

CHAPTER 42. STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

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Authority

The provisions of this Chapter 42 issued under section 5 of the Occupational Therapy Practice Act (63 P.S. § 1505), unless otherwise noted.

Source

The provisions of this Chapter 42 adopted January 11, 1985, effective January 12, 1985, 15 Pa.B. 113, unless otherwise noted.

Cross References

This chapter cited in 49 Pa. Code § 41.26 (relating to professional corporations); and 49 Pa. Code § 47.21 (relating to professional corporations).

GENERAL PROVISIONS**§ 42.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

AOTA—American Occupational Therapy Association.

Act—The Occupational Therapy Practice Act (63 P.S. §§ 1501—1519).

Applicant—An individual seeking licensure under the act as an occupational therapist or an occupational therapy assistant.

Board—The State Board of Occupational Therapy Education and Licensure of the Commonwealth.

Certification—Recognition by the NBCOT that an individual is a registered occupational therapist or a certified occupational therapy assistant.

Commissioner—The Commissioner of Professional and Occupational Affairs.

Equivalent program—A masters or certificate program in occupational therapy approved by the Board.

Jurisdiction—A state, territory or country.

Licensee—An individual who has been licensed under the act as an occupational therapist or an occupational therapy assistant.

Licensure examination—The Certification Examination for Occupational Therapist, Registered, or the Certification Examination for Occupational Therapy Assistant prepared and administered by the NBCOT.

NBCOT—National Board for Certification in Occupational Therapy, Inc.

Service recipient—The patient or client who directly receives care or services from the licensee.

Surrogate—The spouse, parent or guardian of the service recipient.

Authority

The provisions of this § 42.1 issued under sections 5(b) and 8(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1508(2)); amended under 63 Pa.C.S. § 3111 and section (b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)).

Source

The provisions of this § 42.1 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663; amended January 21, 2022, effective January 22, 2022, 52 Pa.B. 448; amended September 15, 2023, effective September 16, 2023, 53 Pa.B. 5769. Immediately preceding text appears at serial pages (408390) to (408391).

§ 42.2. Applicability of general rules.

(a) Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to general rules of administrative practice and procedure) is applicable to practice and procedure before the Board.

(b) Official Board meetings will be conducted according to Roberts' Rules of Order.

Authority

The provisions of this § 42.2 issued under section 5(b) of the act of June 15, 1982 (P.L. 502, No. 140) (63 P.S. § 1505(b)).

Source

The provisions of this § 42.2 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335.

§ 42.3. Meetings of the Board.

Action may be taken by the Board at a constituted meeting at which a majority of appointed Board members are present. A simple majority of the members present and voting determine action to be taken by the Board. Minutes will be kept of Board meetings, and, upon approval by the Board, will become the official minutes.

Authority

The provisions of this § 42.3 issued under sections 5(b) and 8(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1508(2)).

Source

The provisions of this § 42.3 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial page (223095).

LICENSURE BY ENDORSEMENT**§ 42.9. Licensure by endorsement.**

(a) *Requirements for issuance.* To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant shall satisfy all of the following conditions:

(1) Have a current license, certificate, registration or permit in good standing to practice as an occupational therapist or an occupational therapy assistant in another jurisdiction whose standards are substantially equivalent to or exceed those established under section 8 of the act (63 P.S. § 1508) and §§ 42.11 and 42.13(a) (relating to licensure examination; and application for licensure). The following apply:

(i) An applicant shall submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, certificate, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by the following:

(i) Experience in the practice of occupational therapy by demonstrating, at a minimum, that the applicant has actively engaged in the licensed practice as an occupational therapist or occupational therapy assistant under a license, certificate, registration or permit in a substantially equivalent jurisdiction or jurisdictions, for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(3) Have not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice as an occupational therapist or occupational therapy assistant under section 16(a) of the act (63 P.S. § 1516(a)) and §§ 42.24 and 42.31 (relating to code of ethics; and unprofessional conduct).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the application for licensure fee as required by § 42.17 (relating to fees).

(6) Have satisfied the professional liability requirements as required under section 8 of the act and § 42.13(b).

(7) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(8) Have completed 3 hours of training in child abuse recognition and reporting from a provider approved by the Department of Human Services as required under 23 Pa.C.S. § 6383(b)(3)(i) (relating to education and training).

(b) *Interview and additional information.* An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request an interview by video teleconference for good cause shown.

(c) *Prohibited acts and discipline.* Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 16(a) of the act or disciplinary action by a jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

Authority

The provisions of this § 42.9 added under 63 Pa.C.S. § 3111; and section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)).

Source

The provisions of this § 42.9 added September 15, 2023, effective September 16, 2023, 53 Pa.B. 5769.

Cross References

This section cited in 49 Pa. Code § 42.10 (relating to provisional endorsement license).

§ 42.10. Provisional endorsement license.

(a) *Provisional endorsement license.* The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement) and § 42.9 (relating to licensure by endorsement).

(b) *Expiration of a provisional endorsement license.*

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) *Termination of a provisional endorsement license.* A provisional endorsement license terminates if any of the following occurs:

(1) When the Board completes its assessment of the applicant and either denies or grants the license.

(2) When the holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) When the provisional endorsement license expires.

(d) *Reapplication.* An individual may reapply for licensure by endorsement under § 42.9 after expiration or termination of a provisional endorsement license; however, the individual may not be issued a subsequent provisional endorsement license.

Authority

The provisions of this § 42.10 added under 63 Pa.C.S. § 3111; and section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)).

Source

The provisions of this § 42.10 added September 15, 2023, effective September 16, 2023, 53 Pa.B. 5769.

LICENSURE

§ 42.11. Licensure examination.

(a) The licensure examinations will be scheduled at least twice each year at times and places designated by the NBCOT.

(b) The applicant shall apply to NBCOT for admission to the licensure examination and shall pay the required fee at the direction of NBCOT.

(c) The applicant is responsible for directing that NBCOT send the applicant's examination results and other information requested to the Board.

(d) The passing score shall be that established by the NBCOT for each administration of the licensure examination.

(e) After the first failure, the applicant may take the next scheduled examination or the examination following the next scheduled examination. After a second or successive failure of the licensure examination, the Board may require the applicant to complete additional training approved by the Board. Written notice will be provided to the applicant as to what additional training will be required.

Authority

The provisions of this § 42.11 issued under sections 5(b) and 8(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1508(2)).

Source

The provisions of this § 42.11 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial pages (223095) to (223096).

Cross References

This section cited in 49 Pa. Code § 42.9 (relating to licensure by endorsement).

§ 42.12. Waiver of licensure examination.

An applicant may be licensed without examination who presents one of the following to the Board:

(1) Satisfactory evidence on forms provided by the Board, that the applicant is licensed or registered as an occupational therapist or occupational therapy assistant in another state, territory of the United States or the District of Columbia, which has requirements for licensure substantially equivalent to those of the Commonwealth.

(2) Satisfactory evidence that the applicant has successfully completed the NBCOT Certification Examination and is currently certified by NBCOT as a registered occupational therapist or an occupational therapy assistant.

Authority

The provisions of this § 42.12 issued under sections 5(b) and 8(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1508(2)).

Source

The provisions of this § 42.12 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial page (223096).

Cross References

This section cited in 49 Pa. Code § 42.13 (relating to application for licensure); 49 Pa. Code § 42.14 (relating to foreign-trained applicants); 49 Pa. Code § 42.16 (relating to biennial renewal; inactive status; failure to renew).

§ 42.13. Application for licensure.

(a) To apply for licensure, an applicant shall pay the required fee and submit or cause to be submitted evidence satisfactory to the Board, on forms provided by the Board, that the applicant meets the following criteria:

- (1) Is of good moral character.
- (2) Has successfully completed an educational program for occupational therapists or occupational therapy assistants that is either:
 - (i) Accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) or predecessor organizations.
 - (ii) Approved by the Board and accredited by a National programmatic accrediting agency recognized by the United States Department of Education.
- (3) Has successfully completed a period of supervised fieldwork experience as a part of an accredited educational program as required by paragraph (2) as follows:
 - (i) For an occupational therapist, a minimum of 6 months of supervised fieldwork.
 - (ii) For an occupational therapy assistant, a minimum of 2 months of supervised fieldwork.
- (4) Has passed the licensure examination or has qualified for a waiver of the licensure examination under § 42.12 (relating to waiver of licensure examination).
- (5) Has completed 3 hours of approved training in child abuse recognition and reporting in accordance with § 42.48 (relating to child abuse recognition and reporting—mandatory training requirement).

(b) In addition to the requirements in subsection (a), an applicant for an occupational therapist license shall submit one of the following:

- (1) Proof that the applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).
- (2) A letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability in the amount specified in § 42.61(a) upon the issuance of the applicant's license to practice occupational therapy in this Commonwealth.
- (3) A certification from the applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment as an occupational therapist, provided that the applicant does not practice occupational therapy prior to the beginning of employment.

