

## **AGENDA ITEM 18**

**DISCUSSION AND POSSIBLE ACTION ON WHETHER THE USE OF DRY NEEDLING, AS AN INTERVENTION, IS WITHIN THE OCCUPATIONAL THERAPY SCOPE OF PRACTICE.**

---

## Policy E.18: Interventions to Support Occupations

### Purpose

- AOTA asserts that interventions to support occupations including but not limited to physical agent modalities (PAMs), dry needling, and other techniques may be used in preparation for, or concurrently with occupations and activities or interventions that ultimately enhance a client's engagement in occupation.
- Occupational therapists and occupational therapy assistants are members of interdisciplinary teams and require access to provide interventions necessary to support client care. Loss of care provided or referral to other providers for specific techniques may compromise or restrict consumer access to occupational therapy services and could result in duplication of services and increased costs of care.
- Clinical research on intervention effectiveness in occupational therapy for new and emerging techniques should not be limited by restrictions on practice to provide responsive care as health conditions and health care technologies continue to evolve.
- Occupational therapy practitioners, as experts in various areas of practice, are placed at a disadvantage when there is not a defined policy or guidance for the use of existing and emerging interventions to support occupations.

### Policy

1. Interventions to support occupations, including but not limited to PAMs, are utilized by occupational therapy practitioners as part of occupation-based practice. Use of these techniques is designed to prepare the client for occupational performance to support clients' engagement and independent participation in meaningful occupations (e.g., ADLs, IADLs).
2. Interventions to support occupations should not be used in isolation or in the absence of occupation-based assessment and intervention.
3. Use of interventions to support occupations may include the application of PAMs, mechanical modalities, instrument-assisted (manual) modalities (e.g., dry needling), and other new and emerging techniques. It is important to differentiate that little or no published evidence for new and emerging techniques does not equate to a lack of effectiveness. It is an indicator that further research is needed.
4. In the case of new and emerging techniques in which there is not a strong body of evidence, it is essential that practitioners fully disclose the benefits, risks, and potential outcomes of an intervention and reasonable alternatives. Informed consent should be obtained after disclosing information and answering questions to ensure autonomous and voluntary participation in the treatment plan or research study.
5. Decisions on whether to continue or discontinue use of new and emerging techniques should be based on professional reasoning and outcomes including documented progress toward clients' goals to ensure the client is receiving benefit to engage and participate in meaningful occupation.
6. Interventions to support occupations may not be entry-level skills and may require advanced training and/or certification. New treatment techniques and interventions are routinely developed based on currently available evidence. Practitioners are responsible for maintaining their awareness of these developments as well as their competency in the safe and effective application of new treatment approaches.
7. States vary in the inclusion of interventions to support occupations within the defined scope of practice and requirements for training and continuing education for these techniques. There is no consensus from state to state on the minimum standards for evaluating competency or certification in the use of interventions to support occupations.

8. Some states have additional regulatory requirements for demonstrating competence beyond entry-level education and for specific types of PAMs. Occupational therapy practitioners need to be aware of and comply with these requirements, which may include, but are not limited to, continuing professional education, institution-specific procedures for ascertaining service competence, and supervised contact hours by a qualified practitioner in the respective state.
9. Competency is outlined by standards of conduct in the Occupational Therapy Code of Ethics. It is the responsibility of occupational therapy personnel to maintain credentials, licenses, and other certifications to develop, demonstrate, and maintain competent, evidence-based practice and supervision requirements.
10. Occupational therapy practitioners should review continuing education and advanced certification courses in advance to ensure quality and alignment with state and site/facility specific law, regulation, policy and requirements prior to participation and application of any techniques with clients.
11. Occupational therapy assistants may utilize PAMs and other interventions to support occupations with appropriate supervision in accordance with local and state policies, rules, and regulations.

## Resources

American Occupational Therapy Association. (2020). AOTA 2020 occupational therapy code of ethics. *American Journal of Occupational Therapy*, 74(Suppl. 3), 7413410005.  
<https://doi.org/10.5014/ajot.2020.74S3006>

American Occupational Therapy Association. (2020). Occupational therapy practice framework: Domain and process (4th ed.). *American Journal of Occupational Therapy*, 74(Suppl. 2), 7412410010.  
<https://doi.org/10.5014/ajot.2020.74S2001>

|                        |        |
|------------------------|--------|
| Approval Date:         | 4/2023 |
| Date of Last Revision: |        |

## **AGENDA ITEM 19**

**CONSIDERATION AND POSSIBLE ACTION TO AMEND CCR, TITLE 16, DIVISION 39, SECTION 4150, DEFINITIONS, AND ADD THAT TO CURRENT REGULATORY PACKAGE PROPOSING AMENDMENTS TO SECTIONS 4151, 4152, 4153, AND 4154, RELATING TO ADVANCED PRACTICES, AND SECTIONS 4161 AND 4162, RELATING TO CONTINUING COMPETENCE.**

## CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

Title 16, Division 39, California Code of Regulations

Proposed amendments and documents incorporated by reference are shown by ~~strikethrough~~ for deleted text and underlined for new text.

