall receive a minimum of 5% on-site face-to-face supervision from a registered occupational therapist per month. On-site supervision consists of direct, face-to-face collaboration in which the supervisor must be on the premises. The remaining work hours must be supervised by a combination of telephone, electronic communication, telecommunication, technology or face-to-face consultation.

   B) The occupational therapy assistant with more than one year of experience in his/her current practice shall have a minimum of 5% direct supervision from a registered occupational therapist per month. The 5% direct supervision shall consist of 2% direct, face-to-face collaboration. The remaining 3% of supervision shall be a combination of telephone, or electronic communication, telecommunication technology or face-to-face consultation.

b) Record Keeping. It is the responsibility of the occupational therapy assistant to maintain on file at the job site signed documentation reflecting supervision activities. This supervision documentation shall contain the following: date of supervision, means of communication, information discussed and the outcomes of the interaction. Both the supervising occupational therapist and the occupational therapy assistant must sign each entry.

(Source: Amended at 39 Ill. Reg. _______, effective ____________)

Section 1315.164 Supervision of an Aide in Occupational Therapy

a) An aide in occupational therapy may also be called an occupational therapy technician (tech) or occupational therapy paraprofessional. This is a person who is not licensed by the Board and provides supportive services to occupational
therapists and occupational therapy assistants that may include client-related and non-client related duties and that do not require the knowledge, skills or judgment of an occupational therapist or occupational therapy assistant. An aide in occupational therapy works under the direct on-site supervision of an occupational therapist and/or occupational therapy assistant. The occupational therapist is ultimately responsible for the use of aides in occupational therapy.

b) An occupational therapist and/or occupational therapy assistant may delegate to an aide in occupational therapy only specific tasks, which are neither evaluative, selective nor recommending in nature, only after insuring that the aide has been appropriately trained for the performance of the task.

c) Any duties assigned to an aide in occupational therapy must be determined and appropriately supervised by an occupational therapist and/or occupational therapy assistant and must not exceed the level of training, knowledge, skill and competence of the individual being supervised.

d) Duties and/or functions that aides in occupational therapy may perform include, but are not limited to:

1) Under supervision:
   A) routine department maintenance work;
   B) transportation of individuals/patients/clients;
   C) preparation or setting up of treatment equipment and work areas;
   D) taking care of individuals'/patients'/clients' personal needs during treatment that are not part of occupational therapy treatment;
   E) clerical, secretarial, administrative activities; and
   F) assisting in the construction of adaptive equipment.

2) On-site supervision and within the visual field of the occupational therapist or occupational therapy assistant:
   A) following up with selected routine activity or exercise; and
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B) aiding the occupational therapist and/or the occupational therapy assistant during occupational therapy treatment of the individual, patient or client.

e) Duties or functions that aides in occupational therapy shall not perform include, but are not limited to:

1) initiate and/or interpret referrals for occupational therapy services;

2) perform evaluative/assessment procedures;

3) develop, plan, adjust or modify treatment procedures;

4) act on behalf of the occupational therapist and/or occupational therapy assistant in any matter related to direct individual/patient/client care that requires judgment or decision-making;

5) document services reported as occupational therapy; or

6) represent himself or herself as an occupational therapist or an occupational therapy assistant.

f) An aide in occupational therapy may not provide direct individual/patient/client treatment.

(Source: Amended at 39 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. Any violation of these conduct rules may be considered unethical, unauthorized or unprofessional conduct. The Division may suspend or revoke a license, refuse to issue or renew a license, or take 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 OT/L (Occupational Therapist, Licensed) or OTR/L (Occupational Therapist, Registered/Licensed) or
b) Occupational therapy practitioners shall respect the rights of the recipients of their services.

1) Occupational therapy practitioners 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 practitioners shall avoid those relationships or activities that interfere with professional judgment and objectivity. Occupational therapy practitioners shall not have relationships that exploit the recipient of services sexually, physically, emotionally, financially, socially or in any other manner.

3) Occupational therapy practitioners 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 practitioners shall collaborate with service recipients or their surrogates in determining goals and priorities throughout the intervention process.

5) Occupational therapy practitioners shall fully inform the service recipients of the nature, risks and potential outcomes of any interventions.

6) Occupational therapy practitioners shall obtain informed consent from subjects involved in research activities indicating they have been fully advised of the potential risks and outcomes.

7) Occupational therapy practitioners shall respect the individual's right to refuse professional services or involvement in research or educational activities.

8) Occupational therapy practitioners shall protect the confidential nature of information gained from educational, practice and research activities.
c) Occupational therapy practitioners shall achieve and continually maintain high standards of competence.

1) Occupational therapy practitioners shall take responsibility for maintaining competence by participating in professional development and educational activities.

2) Occupational therapy practitioners 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 therapy practitioners shall refer recipients to other service providers or consult with other service providers when additional knowledge and expertise are required.

d) Occupational therapy practitioners shall comply with laws and rules in relation to the profession of occupational therapy.

1) Occupational therapy practitioners shall understand and abide by local, State and federal laws and institutional rules.

2) Occupational therapy practitioners shall require those they supervise in occupational therapy activities to adhere to the professional conduct rules established in this Part.

3) Occupational therapy practitioners shall accurately record and report all information related to professional activities.

e) Occupational therapy practitioners shall provide accurate information about occupational therapy services.

1) Occupational therapy practitioners shall accurately represent their qualifications, education, experience, training and competence.
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2) Occupational therapy practitioners shall disclose to recipients any affiliations that may pose a conflict of interest.

3) Occupational therapy practitioners 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 practitioners shall treat colleagues and other professionals with fairness, discretion and integrity.

1) Occupational therapy practitioners shall safeguard confidential information about colleagues and staff.

2) Occupational therapy practitioners shall accurately represent the qualifications, views, contributions and findings of colleagues.

g) Pursuant to Section 19(8) of the Act, the Division incorporates by reference the Occupational Therapy Code of Ethics of the American Occupational Therapy Association, 4720 Montgomery Lane, Ste. 200P.O. Box 31220, Bethesda, Maryland 20814-348920824, April 20152010, with no later amendments or editions.

(Source: Amended at 39 Ill. Reg. ______, effective ____________)

Section 1315.166 Confidentiality

All information collected by the Department in the course of an examination or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee filed with the Department and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department and shall not be disclosed. The Department may not disclose the information to anyone other than law enforcement officials, other regulatory agencies that have an appropriate regulatory interest as determined by the Secretary, or to a party presenting a lawful subpoena to the Department. Information and documents disclosed to a federal, State, county, or local law enforcement agency shall not be disclosed by the agency for any purpose to any other agency or person. A formal complaint filed against a licensee by the Department against a licensee or applicant shall be a public record, except as otherwise prohibited by law. (Section 19.2a of the Act)

(Source: Added at 39 Ill. Reg. ______, effective ____________)