Authority

The provisions of this § 42.13 issued under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)); amended under sections 5(b), 8(2) and (5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(2) and (5)(vi) and 1515(a)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.13 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624; amended January 21, 2022, effective January 22, 2022, 52 Pa.B. 448; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial page (415635).

Cross References

This section cited in 49 Pa. Code § 42.9 (relating to licensure by endorsement); 49 Pa. Code § 42.14 (relating to foreign-trained applicants); 49 Pa. Code § 42.15 (relating to application for temporary license); and 49 Pa. Code § 42.62 (relating to notifications).

§ 42.14. Foreign-educated applicants.

(a) To apply for licensure, the foreign-educated applicant shall, before examination, submit or cause to be submitted evidence to the Board, on forms provided by the Board, that the applicant meets the following requirements:

(1) Is of good moral character.

(2) Has completed educational requirements substantially equal to § 42.13(2) (relating to application for licensure). The Board will accept a credentials evaluation done by the NBCOT as proof that the foreign-educated applicant has completed the educational requirements.

(3) Has completed 3 hours of approved training in child abuse recognition and reporting in accordance with § 42.48 (relating to child abuse recognition and reporting—mandatory training requirement).

(b) The foreign-educated applicant may be licensed by the Board if the applicant has complied with subsection (a) and has met one of the following criteria:

(1) Passed the licensure examination.

(2) Qualified for a waiver of the licensure examination under § 42.12 (relating to waiver of licensure examination).

(c) In addition to the requirements in subsections (a) and (b), a foreign-educated applicant for an occupational therapist license shall submit one of the following:

(1) Proof that the foreign-educated applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

(2) A letter from the foreign-educated applicant's insurance carrier indicating that the applicant will be covered against professional liability in the amount specified in § 42.61(a) upon the issuance of the applicant's license to practice occupational therapy in this Commonwealth.

(3) A certification from the foreign-educated applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment as an occupational therapist, provided that the applicant does not practice occupational therapy prior to the beginning of employment.

Authority

The provisions of this § 42.14 issued under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.14 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial page (415636).

Cross References

This section cited in 49 Pa. Code § 42.62 (relating to notifications).

§ 42.15. Application for temporary license.

(a) The Board may issue a temporary license to an applicant who pays the required fee and submits evidence satisfactory to the Board, on forms provided by the Board, that the applicant:

(1) Has met requirements for licensure under § 42.13 (relating to application for licensure).

(2) Is eligible and has applied to take the licensure examination or has failed the licensure examination but applied to retake the examination on the next scheduled date if the following applies:

(i) The temporary license shall expire automatically upon the failure of the applicant to take the licensure examination, except for an appropriate excuse approved by the Board.

(ii) The temporary license shall expire automatically upon receipt by the applicant of notice of failure of re-examination, and the applicant may not be eligible for another temporary license for a period of 1 year from the date of the notice.

(iii) Even after 1 year from the date of notice of failure of re-examination, the applicant may not be issued another temporary license, except at the discretion of the Board.

(b) A temporary license issued under subsection (a) authorizes the practice of occupational therapy only as an assistant under the direct supervision of an occupational therapist licensed under the act and this chapter.

(c) The Board may also issue a temporary license to an applicant who:

(1) Pays the required fee.

(2) Submits evidence satisfactory to the Board, on forms provided by the Board, that the applicant is not a resident and is not licensed in this Commonwealth.

(3) Submits evidence to the Board that the applicant is either licensed under the laws of the District of Columbia or of a state or territory of the United States which has licensure requirements substantially equal to the requirements of the act or has met the requirements for certification as an occupational therapist registered or a certified occupational therapy assistant established by NBCOT.

(4) Certifies that the applicant will perform services for not longer than a 6 consecutive month period in a calendar year, in association with an occupational therapist licensed under the act.

(d) In addition to the requirements in subsection (a) or subsection (c), an applicant for a temporary license as an occupational therapist shall submit one of the following:

(1) Proof that the applicant has professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

(2) A letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability in the amount specified in § 42.61(a) upon issuance of the applicant's temporary license.

(3) A certification from the applicant indicating that the applicant will be covered by an employer against professional liability in the amount specified in § 42.61(a) effective upon the beginning of employment, provided that the applicant does not practice occupational therapy prior to the beginning of employment.

(e) In addition to the requirements in subsection (a) or subsection (c), an applicant for a temporary license as an occupational therapist shall complete, as a condition of licensure, 3 hours of approved training in child abuse recognition and reporting in accordance with § 42.48 (relating to child abuse recognition and reporting—mandatory training requirement).

Authority

The provisions of this § 42.15 issued under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.15 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial pages (415636) to (415638).

Cross References

This section cited in 49 Pa. Code § 42.62 (relating to notifications).

§ 42.16. Biennial renewal; inactive status; failure to renew.

(a) A license granted under the act expires on June 30 of every odd numbered year unless renewed for the next biennium.

(b) Biennial renewal forms, other forms and literature, and other official documents to be distributed by the Board or the Department of State will be sent to the last mailing address of record. The licensee has the responsibility to notify the Board of changes to the mailing address of record in writing within 10 days after making the address change.

(c) To retain the right to engage in practice, the licensee shall renew the licensee's license biennially as follows:

(1) An occupational therapist shall complete the biennial renewal application, pay the required fee, certify completion of the continued competence requirement as specified in § 42.53 (relating to continued competency requirements), submit or cause to be submitted documentation verifying the completion of at least 2 hours of approved continuing education in child abuse recognition and reporting in accordance with § 42.48(b) (relating to child abuse recognition and reporting—mandatory training requirement) and certify maintenance of the required professional liability insurance coverage as specified in § 42.61 (relating to professional liability insurance requirement) which must include the insurance company name and policy number, as applicable.

(2) An occupational therapy assistant shall complete the biennial renewal application, pay the required fee, certify completion of the continued competence requirement as specified in § 42.53 and submit or cause to be submitted documentation verifying the completion of at least 2 hours of approved continuing education in child abuse recognition and reporting in accordance with § 42.48(b).

(d) As set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), a licensee who has engaged in practice beyond the renewal date without renewing the license will be charged a fee of \$5 for each month or partial month of practice during which the license was not renewed, in addition to the biennial renewal fee.

(e) A licensee who does not intend to practice in this Commonwealth and who does not desire to renew his license shall inform the Board in writing. Written confirmation of the Board's receipt of his letter and notice that his license has been classified as inactive will be forwarded to the licensee.

(f) The licensee who either fails to pay the biennial renewal fee or who notifies the Board that he does not desire to renew his license will not be sent biennial renewal forms for following biennial renewal periods unless the licensee notifies the Board, in writing, of his desire to reactivate the license.

(g) A licensee who is applying to return to active status is required to pay fees which are due and submit or cause to be submitted all of the following:

- (1) A sworn statement stating the period of time during which the licensee was not engaged in practice in this Commonwealth.
- (2) A resume of professional activities since the most recent licensure.
- (3) A letter of good standing from another state or territory where the licensee is currently licensed or registered to practice, if applicable.
- (4) Proof of professional liability insurance coverage as set forth in § 42.61 if applying to reactivate an occupational therapist license.
- (5) Verification of completion of at least 2 hours of approved continuing education in child abuse recognition and reporting in accordance with § 42.48(b).

(h) The applicant for licensure renewal will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not engage in practice in this Commonwealth.

(i) An applicant who has failed to renew a license and has not practiced for longer than 4 years shall pass the licensure examination or qualify for a waiver of examination under § 42.12 (relating to waiver of licensure examination) before the license is renewed. In addition, the Board may require the applicant to do one or more of the following:

- (1) Be personally interviewed by a designated Board member or representative.
- (2) Pass an oral practical examination.
- (3) Prove physical and mental fitness to practice in this Commonwealth.

(j) If other conditions of the act and this chapter have been met, active status will be restored upon payment of fees and penalties which have accrued.

(k) A licensee who has engaged in practice during a period in which the licensee's license was not active may be subject to criminal prosecution under section 16(c) of the act (63 P.S. § 1516(c)).

Authority

The provisions of this § 42.16 issued under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.16 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial pages (415638) to (415639).

§ 42.17. Fees.

(a) The fee schedule for licensure as an occupational therapist shall be as follows:

Application for license	\$30
Biennial renewal of license	\$55
Temporary license.	\$20
Verification of licensure	\$15
Certification of license, scores or hours	\$25

(b) The fee schedule for licensure as an occupational therapy assistant shall be as follows:

Application for license	\$30
Biennial renewal of license	\$45
Temporary license.	\$20
Verification of licensure	\$15
Certification of license, scores or hours	\$25

(c) The fee schedule for continued competency providers and courses shall be as follows:

Initial provider approval	\$40
Biennial renewal of provider approval	\$40
Individual activity approval	\$40

Authority

The provisions of this § 42.17 issued under section 5 of the Occupational Therapy Practice Act (63 P.S. § 1505); amended under sections 5(b) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1515(a)).