### **Amend section 4150, Definitions to read as follows:**

#### § 4150. Definitions

For the purpose of this article:

- (a) "ACOTE" means the Accreditation Council for Occupational Therapy Education.
- (b) "~~Post professional~~Education and training" means education and training obtained subsequent to the qualifying degree program or beyond current ACOTE standards for the qualifying degree program.
- (c) "Contact hour" means sixty (60) minutes of coursework or classroom instruction.
- (d) "Semester unit" means fifteen (15) contact hours.
- (e) "Quarter unit" means ten (10) contact hours.
- (f) "Rehabilitation of the hand, wrist, and forearm" as used in Code section 2570.2(l) refers to occupational therapy services performed as a result of surgery or injury to the hand, wrist, or forearm.
- (g) "Upper extremity" as used in Code section 2570.3(e) includes education relating to the hand, wrist, or forearm.
- (h) "Swallowing" as used in Code section 2570.3 is the passage of food, liquid, or medication through the pharyngeal and esophageal phases of the swallowing process.
- (i) "Instrumental evaluation" is the assessment of any aspect of swallowing using imaging studies that include, but are not limited to, endoscopy and videofluoroscopy.
- (1) "Endoscopic evaluation of swallowing" or "endoscopy" is the process of observing structures and function of the swallowing mechanism to include the nasopharynx, oropharynx, and hypopharynx.
- (2) "Videofluoroscopic swallowing study" or "videofluoroscopy" is the fluoroscopic recording and videotaping of the anatomy and physiology of the oral cavity, pharynx, and upper esophagus using a variety of bolus consistencies to assess swallowing function. This procedure may also be known as videofluorography, modified barium study, oral-pharyngeal motility study and video radiography.

NOTE: Authority cited: Sections 2570.3 and 2570.20, Business and Professions Code.  
Reference: Sections 2570.2 and 2570.3, Business and Professions Code.

## **AGENDA ITEM 20**

**EXECUTIVE OFFICER UPDATE ON PUBLIC LAW 117-333, PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES.**

# Military Servicemember, Military Spouse or Domestic Partner Registration Process (Practice under Public Law 117-333)

## Qualifying questions:

Are you requesting to practice as a teacher, attorney, real estate professional, emergency medical technician, or paramedic? \*

- Yes  
 No

Are you an active duty military service member or married to, or in a domestic partnership or other legal union with, an active duty military service member? \*

- Yes  
 No

Are you relocating to California because of military orders? \*

- Yes  
 No

Do you hold a current professional license in good standing in a jurisdiction outside of California (another state, district, or territory of the United States)? \*

- Yes  
 No

Have you actively used the license during the two years immediately preceding the military required relocation to California? ("Actively used" means an individual performed at least one activity within the scope and under the authority of the license). \*

- Yes  
 No

Based on your responses,  
it does not appear that you meet the requirements to practice under Federal and California laws.  
For more information on the requirements, please visit the following link:  
(Click Here <https://www.dca.ca.gov/military/>)  
Board/Bureau Military resource contact information may be found at  
[https://www.dca.ca.gov/about\\_us/military\\_boards\\_bureaus.shtml](https://www.dca.ca.gov/about_us/military_boards_bureaus.shtml)

You have responded to all required fields.

Next

Welcome to the DCA License Portability Portal. Please complete the information on the following pages. Once complete, you will be asked to 'Click to Send' the registration request to the board or bureau. The board or bureau, upon receipt and review of your registration request, will contact you via the email address provided. If more information is required, you will receive an email outlining the deficiency item(s).

## Profession or Vocation

Select the Board or Bureau associated with your profession or vocation. \*

Select the profession or vocation for which you are seeking to practice in California. \*

If the profession or vocation for which you are seeking to practice in California is not listed above, please call the appropriate board or bureau for assistance. Contact information may be found at:  
[https://www.dca.ca.gov/about\\_us/military\\_boards\\_bureaus.shtml](https://www.dca.ca.gov/about_us/military_boards_bureaus.shtml)

Please enter the information below. The email provided will be used to send you a link to complete the registration process.

Are you the Spouse or Domestic Partner (or other legal union) of a Military Servicemember, or are you the Military Servicemember? \*

- I am the Military Servicemember.
- I am the Spouse or Domestic Partner (or other legal union) of a Military Servicemember.

Please respond to servicemember question

Please check responses to all required fields.

