

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2016-0614-03	2017-0620-045	

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California
AUG 02 2017

RECEIVED DATE	PUBLICATION DATE	
JUN 14 '16	JUN 24 '16	2017 JUN 20 P 4:09
Office of Administrative Law		OFFICE OF ADMINISTRATIVE LAW
NOTICE	REGULATIONS	

1:43 PM

AGENCY WITH RULEMAKING AUTHORITY	AGENCY FILE NUMBER (if any)
California Board of Occupational Therapy	

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Continuing Competence Requirements	16	4161	June 24, 2016
3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	Jeff Hanson	916-263-2294	916-263-2701
OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		6/24/2016	2016 26-Z

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
Continuing Competence Requirements	

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
ACTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND
4161, 4162, 4163
REPEAL
TITLE(S)
16

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6650)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input checked="" type="checkbox"/> Other (Specify) Jeffrey Mason, Chief Deputy Director, Department of Consumer Affairs		

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Heather Martin	916-263-2294	916-263-2701	Heather.Martin@dca.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
<i>Heather Martin</i>	20 June 2017
TYPED NAME AND TITLE OF SIGNATORY	
Heather Martin, Executive Officer, California Board of Occupational Therapy	

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ENDORSED APPROVED

AUG 02 2017

Office of Administrative Law

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
APPROVED MODIFIED REGULATORY LANGUAGE
Title 16, Division 39, California Code of Regulations

ORDER OF ADOPTION

Proposed amendments are shown in underline for new text and ~~strikeout~~ for deleted text.

Amend Title 16, Division 39, Article 7, California Code of Regulations to read as follows:

§ 4161. Continuing Competency.

(a) ~~Effective January 1, 2006, e~~Each licensee renewing a license under Section 2570.10 of the Code shall submit evidence of meeting continuing competency requirements by having completed ~~twenty-four (24)~~ professional development units (PDUs) during the preceding renewal period, or in the case of a license delinquently renewed, within the two years immediately preceding the renewal, acquired through participation in professional development activities.

(1) One ~~(1)~~ hour of participation in a professional development activity qualifies for one PDU;

(2) One ~~(1)~~ academic credit equals 10 PDUs;

(3) One ~~(1)~~ Continuing Education Unit (CEU) equals 10 PDUs.

(b) Topics and subject matter shall be pertinent to the practice of occupational therapy and course material must have a relevance or direct application to a consumer of occupational therapy services. Except as provided in ~~subsection~~division (c), professional development activities acceptable to the board include programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Occupational Therapy Association of California; post-professional coursework completed through any approved or accredited educational institution; or otherwise meets all of the following criteria:

(1) The program or activity contributes directly to professional knowledge, skill, and ability; and

(2) The program or activity must be objectively measurable in terms of the hours involved.

(c) PDUs may also be obtained through any or a combination of the following:

(1) Involvement in structured special interest or study groups with a minimum of three ~~(3)~~ participants. Three ~~(3)~~ hours of participation equals one ~~(1)~~ PDU, with a maximum of six ~~(6)~~ PDUs credited per renewal period.

(2) Structured mentoring with an individual skilled in a particular area. For each 20 hours of being mentored, the practitioner will receive three ~~(3)~~ PDUs, with a maximum of six ~~(6)~~ PDUs credited per renewal period.

(3) Structured mentoring of a colleague to improve his/her skills. Twenty ~~(20)~~ hours of mentoring equals three ~~(3)~~ PDUs, with a maximum of six ~~(6)~~ PDUs credited per renewal period.

(4) Supervising the fieldwork of Level I and Level II occupational therapist and occupational therapy assistant students shall be credited as follows: ~~For each 60 hours of supervision, the practitioner will receive .5 PDU, with a maximum of twelve (12) PDUs credited per renewal period.~~

(A) Supervising the fieldwork of a Level I student. For each student supervised the practitioner will receive one PDU.

(B) Supervising the fieldwork of a Level II student. For each 40 hours of supervision the practitioner will receive one PDU.

(C) A maximum of 12 PDUs of credit for supervising Level II and/or Level I students shall be allowed per renewal period.

(D) The supervision shall not be the primary responsibility of the licensee's employment.

(E) Credit for PDUs shall only be earned for the dates of supervision occurring during the renewal period.

(F) Fieldwork supervision hours of a single student may be divided between licensees. Total weekly hours claimed by more than one licensee sharing supervision of a single student shall not exceed 40 hours per week.

(5) Publication of an article in a non-peer reviewed publication. Each article equals five (5) PDUs, with a maximum of ~~ten~~ (10) PDUs credited per renewal period.

(6) Publication of an article in a peer-reviewed professional publication. Each article equals 10 PDUs, with a maximum of ~~ten~~ (10) PDUs credited per renewal period.

(7) Publication of chapter(s) in occupational therapy or related professional textbook. Each chapter equals 10 PDUs, with a maximum of ~~ten~~ (10) PDUs credited per renewal period.

(8) Making professional presentations at workshops, seminars, and conferences. For each hour presenting, the practitioner will receive two (2) PDUs, with a maximum of six (6) PDUs credited per renewal period.