Source

The provisions of this § 42.17 adopted January 11, 1985, effective January 12, 1985, 15 Pa.B. 113; amended May 26, 2000, effective May 27, 2000, 30 Pa.B. 2597; amended June 21, 2013, effective June 22, 2013, 43 Pa.B. 3350. Immediately preceding text appears at serial page (285440).

Cross References

This section cited in 49 Pa. Code § 42.9 (relating to licensure by endorsement).

§ 42.18. [Reserved].

Source

The provisions of this § 42.18 adopted January 17, 1992, effective January 18, 1992, 22 Pa.B. 273; reserved December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial page (267182).

§ 42.19. Licensee's change of name or address; service of process and legal papers.

(a) A licensee's name and address on file with the Board shall be deemed the licensee's official name and address for the purpose of service of process and other legal papers.

(b) A licensee's name on file with the Board shall be the name that appears on the license unless that name is legally changed, in which case the licensee shall report the change and the reason for the change to the Board in writing within 10 days of the change.

(c) A licensee who changes an address on file with the Board shall notify the Board in writing within 10 days. Licensees who do not comply with this subsection shall bear full responsibility for failure to receive correspondence from the Board, including biennial renewal notification.

Authority

The provisions of this § 42.19 issued under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)).

Source

The provisions of this § 42.19 adopted December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663.

MINIMUM STANDARDS OF PRACTICE**§ 42.21. Delegation of duties to aides and other unlicensed personnel.**

(a) A licensee may delegate to aides and other unlicensed personnel duties associated with nontreatment aspects of occupational therapy services if the following conditions are met:

(1) The licensee who delegates a duty shall accept professional responsibility for the performance of that duty by the aide or other unlicensed person to whom it is delegated. Responsibility for the performance of a duty delegated by an occupational therapy assistant shall lie with both the assistant and with the occupational therapist who supervises that assistant.

(2) The aide or other unlicensed person does not perform an activity which requires licensure under the act.

(b) The following are examples of the lawful use of aides or other unlicensed personnel in the occupational therapy setting:

(1) Transporting patients.

(2) Preparing or setting up a work area or equipment.

(3) Attending to the personal needs of patients/clients during treatment.

(4) Assisting patients/clients with nontreatment aspects of occupational therapy services, such as monitoring and cuing patients/clients as they participate in activities.

(5) Performing clerical and housekeeping activities.

(c) The following are examples of the unlawful use of aides or other unlicensed personnel in the occupational therapy setting:

(1) Evaluating patients/clients.

(2) Treating patients/clients.

(3) Recording occupational therapy progress reports on the chart of a patient/client.

(d) Failure to comply with this section constitutes unprofessional conduct under section 16(a)(2) of the act (63 P.S. § 1516(a)(2)).

Authority

The provisions of this § 42.21 amended under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)).

Source

The provisions of this § 42.21 adopted January 17, 1992, effective January 18, 1992, 22 Pa.B. 273; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial page (223101).

§ 42.22. Supervision of occupational therapy assistants.

(a) Section 3 of the act (63 P.S. § 1503) provides that licensed occupational therapy assistants may assist in the practice of occupational therapy only under the supervision of an occupational therapist. “Under the supervision of an occupational therapist” means that an occupational therapist currently licensed by the Board:

(1) Evaluates the patient/client.

(2) Prepares a written program plan.

- (3) Assigns treatment duties based on that program plan to an occupational therapy assistant currently licensed by the Board who has been specifically trained to carry out those duties.
- (4) Monitors the occupational therapy assistant's performance.
- (5) Accepts professional responsibility for the occupational therapy assistant's performance.
- (b) Supervision includes the following:
 - (1) Communicating to the occupational therapy assistant the results of patient/client evaluation and discussing the goals and program plan for the patient/client.
 - (2) Periodically reevaluating the patient/client and, if necessary, modifying the program plan.
 - (3) Case management.
 - (4) Determining program termination.
 - (5) Providing information, instruction and assistance as needed.
 - (6) Observing the occupational therapy assistant periodically.
 - (7) Preparing on a regular basis, but at least annually, a written appraisal of the occupational therapy assistant's performance and discussing that appraisal with the assistant.
- (c) Notwithstanding subsections (a)(1) and (b)(2), the supervisor may assign to a competent occupational therapy assistant the administration of standardized tests, the performance of activities of daily living evaluations and other elements of patient/client evaluation and reevaluation that do not require the professional judgment and skill of an occupational therapist.
- (d) The supervisor shall have supervisory contact with the occupational therapy assistant at least 10% of the time worked by the assistant in direct patient care. "Supervisory contact" means face-to-face individual contact, telephone communication, contact through written reports or group conferences among a supervisor and two or more supervisees. Face-to-face individual contact shall occur onsite at least once a month and shall include observation of the assistant performing occupational therapy. The specific mode, frequency and duration of other types of supervisory contact depend on the treatment setting, the occupational therapy assistant's caseload, the condition of patients/clients being treated by the assistant and the experience and competence of the assistant as determined by the supervisor. The supervisor shall ensure, however, that supervisory contact within each calendar month includes a combination of face-to-face, telephone and written communication.
- (e) The supervisor shall maintain a supervisory plan and shall document the supervision of each occupational therapy assistant. Documentation shall include evidence of regular supervision and contact between the supervisor and the assistant.
- (f) A supervisor who is temporarily unable to provide supervision shall arrange for substitute supervision by an occupational therapist currently licensed by the Board. The substitute shall provide supervision that is as rigorous and thorough as that provided by the permanent supervisor.

(g) Failure to comply with this section constitutes unprofessional conduct under section 16(a)(2) of the act (63 P.S. § 1516(a)(2)).

Authority

The provisions of this § 42.22 issued under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)).

Source

The provisions of this § 42.22 adopted May 1, 1992, effective May 2, 1992, 22 Pa.B. 2334.

§ 42.23. Supervision of applicants with temporary licenses.

(a) Section 9(a)(3) of the act (63 P.S. § 1509(a)(3)) provides that an applicant for licensure who holds a temporary license shall practice occupational therapy or provide services “only as an assistant under the direct supervision of an occupational therapist licensed pursuant to this act.” With regard to a temporary licensee under section 9(a)(3), “direct supervision” means that:

(1) The supervisor is onsite at least 25% of the time worked by the temporary licensee and at all other times is available for prompt consultation by telephone or otherwise.

(2) The supervisor has face-to-face individual contact with the temporary licensee at least weekly in the case of a temporarily licensed occupational therapist and at least daily in the case of a temporarily licensed occupational therapy assistant. This contact shall include observation of the temporary licensee performing occupational therapy.

(3) In addition to the contact described in paragraph (2), the supervisor has face-to-face, telephone or written supervisory contact with the temporary licensee at least daily in the case of a temporarily licensed occupational therapist and as needed in the case of a temporarily licensed occupational therapy assistant. For purposes of this paragraph, face-to-face contact may include group conferences among the supervisor and two or more supervisees.

(b) For purposes of subsection (a)(1), “onsite” means that the supervisor is physically present and available in the facility or other location where the temporary licensee is working. When the facility comprises more than one contiguous building, availability means that the supervisor is readily accessible for face-to-face consultation with the supervisee.

(c) Subsection (a) provides minimum supervisory requirements. Supervisors shall intensify supervision consistent with a temporary licensee’s experience, competence and performance or when other factors, such as failing the licensing examination, indicate that greater oversight is needed.

(d) In addition to the responsibilities set out in subsection (a), the supervision of a temporary licensee requires that the supervisor:

(1) Evaluate the patient/client.

(2) Prepare a written program plan.

(3) Assign treatment duties based on that program plan to a temporary licensee who has been specifically trained to carry out those duties.

(4) Monitor the temporary licensee’s performance.

- (5) Accept professional responsibility for the temporary licensee's performance.
- (e) Supervision includes the following:
 - (1) Communicating to the temporary licensee the results of patient/client evaluation and discussing the goals and program plan for the patient/client.
 - (2) Periodically reevaluating the patient/client and, if necessary, modifying the program plan.
 - (3) Case management.
 - (4) Determining program termination.
 - (5) Providing information, instruction and assistance as needed.
 - (6) Preparing on a regular basis, but at least every 3 months, a written appraisal of the temporary licensee's performance and discussing that appraisal with the temporary licensee.
- (f) Notwithstanding subsections (d)(1) and (2) and (e)(2), the supervisor may assign to a temporarily licensed occupational therapist elements of patient/client evaluation and reevaluation and elements of preparing a written program plan. These assignments shall be consistent with the training, experience and competence of the temporary licensee.
- (g) Notwithstanding subsections (d)(1) and (e)(2), the supervisor may assign to a competent temporarily licensed occupational therapy assistant the administration of standardized tests, the performance of activities of daily living evaluations and other elements of patient/client evaluation and reevaluation that do not require the professional judgment and skill of an occupational therapist.
- (h) The supervisor shall maintain a supervisory plan and shall document the supervision of each temporary licensee. Documentation shall include evidence of regular supervision and contact between the supervisor and the temporary licensee.
- (i) A supervisor who is temporarily unable to provide supervision shall arrange for substitute supervision by an occupational therapist currently licensed by the Board. The substitute shall provide supervision that is as rigorous and thorough as that provided by the permanent supervisor.
- (j) Failure to comply with this section constitutes unprofessional conduct under section 16(a)(2) of the act (63 P.S. § 1516(a)(2)).

