

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/23/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 11/30/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

10 46 04 02 and .04-.07

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: September 30, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Anthony DeFranco, Assistant Attorney General, (telephone #410-767-6935) on October 16, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

October 23, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE

10.46.04 Continuing Competency Requirement

Authority: Health Occupations Article, §§10–205 and 10–311, Annotated Code of Maryland

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .02 and .04—.07 under COMAR 10.46.04 Continuing Competency Requirement.

This action was considered at a public meeting on July 17, 2015, notice of which was given on the Board’s website at <http://dhmh.maryland.gov/botp/SitePages/board-meetings.aspx> pursuant to State Government Article § 10-506(c)(1), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to :

- 1) Convert the renewal cycle for the Board to a biennial renewal cycle, instead of an annual cycle, where licensees who are born in even numbered years would renew in even numbered years and licensees born in odd numbered years would renew in odd numbered years;
- 2) Alter the required number of contact hours and the maximum amount of contact hours that can be earned in a certain activity based on the biennial renewal cycle;
- 3) Provide that contact hours provided by the National Board for Certification in Occupational Therapy (NBCOT) are pre-approved by the Board; and
- 4) Provide that a Board audit of continuing competency activities shall be done as a condition of licensure.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through December 30, 2015. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This proposal will not have an economic impact. Licensees will have to pay double the current renewal fee to renew their license for two years, instead of paying to renew it for one year. It is also expected that once all licensees are paying the renewal fee in the appropriate year, the Board's revenues will be more constant than in the past. Previously, when all licensees renewed in the same year, there was a spike in Board revenues in that year.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

It is incumbent upon a licensee to renew their license on time and to follow continuing competency requirements, not upon a small business.

G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE 10.46.04 Continuing Competency Requirement

Authority: Health Occupations Article, §§10-205 and 10-311, Annotated Code of Maryland

10.46.04.02 (downloaded 9/30/2015)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(10) (text unchanged)

(11) "Verification" means current official confirmation of licensure, certification, registration, or continuing education obtained directly from:

(a) A verification service provider approved by the issuing entity and accepted by the Board at its discretion;

or

(b) The entity by which the applicant is licensed, certified, registered, or educated.

.04 Licensure and Contact Hour Requirements.

A. Time Frame.

(1) Licensure Time Frame. [A license to practice occupational therapy or limited occupational therapy is valid for 1 year extending from July 1 to June 30 of the next year.]

(a) The Board shall stagger the terms of licenses.

(b) On or after July 1, 2016, and before July 1, 2017, the Board shall renew the licenses of licensees born in years ending in odd numbers for a 1-year term and the licenses of licensees born in years ending with even numbers for a 2-year term.

(c) Beginning July 1, 2017, a license is valid for a 2-year term and expires as follows:

(i) Licensees born in even numbered years are issued a license that expires on June 30 of even numbered years; and

(ii) Licensees born in odd numbered years are issued a license that expires on June 30 of odd numbered years.

(2) Continuing Competency Time Frame. [The period for completing continuing competency requirements for licensure renewal extends from January 1 to December 31 of the year before renewal.] *Continuing competency requirements shall be completed within the applicable licensure time frame.*

(3) (text unchanged)

B. Requirements Regarding Contact Hours.

(1) The occupational therapist or occupational therapy assistant shall certify a minimum of [12] 24 contact hours of competency activities obtained within the [1-year] 2-year period preceding the application for licensure, reactivation, or reinstatement.

(2) The [12] 24 contact hours referred to in §B(1) of this regulation shall consist of:

(a) A minimum of [8] 16 contact hours related to occupational therapy principles and procedures; and

(b) A maximum of [4] 8 contact hours through occupational therapy role-related activities.

(3) (text unchanged)

C. Exceptions.

[(1) Licensed Less Than 1 Year. An occupational therapist or an occupational therapy assistant who becomes licensed between July 1 and June 30, that is, has had a license less than 1 year before renewal, is exempt from continuing competency requirements for the first renewal period.]

