

To: ADMINISTRATIVE RULES COMMITTEE
From: OCCUPATIONAL THERAPY BOARD OF PRACTICE
Date: Tuesday, March 11, 2014..

The Board of Occupational Therapy Practice submits the following written testimony regarding the process and business of rules revision published in the April 2014 supplement to the North Dakota Administrative Code.

The ND Board of Practice saw need to review and clarify the Administrative Rules of the North Dakota Occupational Therapy Practice Act. The Board developed these changes with input from North Dakota Occupational Therapists and Occupational Therapy Assistants. The purpose of the proposed amendments was to update and clarify the rules governing occupational therapy practice. The proposed amendments address application for licensure, renewal of licensure, continued competency, supervision, and scope of practice. The rules did not result from statutory changes made by the Legislative Assembly, nor were the changes related to any federal statute or regulation.

Public notice of rule revision and public hearing was printed as a notice of intent in ND newspapers. A public hearing was held on the rules Oct 10, 2013. No person attended the hearing. Written comments were received and are attached for your information.

The Rules changes are summarized below:

55.5-02-01-01.1. Requirements for licensure. P. 303

Previously a bachelor's level was entry level, now a master's is required for entry level Occupational Therapy National Certification. Three comments were made and were addressed regarding the change in entry level educational requirements of Occupational Therapists and Assistants for licensure. Wording was adjusted to allow for change in entry level requirements for both Occupational Therapists and Associates.

55.5-02-01-02 Licensure renewal. P. 304

Wording was updated to allow for electronic processing of licenses.

55.5-02-01-04 Continued competency. P. 307

Rules were amended to: 1) clarify language/terms 2) accommodate electronic learning activities. 3) include student supervision as a continued competency activity.

55.5-02-03-01.2 Supervision. P.311

Rules were amended to restructure supervision of OT Assistants according to their experience and the practice setting. Rules were clarified for the supervision of limited permit holders. Comments were received which supported the changes.

55.5-03-01 Scope of Practice p.316

Scope of practice and practice activities were redefined and clarified. Comment was received and addressed to outline the use of topical medications within the practice of Occupational Therapy.

In general, there were no complaints or objections that the outlined rules changes move forward.

The cost of giving public notice and holding any hearing on the rules: The public notice cost \$1563.30. There was no charge for room at the Capitol used for the public hearing. A regulatory analysis was not required by North Dakota Century Code (NDCC) Section 28-32-08 and no regulatory analysis was issued. These rules have no fiscal effect on state revenues and expenditures. No constitutional takings assessment was prepared. These rules were not adopted as emergency (interim final) rules under NDCC Section 28-32-03.

Signed,

Marsha Waind
Member, North Dakota Board of Practice

NORTH DAKOTA BOARD OF OCCUPATIONAL THERAPY PRACTICE
Report of Board Response to Public Comment on Proposed Changes to North Dakota Administrative Code Article 55.5

November 20, 2013

Present and Voting

Amy Walz Heather Frey
 Marsha Waind Jim Ridley
 Janet Salzwedel

55.5-02-01-01.1. Requirements for licensure.

Comment made by:	Date comment made:	NDBOTP response to comment:
Janet Salzwedel	October 6, 2013	A motion was made to amend 55.5-02-01-01.1(1a) to remove the word master's to read "the applicant has a degree . . ." and to remove the word associate from 2a to read "the applicant has a degree . . .". (Walz/Salzwedel/unanimous) [Roll call: Walz (y), Frey (y); Ridley (y); Waind (y), Salzwedel (y)]
Sarah Nielsen	September 4, 2013	A motion was made to amend 55.5-02-01-01.1(1a) to remove the word master's to read "the applicant has a degree . . ." and to remove the word associate from 2a to read "the applicant has a degree . . .". (Walz/Salzwedel/unanimous) [Roll call: Walz (y), Frey (y); Ridley (y); Waind (y), Salzwedel (y)]
Janeene Sibla	September 4, 2013	The Board considered the comment and suggested amendment. A motion was made to amend 55.5-02-01-01.1(1a) to remove the word master's to read "the applicant has a degree . . ." and to remove the word associate from 2a to read "the applicant has a degree . . .". (Walz/Salzwedel/unanimous) [Roll call: Walz (y), Frey (y); Ridley (y); Waind (y), Salzwedel (y)]

55.5-02-01-02 Licensure renewal.

Comment made by:	Date comment made:	NDBOTP response to comment:
Janeene Sibla	September 4, 2013	No amendment proposed for this rule. Board will not propose any amendments as a result of this comment.

55.5-02-01-04 Continued competency.

Comment made by:	Date comment made:	NDBOTP response to comment:
Janet Salzwedel	October 6, 2013	A motion was made to amend 55.5-02-01-04 (6a) to read “. . . or educational and national or state organizations, or approval by the Board.” (Waind/Salzwedel/unanimous) [Roll call: Walz (y), Frey (y); Ridley (y); Waind (y), Salzwedel (y)]
Janet Salzwedel	October 6, 2013	A motion was made to amend 55.5-02-01-04 (6h) to remove “Facility-based continued competency education program” and to read “Employer-based continued competency education program with measurable learning outcomes at least one hour in length.” (Waind/Salzwedel/unanimous) [Roll call: Walz (y), Frey (y); Ridley (y); Waind (y), Salzwedel (y)]
Janeene Sibla	September 4, 2013	No amendment proposed for this rule. Board will not propose any amendments as a result of this comment.

55.5-02-03-01.2 Supervision of occupational therapy assistants.

Comment made by:	Date comment made:	NDBOTP response to comment:
Ashley Pierce	October 7, 2013	No amendment proposed for this rule. Board will not propose any amendments as a result of this comment.
Gwendalyn Mollerud	October 7, 2013	No amendment proposed for this rule. Board will not propose any amendments as a result of this comment.
Sabrina Wieseler	September 27, 2013	A motion was made to amend 55.5-02-03-01.2 (2a) to remove “for at least five percent of the hours practiced in each month” and to read “as needed as evidenced by clinical practice.” (Frey/Salzwedel/unanimous) [Roll call: Walz (y), Frey (y); Ridley (y); Waind (y), Salzwedel (y)]

55.5-03-01-04 Occupational therapy evaluation.

Comment made by:	Date comment made:	NDBOTP response to comment:
Janeene Sibla	September 4, 2013	A motion was made to amend 55.5-03-01-04 (2) to remove “habitats” and to read

		“habits.” (Frey/Salzwedel/unanimous) [Roll call: Walz (y), Frey (y); Ridley (y); Waind (y), Salzwedel (y)]
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55.5-03-01-05 Occupational therapy interventions.

Comment made by:	Date comment made:	NDBOTP response to comment:
Marsha Waind	October 20, 2013	<p>A motion was made to amend 55.5-03-01-05 (14) to add “An occupational therapist may purchase, store, and administer topical medications, including aerosol medications, as part of the practice of occupational therapist, but shall not dispense or sell any of the medications to patients. An occupational therapist shall comply with any protocols of the United States pharmacopoeia for storage of medications. A valid order or prescription for medication classified as a legend drug is needed before administration to a patient. Occupational therapy facilities must work with a pharmacist to assist with proper protocols for storage of medications. A record of dosage, for, quantity, and strength of medication administered to each patient is required in the medical record.”</p> <p>(Salzwedel/Frey/unanimous) [Roll call: Walz (y), Frey (y); Ridley (y); Waind (y), Salzwedel (y)]</p>