Authority

The provisions of this § 42.23 issued under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)).

Source

The provisions of this § 42.23 adopted May 1, 1992, effective May 2, 1992, 22 Pa.B. 2334.

§ 42.24. Code of ethics.

- (a) Licensees shall adhere to the American Occupational Therapy Association (AOTA) *Occupational Therapy Code of Ethics (2015)*, except as provided in subsections (b) and (c).

(b) Whenever there is a conflict between the AOTA *Occupational Therapy Code of Ethics (2015)* and Federal or State law, licensees shall adhere to Federal and State law.

(c) Whenever there is a conflict between the AOTA *Occupational Therapy Code of Ethics (2015)* and this chapter, licensees shall adhere to this chapter.

Authority

The provisions of this § 42.24 issued under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)); amended under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)).

Source

The provisions of this § 42.24 adopted May 29, 1992, effective May 30, 1992, 22 Pa.B. 2831; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663; amended April 13, 2018, effective April 14, 2018, 48 Pa.B. 2137. Immediately preceding text appears at serial pages (391488) to (391489).

Cross References

This section cited in 49 Pa. Code § 42.9 (relating to licensure by endorsement); and 49 Pa. Code § 42.46 (relating to confidentiality—waived).

§ 42.25. Orders.

(a) *Written orders.* An occupational therapist shall accept a referral in the form of a written order from a licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or licensed physician assistant.

(b) *Oral orders.*

(1) An occupational therapist may accept a referral in the form of an oral order if it is impractical for the licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or licensed physician assistant to provide the order in writing.

(2) An occupational therapist receiving an oral order shall immediately transcribe the order in the patient's medical record, including the date and time the order was received, and sign the medical record.

(3) The occupational therapist in a private office setting who has received an oral order shall obtain the countersignature of the licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or physician assistant who issued the order within 5 days of receiving the order.

(4) If the occupational therapist who receives an oral order provides services in a setting that is independent of the prescriber's setting, the occupational therapist may accept the countersignature of the ordering licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or physician assistant on a written copy of the order that is mailed or faxed to the occupational therapist.

(5) If an occupational therapist provides services in a facility licensed by the Department of Health, the countersignature of the ordering licensed physician, licensed optometrist, licensed podiatrist, certified registered nurse practitioner or physician assistant shall be obtained in accordance with the applicable regulations of the Department of Health governing the facility, including 28 Pa. Code §§ 211.3 and 601.31 (relating to oral and telephone orders; and acceptance of patients, plan of treatment and medical supervision).

Authority

The provisions of this § 42.25 amended under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)).

Source

The provisions of this § 42.25 adopted May 26, 2000, effective May 27, 2000, 30 Pa.B. 2599; amended May 6, 2005, effective May 7, 2005, 35 Pa.B. 2750; amended August 17, 2007, effective August 18, 2007, 37 Pa.B. 4519; amended May 31, 2013, effective June 1, 2013, 43 Pa.B. 2991. Immediately preceding text appears at serial page (329266).

DISCIPLINARY PROCEEDINGS**§ 42.31. Unprofessional conduct.**

A licensee who engages in unprofessional conduct is subject to disciplinary action under section 16 of the act (63 P.S. § 1516). Unprofessional conduct includes the following:

- (1) Harassing, abusing or intimidating a patient physically, verbally or sexually.
- (2) Divulging, without patient or family consent, or both, information gained in the patient-therapist relationship to anyone not a member of the patient's immediate family or not a health-care professional or educational team member, unless under a statute or court order.
- (3) Receiving a fee for referring a patient to a third person.
- (4) Accepting a patient for treatment or continuing treatment if benefit cannot reasonably be expected to accrue to the patient or client, or misleading a patient as to the benefits to be derived from occupational therapy.
- (5) Guaranteeing the results of therapy, consultation or procedure.
- (6) Practicing while using or under the influence of alcohol, narcotics or another type of drug, chemical or material which impairs judgment or coordination.
- (7) Practicing without reasonable skill and safety to patients due to a physical or mental condition which impairs judgment or coordination or addiction to alcohol, narcotics or another type of drug, chemical or material which impairs judgment or coordination.
- (8) Practicing outside the lawful scope of occupational therapy as defined in section 3 of the act (63 P.S. § 1503) or not in accordance with section 14 of the act (63 P.S. § 1514).

Authority

The provisions of this § 42.31 issued under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)).

Source

The provisions of this § 42.31 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial pages (267185) and (223107).

Cross References

This section cited in 49 Pa. Code § 42.9 (relating to licensure by endorsement).

§ 42.32. [Reserved].**Source**

The provisions of this § 42.32 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; reserved December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial pages (223107) to (223109).

§ 42.33. [Reserved].**Source**

The provisions of this § 42.33 adopted January 27, 1989, effective January 28, 1989, 19 Pa.B. 335; reserved December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663. Immediately preceding text appears at serial pages (223109) to (223110).

CHILD ABUSE REPORTING REQUIREMENTS**§ 42.41. Definitions relating to child abuse reporting requirements.**

The following words and terms, when used in this section and §§ 42.42—42.49 (relating to child abuse reporting requirements), have the following meanings, unless the context clearly indicates otherwise:

Bodily injury—Impairment of physical condition or substantial pain.

Bureau—Bureau of Professional and Occupational Affairs within the Department of State of the Commonwealth.

Child—An individual under 18 years of age.

Child abuse—Intentionally, knowingly or recklessly doing any of the following:

(i) Causing bodily injury to a child through any recent act or failure to act.

(ii) Fabricating, feigning or intentionally exaggerating or inducing a medical symptom or disease which results in a potentially harmful medical evaluation or treatment to the child through any recent act.

(iii) Causing or substantially contributing to serious mental injury to a child through any act or failure to act or a series of such acts or failures to act.

(iv) Causing sexual abuse or exploitation of a child through any act or failure to act.

(v) Creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act.

(vi) Creating a likelihood of sexual abuse or exploitation of a child through any recent act or failure to act.

(vii) Causing serious physical neglect of a child.

(viii) Engaging in any of the following recent acts:

(A) Kicking, biting, throwing, burning, stabbing or cutting a child in a manner that endangers the child.

(B) Unreasonably restraining or confining a child, based on consideration of the method, location or duration of the restraint or confinement.

(C) Forcefully shaking a child under 1 year of age.

(D) Forcefully slapping or otherwise striking a child under 1 year of age.

(E) Interfering with the breathing of a child.

(F) Causing a child to be present at a location while a violation of 18 Pa.C.S. § 7508.2 (relating to operation of methamphetamine laboratory) is occurring, provided that the violation is being investigated by law enforcement.

(G) Leaving a child unsupervised with an individual, other than the child's parent, who the actor knows or reasonably should have known:

(I) Is required to register as a Tier II or Tier III sexual offender under 42 Pa.C.S. Chapter 97, Subchapter H (relating to registration of sexual offenders), when the victim of the sexual offense was under 18 years of age when the crime was committed.

(II) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.24 (relating to assessments) or any of its predecessors.

(III) Has been determined to be a sexually violent delinquent child as defined in 42 Pa.C.S. § 9799.12 (relating to definitions).

(IV) Has been determined to be a sexually violent predator under 42 Pa.C.S. § 9799.58 (relating to assessments) or has to register for life under 42 Pa.C.S. § 9799.55(b) (relating to registration).

(ix) Causing the death of the child through any act or failure to act.

(x) Engaging a child in a severe form of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

ChildLine—An organizational unit of the Department of Human Services, which operates a 24-hour a day Statewide toll-free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Mandated reporter—A person who is required under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse) to make a report of suspected child abuse. For purposes of this chapter, the term includes all licensed occupational therapists and occupational therapy assistants.

Parent—A biological parent, adoptive parent or legal guardian.

Perpetrator—A person who has committed child abuse as defined in this section.

(i) This term includes only the following:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) An individual 14 years of age or older who is a person responsible for the child's welfare or who has direct contact with children as an employee of child-care services, a school or through a program, activity or service.

(E) An individual 14 years of age or older who resides in the same home as the child.

(F) An individual 18 years of age or older who does not reside in the same home as the child but is related within the third degree of consanguinity or affinity by birth or adoption to the child.

(G) An individual 18 years of age or older who engages a child in severe forms of trafficking in persons or sex trafficking, as those terms are defined under section 103 of the Trafficking Victims Protection Act of 2000 (Division A of Pub.L. No. 106-386).

(ii) Only the following may be considered a perpetrator for failing to act, as provided in this section:

(A) A parent of the child.

(B) A spouse or former spouse of the child's parent.

(C) A paramour or former paramour of the child's parent.

