

Annual List of Rulemaking Activity
Rules Adopted January 1, 2023 to December 31, 2023
Prepared by the Secretary of State pursuant to 5 MRS §8053-A(5)

Agency name: Department of Professional and Financial Regulation,
Office of Professional and Occupational Regulation,
Board of Occupational Therapy Practice

Umbrella-Unit: **02-477**

Statutory authority: 32 MRS §§ 2274(2), 2279(6), 10 MRS §8003-H

Chapter numbers/titles: **Ch. 3**, Licensure by Endorsement
Ch. 7, Code of Ethics

Filing numbers: **2023-013, 2023-014**

Effective date: 1/25/2023

Type of rules: Routine Technical

Emergency rule: No

Principal reason or purpose for rules:

Chapter 3: Licensure by Endorsement

The Board is proposing to add a new chapter describing the pathway for Maine licensure for applicants with an active license in a U.S. jurisdiction that maintains licensing requirements that are substantially equivalent to Maine's requirements. This rule implements LD 149 (P.L. 2021, c. 167), An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions and LD 2035 (P.L. 2021, c. 642), An Act to Make Changes to the Laws Regarding Licensure of Certain Individuals from Other Jurisdictions.

Chapter 7: Code of Ethics

The Board is proposing to amend its Chapter 7 by adopting and incorporating by reference the AOTA 2020 Occupational Therapy Code of Ethics, Copyright © 2020, of the American Occupational Therapy Association, Inc (hereinafter the 2020 AOTA Code of Ethics"). The current rule adopts the 2010 American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics and Ethics Standards, with certain exceptions [excluding Principle 4, Social Justice, in its entirety, with the exception of the title "Social Justice," the prefatory phrase "Occupational therapy personnel shall" and paragraph F; excluding Principle 5, Procedural Justice, paragraphs D and F; and excluding Principle 7, Fidelity, paragraphs C, D and G.] In voting to propose the amended rule, the Board expressed desire to update the Code of Ethics to the current version published by AOTA and, given the changes from the 2010 AOTA Occupational Therapy Code of Ethics, voted to incorporate the AOTA Code of Ethics without exclusions, but instead to adopt the 2020 version in its entirety.

Basis statement:

The Maine State Board of Occupational Therapy Practice (the "Board") is charged by the Legislature with the regulation of Occupational Therapists and Occupational Therapy Assistants in the State of Maine for the sole purpose of protecting the public health and welfare. 10 M.R.S. § 8008. The Legislature granted the Board rulemaking authority pursuant to 32 M.R.S. S 2274(2).

The proposed rulemaking would add and amend the following chapters:

Chapter 3: Licensure by Endorsement (new)

Chapter 7: Code of Ethics (amended)

The Board proposed to add a new chapter describing the pathway for Maine licensure for applicants with an active license in a U,S, jurisdiction that maintains licensing requirements that are substantially equivalent to Maine's requirements. This rule implements LD 149 (P.L.

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Chapter 7: Code of Ethics

The Board also proposed to amend its Chapter 7 by adopting and incorporating by reference the AOTA 2020 Occupational Therapy Code of Ethics, Copyright © 2020, of the American Occupational Therapy Association, Inc (hereinafter the "2020 AOTA Code of Ethics"). The current rule adopts the 2010 American Occupational Therapy Association (AOTA) Occupational Therapy Code of Ethics and Ethics Standards, with certain exceptions [excluding Principle 4, Social Justice, in its entirety, with the exception of the title "Social Justice," the prefatory phrase "Occupational therapy personnel shall" and paragraph F; excluding Principle 5, Procedural Justice, paragraphs D and F; and excluding Principle 7, Fidelity, paragraphs C, D and G.] In voting to propose the amended rule, the Board expressed desire to update the Code of Ethics to the current version published by AOTA and, given the changes from the 2010 AOT A Occupational Therapy Code of Ethics, voted to incorporate the AOTA Code of Ethics without exclusions, but instead to adopt the 2020 version in its entirety.

Fiscal impact of rules:

None anticipated.

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Umbrella-Unit: **02-477**

Statutory authority: 32 MRS §§ 2274(2), 2283(4), 10 MRS §8003(5-A)(D)

Chapter numbers/titles: **Ch 4**, License Renewal and Continuing Education Requirements; Reinstatement (new); **Ch. 6-A**, License Renewal; Reinstatement (repealed)

Filing numbers: **2023-051, 2023-052**

Effective date: 4/3/2023

Type of rules: Routine Technical

Emergency rule: No

Principal reason or purpose for rules:

The proposed rule was developed as a result of the change in the Board's governing statute requiring continuing education requirements as a condition for renewal of a license. The new law directs the board to prescribe those requirements in rule. The rulemaking would incorporate the existing provisions in rule regarding license renewal and reinstatement that are currently in Chapter 6-A of board rules, and propose to repeal that chapter in its entirety and consolidate all provisions with the Continuing Education Requirements in a newly created Chapter 4. The rule proposes that each occupational therapist shall complete ten (10) hours and every occupational therapy assistant shall complete six (6) hours of continuing education relevant to the practice of occupational therapy or interprofessional practice during each reporting period as a condition of renewal. At least one (1) hour shall be on ethics. There is no requirement for either in-person attendance or a live, remote program during which immediate interaction with the instructor is possible. A minimum of four (4) hours must be completed by participation in a program offered by a recognized sponsor, while the remaining hours may be satisfied through a number of other qualifying activities including (but not limited to; please refer to text of the proposed rule) academic coursework, publications related to occupational therapy, preparation for and presenting at a workshop or seminar, and research.

Basis statement:

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Chapter 4: License Renewal and Continuing Education Requirements; Reinstatement (new)

Chapter 6-A: License Renewal; Reinstatement (repeal)

The proposed rule was developed as a result of the change in the Board's governing statute requiring continuing education requirements as a condition for renewal of a license. The new law directs the board to prescribe those requirements in rule. The rulemaking would incorporate the existing provisions in rule regarding license renewal and reinstatement that are currently in Chapter 6-A of board rules, and propose to repeal that chapter in its entirety and consolidate all provisions with the Continuing Education Requirements in a newly created Chapter 4. The rule proposes that each occupational therapist shall complete ten (10) hours and every occupational therapy assistant shall complete six (6) hours of continuing education relevant to

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the practice of occupational therapy or interprofessional practice during each reporting period as a condition of renewal. At least one (1) hour for both license categories shall be on ethics. There is no requirement for either in-person attendance or a live, remote program during which immediate interaction with the instructor is possible. A minimum of four (4) hours must be completed by participation in a program offered by a recognized sponsor, while the remaining hours may be satisfied through a number of other qualifying activities including academic coursework, publications related to occupational therapy, preparation for and presenting at a workshop or seminar, and research.

Fiscal impact of rules:

It is estimated that some licensees may incur some costs to comply with the requirements in this rule. The proposed rule, however, permits a wide range of options to comply with the continuing education requirements, therefore, the total cost to any individual licensee, if any, cannot be ascertained. Moreover, some renewing licensees who maintain a current NBCOT Certification may already be completing hours that would satisfy this requirement in board rule in order to maintain their certification.