(9) Attending a meeting of the California Board of Occupational Therapy. Each meeting attended equals two (2) PDUs, with a maximum of six (6) PDUs credited per renewal period.

(10) Attending board outreach activities. Each presentation attended equals two (2) PDUs, with a maximum of four (4) PDUs credited per renewal period.

(d) Partial credit will not be given for the professional development activities listed in subsection (c) and a maximum of ~~twelve~~ (12) PDUs may be credited for the activities listed in subsection (c).

(e) This section shall not apply to the first license renewal following issuance of the initial license.

(f) Of the total number of PDUs required for each renewal period, a minimum of one half of the units must be directly related to the delivery of occupational therapy services, which may include: models, theories, or frameworks that relate to client/patient care in preventing or minimizing impairment, enabling function within the person/environment or community context. Other activities may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to one's practice.

(g) Applicants who have not been actively engaged in the practice of occupational therapy within the past five years completing continuing competency pursuant to section 2570.14(a) of the Code to qualify for licensure shall submit evidence of meeting the continuing competency requirements by having completed, during the two year period immediately preceding the date the application was received, ~~forty~~ (40) PDUs that meet the requirements of subsection (b). The ~~forty~~ 40 PDUs shall include:

(1) ~~Thirty-seven~~ (37) PDUs directly related to the delivery of occupational therapy services, which may include the scope of practice for occupational therapy practitioners or the occupational therapy practice framework;

(2) Three (3) PDUs related to ethical standards of practice in occupational therapy.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code. Reference: Section 2570.10, Business and Professions Code.

4162. Completion and Reporting Requirements.

(a) The occupational therapy practitioner shall record the following information for each activity on the renewal form:

(1) the date each course or activity was completed;

(2) the provider, course number, and course title, if applicable;

(3) a description of the course; and

(4) the total number of PDUs.

(b) Records showing participation in each professional development activity must be maintained by the occupational therapy practitioner for four (4)-years following the renewal period.

(c) ~~A maximum of three (3) PDUs in excess of the required 12 PDUs may be carried over to the next renewal period for those practitioners renewing after one year. A maximum of six (6) PDUs in excess of the required 24 PDUs may be carried over to the next renewal period, for those practitioners renewing after two years.~~

(d) Any occupational therapy practitioner who is unable to provide records documenting completion of the continuing competency requirements is subject to citation and/or administrative fine or disciplinary action.

(e) Any occupational therapy practitioner who supervises a Level I and/or Level II student shall document said supervision, immediately upon conclusion of the supervision period, using the Fieldwork Education PDU Attestation form (Form FEA New 6/2016), hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code. Reference: Section 2570.10, Business and Professions Code.

§ 4163. Exemption from Continued Competency Requirements.

At the time of applying for renewal of a license, an occupational therapy practitioner may request an exemption from the continuing competency requirements. The renewal application must provide the following information:

(a) Evidence that during the renewal period prior to the expiration of the license, the practitioner was residing in another country for one year or longer, reasonably preventing completion of the continuing competency requirements; or

(b) Evidence that the practitioner was absent from California because of military service for a period of one year or longer during the renewal period, preventing completion of the continuing competency requirements; or

(c) Evidence that the practitioner should be exempt from the continuing competency requirements for reasons of health or other good cause, which include:

(1) Total physical and/or mental disability and inability to work for one (1) year or more during the renewal period and the inability to work during this period has been verified by a licensed physician or surgeon or licensed clinical psychologist; or

(2) Total physical and/or mental disability for one (1) year or longer of an immediate family member for whom the practitioner had total responsibility, as verified by a licensed physician or surgeon or licensed clinical psychologist.

(d) An exemption under this section shall not be granted for two consecutive renewal periods. In the event a licensee cannot complete continuing competency requirements following an exemption, the licensee may only renew the license in an inactive status.

Note: Authority cited: Sections 2570.10 and 2570.20, Business and Professions Code. Reference: Sections 2570.10 and 2570.11, Business and Professions Code.



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ADOPT

Fieldwork Education PDU Attestation

Licensee Name (Supervisor): _____

OTA OT License Number: _____

Occupational therapy student (name): _____

OTA OT Fieldwork Level 1 Level 2

College/University: _____

Dates of Fieldwork: _____ to _____

Number of hours as fieldwork supervisor: _____

Average hours/week as fieldwork supervisor: _____

Co-supervisor(s) (if any): _____

Professional Development Units requested: _____
 (A maximum of 12 PDUs may earned for supervising students per biennial renewal period)

Signature of licensee: _____ Date: _____

By signing above, I declare under penalty of perjury of the laws of the State of California that the information contained on this form is true and correct. I understand any misrepresentation of any item on this form is sufficient grounds for disciplinary action by the California Board of Occupational Therapy.

Employer or Fieldwork Coordinator Verification
(Information below must be completed by Employer or Fieldwork Coordinator)

Licensee's Employer Academic Fieldwork Coordinator (Select one)

Facility/College or University: _____

Printed Name: _____

Signature: _____ Date: _____