(D) A person responsible for the child's welfare who is 18 years of age or older.

(E) An individual 18 years of age or older who resides in the same home as the child.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control.

Program, activity or service—Any of the following in which children participate and which is sponsored by a school or a public or private organization:

(i) A youth camp or program.

(ii) A recreational camp or program.

(iii) A sports or athletic program.

(iv) A community or social outreach program.

(v) An enrichment or educational program.

(vi) A troop, club or similar organization.

Recent act or failure to act—An act or failure to act committed within 2 years of the date of the report to the Department of Human Services or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

(i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.

(ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical neglect—Any of the following when committed by a perpetrator that endangers a child's life or health, threatens a child's well-being, causes bodily injury or impairs a child's health, development or functioning:

(i) A repeated, prolonged or egregious failure to supervise a child in a manner that is appropriate considering the child's developmental age and abilities.

(ii) The failure to provide a child with adequate essentials of life, including food, shelter or medical care.

Sexual abuse or exploitation—Any of the following:

(i) The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes the following:

(A) Looking at sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.

(B) Participating in sexually explicit conversation either in person, by telephone, by computer or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.

(C) Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.

(D) Actual or simulated sexual activity for the purpose of producing visual depiction, including photographing, videotaping, computer depicting or filming.

(ii) Any of the following offenses committed against a child:

(A) Rape as defined in 18 Pa.C.S. § 3121 (relating to rape).

(B) Statutory sexual assault as defined in 18 Pa.C.S. § 3122.1 (relating to statutory sexual assault).

(C) Involuntary deviate sexual intercourse as defined in 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(D) Sexual assault as defined in 18 Pa.C.S. § 3124.1 (relating to sexual assault).

(E) Institutional sexual assault as defined in 18 Pa.C.S. § 3124.2 (relating to institutional sexual assault).

(F) Aggravated indecent assault as defined in 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(G) Indecent assault as defined in 18 Pa.C.S. § 3126 (relating to indecent assault).

(H) Indecent exposure as defined in 18 Pa.C.S. § 3127 (relating to indecent exposure).

(I) Incest as defined in 18 Pa.C.S. § 4302 (relating to incest).

(J) Prostitution as defined in 18 Pa.C.S. § 5902 (relating to prostitution and related offenses).

(K) Sexual abuse as defined in 18 Pa.C.S. § 6312 (relating to sexual abuse of children).

(L) Unlawful contact with a minor as defined in 18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

(M) Sexual exploitation as defined in 18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

(iii) For the purposes of subparagraph (i), the term does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within 4 years of the child's age.

Authority

The provisions of this § 42.41 issued under 23 Pa.C.S. § 6383(b)(2); and section 5 of the Occupational Therapy Practice Act (63 P.S. § 1505); amended under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.41 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5425; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial pages (392005) to (392006).

§ 42.42. Suspected child abuse—mandated reporting requirements.**(a) General rule.**

(1) Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensees of the Board are considered mandated reporters. A mandated reporter shall make a report of suspected child abuse in accordance with this section if the licensee has reasonable cause to suspect that a child is a victim of child abuse under any of the following circumstances:

(i) The mandated reporter comes into contact with the child in the course of employment, occupation and practice of the profession or through a regularly scheduled program, activity or service.

(ii) The mandated reporter is directly responsible for the care, supervision, guidance or training of the child, or is affiliated with an agency, institution, organization, school, regularly established church or religious organization or other entity that is directly responsible for the care, supervision, guidance or training of the child.

(iii) A person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse.

(iv) An individual 14 years of age or older makes a specific disclosure to the mandated reporter that the individual has committed child abuse.

(2) Nothing in this subsection shall require a child to come before the mandated reporter in order for the mandated reporter to make a report of suspected child abuse.

(3) Nothing in this subsection shall require the mandated reporter to take steps to identify the person responsible for the child abuse, if unknown, in order for the mandated reporter to make a report of suspected child abuse.

(b) Staff members of public or private agencies, institutions and facilities. Whenever a licensee is required to make a report under subsection (a) in the capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, that licensee shall report immediately in accordance with subsection (c) and shall immediately thereafter notify the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.

(c) Reporting procedure. A licensee shall immediately make a report of suspected child abuse to the Department of Human Services by either:

(1) Making an oral report of suspected child abuse by telephone to Child-Line at (800) 932-0313, followed by a written report within 48 hours to the Department of Human Services or the county agency assigned to the case in a

manner and format prescribed by the Department of Human Services. The written report submitted under this paragraph may be submitted electronically.

(2) Making an electronic report of suspected child abuse in accordance with 23 Pa.C.S. § 6305 (relating to electronic reporting) through the Department of Human Service's Child Welfare Information Solution self-service portal at www.compass.state.pa.us/cwis. A confirmation by the Department of Human Services of the receipt of a report of suspected child abuse submitted electronically relieves the mandated reporter of the duty to make an additional oral or written report.

(d) *Written or electronic reports.* The following information shall be included in the written or electronic reports, if known:

- (1) The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.
- (2) Where the suspected child abuse occurred.
- (3) The age and sex of each subject of the report.
- (4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or any sibling of the child.
- (5) The name and relationship of each individual responsible for causing the suspected abuse and any evidence of prior abuse by each individual.
- (6) Family composition.
- (7) The source of the report.
- (8) The name, telephone number and e-mail address of the person making the report.
- (9) The actions taken by the person making the report, including actions taken under 23 Pa.C.S. §§ 6314—6317.
- (9.1) Other information required by Federal law or regulation.
- (10) Other information which the Department of Human Services may require by regulation.

Authority

The provisions of this § 42.42 issued under 23 Pa.C.S. § 6383(b)(2); and section 5 of the Occupational Therapy Practice Act (63 P.S. § 1505); amended under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.42 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5425; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial pages (392006) to (392007).

Cross References

This section cited in 49 Pa. Code § 42.41 (relating to definitions relating to child abuse reporting requirements); 49 Pa. Code § 42.43 (relating to photographs, medical tests and X-rays of child subject to report); 49 Pa. Code § 42.45 (relating to immunity from liability); 49 Pa. Code § 42.46 (relating to confidentiality—waived); and 49 Pa. Code § 42.47 (relating to noncompliance).

§ 42.43. Photographs, medical tests and X-rays of a child subject to report.

A licensee may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the county children and youth social service agency at the time the written report is sent, or within 48 hours after an electronic report is made under § 42.42(c)(2) (relating to suspected child abuse—mandated reporting requirements), or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request. Medical summaries or reports of the photographs, X-rays and relevant medical tests shall be made available to law enforcement officials in the course of investigating cases under 23 Pa.C.S. § 6340(a)(9) or (10) (relating to release of information in confidential reports).

Authority

The provisions of this § 42.43 issued under 23 Pa.C.S. § 6383(b)(2); and section 5 of the Occupational Therapy Practice Act (63 P.S. § 1505); amended under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.43 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5425; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial page (392008).

Cross References

This section cited in 49 Pa. Code § 42.41 (relating to definitions relating to child abuse reporting requirements); 49 Pa. Code § 42.45 (relating to immunity from liability); 49 Pa. Code § 42.46 (relating to confidentiality—waived); and 49 Pa. Code § 42.47 (relating to noncompliance).

§ 42.44. Suspected death as a result of child abuse—mandated reporting requirement.

A licensee who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner or medical examiner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner or medical examiner of the county where the injuries were sustained.

Authority

The provisions of this § 42.44 issued under 23 Pa.C.S. § 6383(b)(2); and section 5 of the Occupational Therapy Practice Act (63 P.S. § 1505); amended under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.44 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5425; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial page (392008).

Cross References

This section cited in 49 Pa. Code § 42.41 (relating to definitions relating to child abuse reporting requirements); 49 Pa. Code § 42.45 (relating to immunity from liability); 49 Pa. Code § 42.46 (relating to confidentiality—waived); and 49 Pa. Code § 42.47 (relating to noncompliance).

§ 42.45. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a licensee who participates in good faith in the making of a report of suspected child abuse, making a referral for general protective services, cooperating or consulting with an investigation including providing information to a child fatality or near fatality review team, testifying in a proceeding arising out of an instance of suspected child abuse or general protective services or engaging in any action authorized under 23 Pa.C.S. §§ 6314—6317, shall have immunity from civil and criminal liability that might otherwise result by reason of the licensee's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensee shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensee's actions under §§ 42.42—42.44 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of a child subject to report; and suspected death as a result of child abuse—mandated reporting requirement).

Authority

The provisions of this § 42.45 issued under 23 Pa.C.S. § 6383(b)(2); and section 5 of the Occupational Therapy Practice Act (63 P.S. § 1505); amended under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.45 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5425; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial page (392009).

Cross References

This section cited in 49 Pa. Code § 42.41 (relating to definitions relating to child abuse reporting requirements).