[(2)] (1) Maintenance of Current Certification with the National Board of Certification in Occupational Therapy (NBCOT).

(a) (text unchanged)

(b) Documentation. The licensee shall provide [a photocopy of the front and back of the certificate] verification of maintenance of current NBCOT certification.

(2) Licensed Less Than 1 Year. An occupational therapist or occupational therapist assistant who has had a license less than 1 year before renewal is exempt from continuing competency requirements for the first renewal period.

(3)—(4) (text unchanged)

.05 Approval of Contact Hour Programs.

A. The Board preapproves contact hours provided by:

- (1) (text unchanged)
- (2) The Maryland Occupational Therapy Association (MOTA); [and]
- (3) AOTA-approved *provider*; and
- (4) *The National Board for Certification in Occupational Therapy (NBCOT)*.

B.—G. (text unchanged)

.06 Continuing Competency Activities.

A. (text unchanged)

B. A minimum of [8] 16 hours is required to be earned through continuing competencies related to occupational therapy principles and procedures.

C. A maximum of [4] 8 hours may be earned through occupational therapy role-related activities.

D. (text unchanged)

E. Continuing Competency Activities—Specific Requirements.

(1) Workshops, Seminars, Conferences.

(a) (text unchanged)

(b) Every [year] 2 *years*, a licensee may apply a maximum of:

(i) [12] 24 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and

(ii) [4] 8 hours toward the continuing competency option for role-related activities.

(c)—(d) (text unchanged)

(2) University, College, Adult Education Courses.

(a) A licensee may attend formal academic courses in occupational therapy or related topics at a university or college and receive [4] 8 contact hours per credit hour earned.

(b) Every [year] 2 *years*, a licensee may apply a maximum of:

(i) [12] 24 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and

(ii) [4] 8 hours toward the continuing competency option for role-related activities.

(c) (text unchanged)

(3) Fellowship Training.

(a) A licensee may attend fellowship training in a specific area and receive [12] 24 contact hours (a minimum of [6] 12 full-time weeks).

(b) Every [year] 2 *years*, a licensee may apply a maximum of:

(i) [12] 24 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and

(ii) [4] 8 hours toward the continuing competency option for role-related activities.

(c) (text unchanged)

(4) Specialty Certification.

(a) (text unchanged)

(b) Every [year] 2 *years*, a licensee may apply a maximum of:

(i) [10] 20 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and

(ii) [4] 8 hours toward the continuing competency option for role-related activities.

(c) (text unchanged)

(5) Physical Agent Modalities (PAMS).

(a) (text unchanged)

(b) Every [year] 2 *years*, a licensee may apply a maximum of:

(i) [12] 24 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and

(ii) [4] 8 hours toward the continuing competency option for role-related activities.

(c) (text unchanged)

(6) Auditing.

(a) (text unchanged)

(b) Every [year] 2 *years*, a licensee may apply a maximum of:

(i) [6] 12 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and

(ii) [4] 8 hours toward the continuing competency option for role-related activities.

(c) (text unchanged)

(7) Internet Learning.

(a) (text unchanged)

(b) Every [year] 2 *years*, a licensee may apply a maximum of:

(i) [8] 16 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and

- (ii) [4] 8 hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (8) Informal Self-Study.
 - (a) A licensee may participate through journal articles, or other reading opportunities with assessment, text books, video and audio tape, television, [VCR, DVD, CD] *electronic media*, seminars, workshops, and presentations and receive 1 contact hour per 1 hour of education.
 - (b) Every [year] 2 years, a licensee may apply a maximum of:
 - (i) [6] 12 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] 8 hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (9) In-Service Training.
 - (a) (text unchanged)
 - (b) Every [year] 2 years, a licensee may apply a maximum of:
 - (i) [6] 12 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] 8 hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (10) Mentoring.
 - (a) (text unchanged)
 - (b) Every [year] 2 years, a licensee may apply a maximum of:
 - (i) [4] 8 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] 8 hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (11) Presentations by Licensee of Occupational Therapy Education Programs, Workshops, Seminars, and In-Services.
 - (a)—(b) (text unchanged)
 - (c) Every [year] 2 years, a licensee may apply a maximum of:
 - (i) [8] 16 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] 8 hours toward the continuing competency option for role-related activities.
 - (d)—(e) (text unchanged)
- (12) Development of Instructional Materials.
 - (a) (text unchanged)
 - (b) Every [year] 2 years, a licensee may apply a maximum of:
 - (i) [6] 12 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] 8 hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (13) Poster Presentations.
 - (a) (text unchanged)
 - (b) Every [year] 2 years, a licensee may apply a maximum of:
 - (i) [6] 12 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] 8 hours toward the continuing competency option for role-related activities.
 - (c)—(d) (text unchanged)
- (14) Academic Guest Lecturer.
 - (a) (text unchanged)
 - (b) Every [year] 2 years, a licensee may apply a maximum of:
 - (i) [8] 16 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] 8 hours toward the continuing competency option for role-related activities.
 - (c)—(d) (text unchanged)
- (15) Fieldwork Supervision.
 - (a) (text unchanged)
 - (b) Every [year] 2 years, a licensee may apply a maximum of:
 - (i) [8] 16 hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] 8 hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (16) Text Book or Articles Published or Accepted for Publication.

- (a) (text unchanged)
- (b) Every [year] *2 years*, a licensee may apply a maximum of:
 - (i) [10] *20* contact hours from authorship, editorship, coauthorship, coeditorship, or all of these, of a book for occupational therapists or relating to occupational therapy;
 - (ii) [5] *10* contact hours for authorship or editorship of a chapter of a publication;
 - (iii) [4] *8* contact hours for authorship or editorship of an occupational therapy article or abstract in a peer-reviewed publication; or
 - (iv) [2] *4* contact hours for authorship or editorship of an occupational therapy-related article or abstract in a nonpeer-reviewed publication.
- (c) (text unchanged)
- (17) Research Projects.
 - (a) (text unchanged)
 - (b) Every [year] *2 years*, a licensee may apply a maximum of:
 - (i) [5] *10* contact hours per research project as approved by the Board toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] *8* hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (18) Evaluator.
 - (a) (text unchanged)
 - (b) Every [year] *2 years*, a licensee may apply a maximum of:
 - (i) [2] *4* contact hours per study for quality assurance or program evaluation studies completed and published toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] *8* hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (19) Reviewer/Editor.
 - (a) (text unchanged)
 - (b) Every [year] *2 years*, a licensee may apply a maximum of:
 - (i) [8] *16* contact hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] *8* hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (20) Professional Study Group.
 - (a) (text unchanged)
 - (b) Every [year] *2 years*, a licensee may apply a maximum of:
 - (i) [6] *12* contact hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] *8* hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (21) Jurisprudence Examination.
 - (a) (text unchanged)
 - (b) Every [year] *2 years*, a licensee may apply a maximum of 1 contact hours toward the continuing competency requirement related to occupational therapy principles and procedures.
 - (c) (text unchanged)
- (22) Volunteer Services.
 - (a) (text unchanged)
 - (b) Every [year] *2 years*, a licensee may apply a maximum of:
 - (i) [4] *8* contact hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] *8* hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)
- (23) Formal Self-Study.
 - (a) (text unchanged)
 - (b) Every [year] *2 years*, a licensee may apply a maximum of:
 - (i) [8] *16* contact hours toward the continuing competency requirement related to occupational therapy principles and procedures; and
 - (ii) [4] *8* hours toward the continuing competency option for role-related activities.
 - (c) (text unchanged)

.07 Audit of Continuing Competency.

- A.—B. (text unchanged)

C. A licensee is subject to an audit of the licensee's continuing competency documentation by the Board [before] as a condition of renewal of licensure.

D. (text unchanged)

VAN T. MITCHELL

Secretary of Health and Mental Hygiene