§ 42.46. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 42.42—42.44 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of a child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over provisions in § 42.24(1)(iv) (relating to code of ethics) and any other client confidentiality, ethical principle or professional standard that might otherwise apply. In accordance with 23 Pa.C.S. § 6311.1 (relating to privileged communications), privileged communications between a mandated reporter and a patient/client does not apply to a situation involving child abuse and does not relieve the mandated reporter of the duty to make a report of suspected child abuse.

Authority

The provisions of this § 42.46 issued under 23 Pa.C.S. § 6383(b)(2); and section 5 of the Occupational Therapy Practice Act (63 P.S. § 1505); amended under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.46 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5425; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial pages (392009) to (392010).

Cross References

This section cited in 49 Pa. Code § 42.41 (relating to definitions relating to child abuse reporting requirements).

§ 42.47. Noncompliance.

(a) *Disciplinary action.* A licensee who willfully fails to comply with the reporting requirements in §§ 42.42—42.44 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of a child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 16 of the act (63 P.S. § 1516).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties), a licensee who is required to report a case of suspected child abuse or to make a referral to the appropriate authorities, and who willfully fails to do so, commits a criminal offense, as follows:

(1) An offense not otherwise specified in paragraphs (2), (3) or (4) is a misdemeanor of the second degree.

(2) An offense is a felony of the third degree if all of the following apply:

(i) The mandated reporter willfully fails to report.

(ii) The child abuse constitutes a felony of the first degree or higher.

(iii) The mandated reporter has direct knowledge of the nature of the abuse.

(3) If the willful failure to report continues while the mandated reporter knows or has reasonable cause to suspect a child is being subjected to child abuse by the same individual, or while the mandated reporter knows or has reasonable cause to suspect that the same individual continues to have direct contact with children through the individual's employment, program, activity or service, the mandated reporter commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the mandated reporter commits a felony of the second degree.

(4) A mandated reporter who, at the time of sentencing for an offense under 23 Pa.C.S. § 6319, has been convicted of a prior offense under 23 Pa.C.S. § 6319, commits a felony of the third degree, except that if the child abuse constitutes a felony of the first degree or higher, the penalty for the second or subsequent offense is a felony of the second degree.

Authority

The provisions of this § 42.47 issued under 23 Pa.C.S. § 6383(b)(2); and section 5 of the Occupational Therapy Practice Act (63 P.S. § 1505); amended under sections 5(b) and 6(a)(2) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1506(a)(2)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.47 adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5425; amended December 7, 2001, effective December 8, 2001, 31 Pa.B. 6663; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial page (392010).

Cross References

This section cited in 49 Pa. Code § 42.41 (relating to child abuse reporting requirements).

§ 42.48. Child abuse recognition and reporting—mandatory training requirement.

(a) Except as provided in subsection (c), individuals applying to the Board for a license shall complete, as a condition of licensure, at least 3 hours of training in child abuse recognition and reporting requirements which has been approved by the Department of Human Services and the Bureau, as set forth in § 42.49 (relating to child abuse recognition and reporting course approval process). The applicant shall certify on the application that the applicant has either completed the required training or has been granted an exemption under subsection (c). The Board will not issue a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the applicant or the applicant has obtained an exemption under subsection (c).

(b) Except as provided in subsection (c), licensees seeking renewal of a license issued by the Board shall complete, as a condition of biennial renewal of the license, at least 2 hours of approved continuing education in child abuse recognition and reporting, as a portion of the total continuing education required for biennial renewal. For credit to be granted, the continuing education course or program must be approved by the Bureau, in consultation with the Department of Human Services, as set forth in § 42.49. The Board will not renew a license unless the Bureau has received an electronic report from an approved course provider documenting the attendance/participation by the licensee in an approved course within the applicable biennial renewal period or the licensee has obtained an exemption under subsection (c). If a licensee holds a license issued by another licensing Board within the Bureau that also requires mandatory training in child abuse recognition and reporting, credit for completion of an approved course will be applied to both licenses.

(c) An applicant or licensee may apply in writing for an exemption from the training/continuing education requirements set forth in subsections (a) and (b) provided the applicant or licensee meets one of the following:

- (1) The applicant or licensee submits documentation demonstrating that:
 - (i) The applicant or licensee has already completed child abuse recognition training as required by section 1205.6 of the Public School Code of 1949 (24 P.S. § 12-1205.6).

(ii) The training was approved by the Department of Education in consultation with the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or subsection (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(2) The applicant or licensee submits documentation demonstrating that:

(i) The applicant or licensee has already completed child abuse recognition training required by 23 Pa.C.S. § 6383(c) (relating to education and training).

(ii) The training was approved by the Department of Human Services.

(iii) The amount of training received equals or exceeds the amount of training or continuing education required under subsection (a) or subsection (b), as applicable.

(iv) For purposes of licensure renewal, the training must have been completed during the relevant biennial renewal period.

(3) The applicant or licensee submits documentation acceptable to the Board demonstrating why the applicant or licensee should not be subject to the training or continuing education requirement. The Board will not grant an exemption based solely upon proof that children are not a part of the applicant's or licensee's practice. Each request for an exemption under this paragraph will be considered on a case-by-case basis. The Board may grant the exemption if it finds that the completion of the training or continuing education requirement is duplicative or unnecessary under the circumstances.

(d) Exemptions granted under subsection (c) are applicable only for the biennial renewal period for which the exemption is requested. If an exemption is granted, the Board will issue or renew the license, as applicable. If an exemption is denied, the Board will e-mail the applicant or licensee a notice notifying them of the need to either complete an approved course or, if warranted, to submit additional documentation in support of their request for an exemption.

Authority

The provisions of this § 42.48 added under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.48 added November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837.

Cross References

This section cited in 49 Pa. Code § 42.13 (relating to application for licensure); 49 Pa. Code § 42.14 (relating to foreign-educated applicants); 49 Pa. Code § 42.15 (relating to application for temporary license); 49 Pa. Code § 42.16 (relating to biennial renewal; inactive status; failure to

renew); 49 Pa. Code § 42.41 (relating to definitions relating to child abuse reporting requirements); and 49 Pa. Code § 42.53 (relating to continued competency requirements).

§ 42.49. Child abuse recognition and reporting course approval process.

(a) An individual, entity or organization may apply for approval to provide mandated reporter training as required under 23 Pa.C.S. § 6383(b) (relating to education and training) by submitting the course materials set forth in subsection (b) simultaneously to the Department of Human Services, Office of Children, Youth and Families, and to the Bureau at the following addresses:

(1) Department of Human Services, Office of Children, Youth and Families, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120; or electronically at RA-PWOCYFCPSL@pa.gov.

(2) Bureau of Professional and Occupational Affairs, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105-2649; or electronically at RA-stcpsl_course_app@pa.gov.

(b) Submissions must include the following:

(1) Contact information (mailing address, e-mail address and telephone number) for the agency/course administrator.

(2) General description of the training and course delivery method.

(3) Title of the course.

(4) Timed agenda and estimated hours of training.

(5) Learning objectives.

(6) Intended audience.

(7) All course related materials, including as applicable:

(i) Handouts.

(ii) Narrated script or talking points.

(iii) Interactive activities or exercises.

(iv) Videos and audio/visual content.

(v) Knowledge checks, quizzes or other means of assessing a participant's understanding of the material.

(vi) For online courses, a transcript or recording of audio training.

(8) Citation of sources, including written permission to use copyrighted material, if applicable.

(9) Anticipated credentials or experience of the presenter, or biography of presenter, if known.

(10) Printed materials used to market the training.

(11) Evaluation used to assess participants' satisfaction with the training.

(12) Sample certificate of attendance/participation, which must include:

(i) Name of participant.

(ii) Title of training.

(iii) Date of training.

(iv) Length of training (2 or 3 hours).

- (v) Name and signature of the authorized representative of the provider.
The signature may be an electronic signature.
- (vi) Statement affirming the participant attended the entire course.
- (13) Verification of ability to report participation/attendance electronically to the Bureau in a format prescribed by the Bureau.
- (c) The Bureau will notify the individual, entity or organization in writing upon approval of the course and will post a list of approved courses on the Bureau's web site and the Board's web site.

Authority

The provisions of this § 42.49 added under section 5(b) of the Occupational Therapy Practice Act (63 P.S. § 1505(b)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.49 added November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837.

Cross References

This section cited in 49 Pa. Code § 42.41 (relating to definitions relating to child abuse reporting requirements); and 49 Pa. Code § 42.48 (relating to child abuse recognition and reporting—mandatory training requirement).

CONTINUED COMPETENCY

§ 42.51. Purpose.

The purpose of §§ 42.52—42.58 is to implement section 15(a) of the act (63 P.S. § 1515(a)), which authorizes the Board to establish additional requirements for licensure renewal to ensure continued competency to achieve the legislative purpose in section 2 of the act (63 P.S. § 1502) to ensure the highest degree of professional care and conduct on the part of licensees.

Authority

The provisions of this § 42.51 issued under sections 5(b) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1515(a)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.51 adopted June 21, 2013, effective June 22, 2013, 43 Pa.B. 3350; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624. Immediately preceding text appears at serial pages (391496) to (391497).

Cross References

This section cited in 49 Pa. Code § 42.52 (relating to definitions).

§ 42.52. Definitions.

The following words and terms, when used in §§ 42.51 and 42.53—42.58, have the following meanings, unless the context clearly indicates otherwise:

Contact hour—A unit of measure for a continued competency activity that equals 50—60 minutes of participation.

Continued competency—The multidimensional process by which a licensee demonstrates the development and maintenance of the knowledge, skills, attitudes, judgment, abilities and ethics necessary to practice occupational therapy in a variety of roles and settings.

Educational courses—Academic and continuing education courses delivered onsite or by distance education.

Level I fieldwork—Introductory fieldwork experiences that are a component of an educational program in occupational therapy in which students develop a basic understanding of the needs of clients through directed observation and supervised participation in the occupational therapy process.

Level II fieldwork—In-depth fieldwork experiences that are a component of an educational program in occupational therapy that provide multiple occupational therapy services to a variety of clients in multiple settings.

Mentor—A person who holds a current license, certificate or registration in a health-related or education field, or who is otherwise exempt by statute from the requirement to hold a license, certificate or registration, who is engaged in a one-on-one or group teaching/coaching relationship with a licensee for the stated purpose of imparting specific knowledge and skills that will advance the licensee's competency in occupational therapy.

Mentorship—Participation in a formalized, one-on-one or group teaching/learning relationship for the purposes of building a licensee's competency in occupational therapy.

Mentorship agreement—A written agreement between the mentor and the protege or proteges that outlines specific goals and objectives and designates a plan of activities.

Professional continued competence portfolio—A document that evidences the licensee's completion of the continued competency requirement in § 42.53 (relating to continued competency requirements).

Protege—A licensee who is engaged in a one-on-one or group relationship with a mentor for the stated purpose of acquiring specific skills and knowledge related to the practice of occupational therapy.

Unpaid service—Volunteering in an organization when the unpaid service directly relates to occupational therapy.

Authority

The provisions of this § 42.52 issued under sections 5(b) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1515(a)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.52 adopted June 21, 2013, effective June 22, 2013, 43 Pa.B. 3350; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624. Immediately preceding text appears at serial pages (391497) to (391498).

Cross References

This section cited in 49 Pa. Code § 42.51 (relating to purpose); and 49 Pa. Code § 42.57 (relating to documentation and reporting of continued competency activities).

§ 42.53. Continued competency requirements.

(a) Beginning with the July 1, 2013—June 30, 2015, biennium, an occupational therapist shall complete a minimum of 24 contact hours in each biennial period in acceptable continued competency activities listed in § 42.55 (relating to acceptable continued competency activities) as a condition of licensure renewal. Beginning with the July 1, 2019—June 30, 2021, biennium, an occupational therapy assistant shall complete a minimum of 24 contact hours in each biennial period in acceptable continued competency activities listed in § 42.55 as a condition of licensure renewal. At least 2 hours of the required 24 hours shall be completed in child abuse recognition and reporting in accordance with § 42.48 (relating to child abuse recognition and reporting—mandatory training requirement).

(b) With the limited exception of the 2 hours of mandated training in child abuse recognition and reporting, a licensee is exempt from complying with subsection (a) for the first biennial renewal period following initial licensure.

(c) A licensee seeking to reactivate a lapsed or inactive license shall show compliance with the continued competency contact hour requirement, including at least 2 hours of training in child abuse recognition and reporting, during the 2-year period immediately preceding application for reactivation.

(d) As a condition of reinstatement, a licensee whose license has been suspended or revoked shall complete the required continued competency contact hours for each licensure biennium in which the license was suspended or revoked, including at least 2 hours of approved training in child abuse recognition and reporting.

Authority

The provisions of this § 42.53 issued under sections 5(b) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1515(a)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)); and 23 Pa.C.S. § 6383(b)(2).

Source

The provisions of this § 42.53 adopted June 21, 2013, effective June 22, 2013, 43 Pa.B. 3350; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624; amended November 3, 2023, effective November 4, 2023, 53 Pa.B. 6837. Immediately preceding text appears at serial pages (392012) to (392013).

Cross References

This section cited in 49 Pa. Code § 42.16 (relating to biennial renewal; inactive status; failure to renew); 49 Pa. Code § 42.51 (relating to purpose); and 49 Pa. Code § 42.52 (relating to definitions).

§ 42.54. Education program providers.

(a) *General.* Educational courses offered by preapproved and Board-approved providers will be accepted as satisfying the continued competency requirement. It is the responsibility of the licensee to ascertain the approval status of the provider before undertaking a course.

(b) *Rights reserved.* The Board reserves the right to reject a course if the content is outside of the scope described in § 42.55(a) (relating to acceptable continued competency activities).

(c) *Preapproved providers.* The Board has preapproved educational courses provided, coprovided or approved by the following entities:

- (1) A National, international or state-level occupational therapy association.
- (2) The American Occupational Therapy Association's Approved Provider Program.
- (3) American Society of Hand Therapists.
- (4) Association for Driver Rehabilitation Specialists.
- (5) Department of Education.
- (6) An accredited college or university or post-secondary vocational technical school or institution.
- (7) Federal or State government programs related to health care.
- (8) A provider approved by another health licensing board within the Bureau of Professional and Occupational Affairs or another State licensure board.
- (9) National and State professional health care organizations.
- (10) National and State professional education organizations.
- (11) National Alliance for the Mentally Ill.
- (12) Case Management Society of America.

(d) *Board-approved providers.* The Board will consider for approval, on a biennial basis, providers of educational courses that comply with § 42.55(a) as follows:

- (1) The provider seeking approval shall submit an application to the Board at least 60 days prior to the beginning of the course but no later than 90 days before the end of the biennial renewal period. The applicant will be notified of approval or disapproval in writing.
- (2) The Board will not approve a provider unless it:
 - (i) Offers courses with specific learning objectives.
 - (ii) Has criteria for selecting and evaluating faculty instructors, subject matter and instructional materials.

(iii) Has a procedure for determining licensees' perceptions of the extent to which the objectives have been met.

(e) *Individual course approval.*

(1) A licensee may request approval of contact hours for educational courses not otherwise approved by submitting an application for approval to the Board no later than 90 days before the end of the biennial renewal period that includes all of the following:

- (i) The title of the course and number of contact hours.
- (ii) The description of the course from the program catalog or brochure.
- (iii) The learning objectives.
- (iv) The name and qualifications of the presenter.
- (v) An assessment of the course.

(2) Upon review of the completed application, the Board will notify the applicant whether the course has been approved or disapproved and, if approved, the number of contact hours that will be awarded.

(f) *Withdrawal of approval.* The Board may withdraw approval of a provider for cause. The provider will be notified in writing of the reasons for withdrawal of approval.

Authority

The provisions of this § 42.54 issued under sections 5(b) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1515(a)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.54 adopted June 21, 2013, effective June 22, 2013, 43 Pa.B. 3350; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624. Immediately preceding text appears at serial pages (391498) to (391500).

Cross References

This section cited in 49 Pa. Code § 42.51 (relating to purpose); and 49 Pa. Code § 42.52 (relating to definitions).

§ 42.55. Acceptable continued competency activities.

(a) Irrespective of the provider, contact hours will only be awarded for continued competency activities that are relevant to the practice of occupational therapy including direct care, management, education and research. Contact hours will not be awarded for activities related to marketing, office management, financial gain or self-promotion.

(b) The following activities are acceptable so long as the specific activity complies with subsection (a):

(1) Educational courses.

(i) For continuing education courses, contact hours equal the number of instructional hours.

- (ii) For academic courses, one credit equals 15 contact hours.
 - (iii) Instead of the documentation required under § 42.57(a) (relating to documentation and reporting of continued competency activities), acceptable documentation of educational courses consists of an official transcript or certificate of completion indicating the name and date of the course and a description of the course from the school catalog or brochure.
- (2) Mentorship.
- (i) Prior to beginning a mentorship, the mentor and the protégé shall enter into a mentorship agreement.
 - (ii) At the conclusion of the mentorship, the mentor shall provide a postmentorship summary documenting the time spent in and outcomes of the mentoring program. A copy of the summary shall be provided to the protégé and maintained by the mentor and the protégé for 4 years.
 - (iii) The mentor and the protégé may each earn 1 contact hour for every 5 hours spent in mentorship activities up to a maximum aggregate of 12 contact hours per biennium.
 - (iv) Instead of the documentation required under § 42.57(a), acceptable documentation consists of a copy of the mentorship agreement and the postmentorship summary.
- (3) Fieldwork supervision.
- (i) A licensee may earn:
 - (A) One contact hour per student, up to a maximum aggregate of 12 contact hours per biennium, for serving as a supervisor for level I fieldwork.
 - (B) Three contact hours per student, up to a maximum aggregate of 12 contact hours per biennium, for serving as a supervisor for level II fieldwork.
 - (ii) In addition to the information required under § 42.57(a), the educational program shall verify the name of the supervisor, the names and number of students being supervised, the locations where the fieldwork is being performed and the dates and level of fieldwork.
- (4) Professional writing.
- (i) A licensee may earn the following contact hours, up to a maximum aggregate of 15 per biennium, for professional writing:
 - (A) Fifteen contact hours for writing a book.
 - (B) Ten contact hours for writing a chapter in a book.
 - (C) Ten contact hours for writing an article published in a peer-reviewed journal.
 - (D) Five contact hours for writing an article published in a non-peer-reviewed journal, magazine, newsletter or other publication.

(ii) Credit will be awarded for the biennium in which the book, chapter or article is published.

(iii) Instead of the documentation required under § 42.57(a), acceptable documentation of professional writing consists of a copy of the editor's or publisher's acceptance letter and a copy of the article, chapter or the cover page of the book including the title, author, source and date of publication, and editor.

(5) Editing.

(i) A licensee may earn the following contact hours, up to a maximum aggregate of 15 per biennium, for editing:

(A) A maximum of 10 contact hours may be earned for editing a book relevant to occupational therapy.

(B) A maximum of 6 contact hours per biennium may be earned for serving as a reviewer for a professional journal, provided that only 1 contact hour may be accrued for each article reviewed.

(ii) Instead of the documentation required under § 42.57(a), acceptable documentation of editing activities consists of the following:

(A) For editing a book, a copy of the editor's or publisher's acceptance letter and the cover page of the book including the title, author, source and date of publication, and editor.

(B) For serving as a reviewer, a copy of a letter from the editor acknowledging the number of articles reviewed.

(6) Presentation and instruction.

(i) A licensee may earn 2 contact hours, up to a maximum aggregate of 12 per biennium, for each 60-minute oral or poster presentation or instruction related to occupational therapy.

(ii) Credit will not be awarded for presentations or instruction when the activities are within the presenter's/instructor's employment role.

(iii) Credit will only be awarded one time per biennium for each presentation/instruction regardless of the number of times the material is presented.

(iv) In addition to the information required under § 42.57(a), the provider shall provide a copy of the official program, schedule or syllabus including presentation title, date, hours of presentation/instruction and attestation by the provider.

(7) Unpaid service.

(i) A licensee may earn:

(A) One contact hour, up to a maximum aggregate of 12 contact hours per biennium, for every 5 hours of unpaid service.

(B) Credit will not be awarded for administrative services performed, even if part of the unpaid service.

- (ii) In addition to the documentation required under § 42.57(a), acceptable documentation of unpaid service consists of a letter on organization letterhead from the president or executive director attesting to and outlining the unpaid service completed.

Authority

The provisions of this § 42.55 issued under sections 5(b) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1515(a)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.55 adopted June 21, 2013, effective June 22, 2013, 43 Pa.B. 3350; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624. Immediately preceding text appears at serial pages (391500) to (391502).

Cross References

This section cited in 49 Pa. Code § 42.51 (relating to purpose); 49 Pa. Code § 42.52 (relating to definitions); 49 Pa. Code § 42.53 (relating to continued competency requirements); 49 Pa. Code § 42.54 (relating to education program providers); and 49 Pa. Code § 42.57 (relating to documentation and reporting of continued competency activities).

§ 42.56. Waivers of continued competency requirements; extension of time to complete.

(a) The Board may waive all or part of the continued competency activity requirements, or grant an extension of time to complete the requirements, in the case of a serious illness, injury or emergency which prevents a licensee from completing the continued competency requirements.

(b) A licensee seeking a waiver or extension of time shall submit a written request and provide documentary evidence to the satisfaction of the Board of the serious illness, injury or emergency which would preclude the completion of the continued competency requirements.

(c) The request for a waiver or extension of time shall be filed with the Board 60 days before the end of the biennium in which the contact hours are being accrued unless the licensee proves to the satisfaction of the Board that it was impracticable to do so.

Authority

The provisions of this § 42.56 issued under sections 5(b) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1515(a)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.56 adopted June 21, 2013, effective June 22, 2013, 43 Pa.B. 3350; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624. Immediately preceding text appears at serial page (391503).

Cross References

This section cited in 49 Pa. Code § 42.51 (relating to purpose); and 49 Pa. Code § 42.52 (relating to definitions).

§ 42.57. Documentation and reporting of continued competency activities.

(a) A provider of a continued competency activity shall furnish to each participant documentation, signed by the provider, which includes all of the following, unless otherwise directed in § 42.55(b)(1)(iii), (2)(iv), (3)(ii), (4)(iii), (5)(ii) and (6)(iv) (relating to acceptable continued competency activities):

- (1) The name of the participant, provider and instructor.
- (2) The title, date and location of the activity.
- (3) The number of contact hours awarded.

(b) A licensee shall:

(1) Prepare a professional continued competence portfolio as defined in § 42.52 (relating to definitions) for each biennial period and retain it for 4 years following the last day of the biennial period during which the continued competency activities were completed.

(2) Verify completion of the required contact hours of continued competency activities when the license is renewed. A licensee who has not completed the required hours of continued competency activities will not be eligible for renewal until the hours are completed, unless a waiver or extension has been granted.

(3) Provide a copy of the professional continued competence portfolio to the Board within 30 days of notification of an audit.

Authority

The provisions of this § 42.57 issued under sections 5(b) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1515(a)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.57 adopted June 21, 2013, effective June 22, 2013, 43 Pa.B. 3350; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624. Immediately preceding text appears at serial pages (391503) to (391504).

Cross References

This section cited in 49 Pa. Code § 42.51 (relating to purpose); 49 Pa. Code § 42.52 (relating to definitions); and 49 Pa. Code § 42.55 (relating to acceptable continued competency activities).

§ 42.58. Disciplinary action.

A licensee who fails to comply with the continued competency activity requirements or the audit requirements or submits false documents in connection with the continued competency requirement will be subject to disciplinary action under section 16 of the act (63 P.S. § 1516).

Authority

The provisions of this § 42.58 issued under sections 5(b) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b) and 1515(a)); amended under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.58 adopted June 21, 2013, effective June 22, 2013, 43 Pa.B. 3350; amended May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624. Immediately preceding text appears at serial page (391504).

Cross References

This section cited in 49 Pa. Code § 42.51 (relating to purpose); and 49 Pa. Code § 42.52 (relating to definitions).

PROFESSIONAL LIABILITY INSURANCE**§ 42.61. Professional liability insurance requirement.**

(a) Effective July 1, 2013, an occupational therapist shall obtain and maintain professional liability insurance coverage in the minimum amount of \$1 million per occurrence or claims made.

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) An occupational therapist who does not maintain the professional liability insurance required under subsection (a) may not practice occupational therapy in this Commonwealth.

Authority

The provisions of this § 42.61 issued under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.61 adopted May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624.

Cross References

This section cited in 49 Pa. Code § 42.13 (relating to application for licensure); 49 Pa. Code § 42.14 (relating to foreign-educated applicants); 49 Pa. Code § 42.15 (relating to application for temporary license); 49 Pa. Code § 42.16 (relating to biennial renewal; inactive status; failure to renew); 49 Pa. Code § 42.62 (relating to notifications); and 49 Pa. Code § 42.63 (relating to automatic suspension).

§ 42.62. Notifications.

(a) An occupational therapist shall notify the Board within 30 days of a failure to maintain the required professional liability insurance.

(b) An occupational therapist whose license was issued in reliance on a letter or certificate as permitted under section 8(5)(iv)(A) and (B) of the act (63 P.S. § 1508(5)(iv)(A) and (B)) and in accordance with §§ 42.13(b) (2) or (3), 42.14(c)(2) or (3), or 42.15(d)(2) or (3) (relating to application for licensure; foreign-educated applicants; and application for temporary license) shall provide the Board with proof of professional liability insurance coverage as set forth in § 42.61 (relating to professional liability insurance requirement) within 30 days after the date of issuance of the license or beginning of employment, as applicable.

(c) Failure to notify the Board within 30 days as required in subsection (a) or (b) constitutes unprofessional conduct and subjects the occupational therapist to disciplinary action under section 16(a)(2) of the act (63 P.S. § 1516(a)(2)).

Authority

The provisions of this § 42.62 issued under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.62 adopted May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624.

§ 42.63. Automatic suspension.

(a) An occupational therapist's license will be automatically suspended during any period in which the occupational therapist fails to maintain professional liability insurance.

(b) A license that has been automatically suspended under subsection (a) will be reinstated only upon receipt of a copy of documentation demonstrating that the occupational therapist has the required professional liability insurance as set forth in § 42.61 (relating to professional liability insurance requirement).

Authority

The provisions of this § 42.63 issued under sections 5(b), 8(5)(vi) and 15(a) of the Occupational Therapy Practice Act (63 P.S. §§ 1505(b), 1508(5)(vi) and 1515(a)).

Source

The provisions of this § 42.63 adopted May 4, 2018, effective May 5, 2018, 48 Pa.B. 2624.

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