Personal Information Pending



**Accepted (aka approved) Temporary Military Licensees will be listed on the *DCA License Search* page and DCA's *Military Resources* page.**

## DCA LICENSE SEARCH

Use this online search tool to verify a license issued by the Department of Consumer Affairs (DCA) for t suspension or revocation.

The following DCA entities are not on this system; please visit their websites to verify a license:

- [CONTRACTORS STATE LICENSE BOARD](#)
- [BUREAU OF PRIVATE POSTSECONDARY EDUCATION](#)
- [BUREAU OF REAL ESTATE APPRAISERS](#)
- [LICENSEES EXEMPT FROM ELECTRONIC DATA TRANSMISSION](#)
- **[New Military Registration link to be added here](#)**



## Resources for Members of the United States Armed Forces

### Information for Members of the United States Armed Forces and Their Families

We are committed to assisting California's United States Armed Forces members and their families. This page was created as a resource for those seeking licensure from a DCA board or bureau.

The Department of Consumer Affairs (DCA) and its boards and bureaus protect and serve California consumers through the licensure and regulation of 3.4 million licensees in diverse professions and occupations ranging from accountancy to medical, security guard to contractor, cemetery to veterinary, and more.



Board and Bureau Military Contact Information



Expedited Licensure



Renewal Waivers



Temporary Licensure for Military Spouses or Domestic Partners

**[New Military Registration Link to be added here](#)**

## **AGENDA ITEM 21**

### **REPORT ON BOARD'S PENDING REGULATORY PROPOSALS.**

# REGULATIONS UPDATE REPORT

*Pending Rulemaking files: In-Process*

| Rulemaking File Section and Subject  | Status  | Date Submitted for approval | Date Pkg Returned | Date Language to be Published |
|--|---|-----------------------------|-------------------|-------------------------------|
| <b>Amend Sections:</b><br>4110, Applications,<br>4111, Place of Filing,<br>4112, Review of Application,<br>4114, Abandonment of Application.   | Language approved by Board at August 2023 meeting | 8/30/2023                   |                   |                               |
| <b>Amend Sections:</b><br>4102, Filing of Addresses,<br>4151, Hand Therapy,<br>4152, Physical Agent Modalities,<br>4153, Swallowing Assessment Evaluation, or Intervention,<br>4154, Education and Training,<br>4161, Continuing Competency,<br>4162, Completion and Reporting Requirements. | Language approved by Board at August 2023 meeting | 9/29/2023                   |                   |                               |

# REGULATIONS UPDATE REPORT

*Pending Rulemaking files: In-Process*

| Rulemaking File Section and Subject   | Status   | Date Submitted for approval            | Date Pkg Returned | Date Language to be Published |
|---|--|--|-------------------|-------------------------------|
| <p><b>Amend Sections:</b><br/>           4101, Delegation of Certain Functions,<br/>           4141, Assessment of Administrative Fines,<br/>           4146, Definitions,<br/>           4146.5, Effective Dates of Decisions,<br/>           4147, Disciplinary Guidelines,<br/>           4147.5, Uniform Standards Related to Substance Abuse, and<br/>           4149.1, Revocation for Sexual Contact;</p> <p><b>Add Sections:</b><br/>           4146.1, Substantial Relationship Criteria,<br/>           4146.7, Rehabilitation Criteria for Applicants,<br/>           4146.8, Rehabilitation Criteria for Licensees,<br/>           4147.7, Probation Monitoring Costs,<br/>           4149.6, Petitions for Modification of Penalty or Termination of Probation,<br/>           4149.7, Petitions for Reinstatement of License.</p> | <p style="text-align: center;">Language approved by Board at August 2023 meeting</p> | <p style="text-align: center;">TBD</p> |                   |                               |

## REGULATIONS UPDATE REPORT

### *Pending Rulemaking files: Process Not Yet Started*

| Rulemaking File Subject  | Section(s)     | Priority | Status  | Comments   |
|--|----------------|----------|---|--|
| Definitions  | 4150           | 1        | Proposed language to be presented to the Board at Nov 2-3, 2023, Board meeting.               | Language would implement BPC 2570.3                        |
| Definitions & Supervision Parameters   | 4180,<br>4181  | 2        | Proposed language to be presented to the Board at Nov 2-3, 2023, Board meeting.               | Language would implement BPC 2570.3(j)(2).                 |
| Application/Renewal Attestation  | 4110.1<br>4122 | 3        | Language approved by the Board members. Rulemaking file to be completed and submitted to DCA. | Language would implement BPC 2570.6 and 2570.10            |
| Language for OTs to request to supervise more than 3 OTAs  | TBD            | TBD      | Practice Committee to review and provide recommendations to the Board.                        | Language would implement BPC 2570.3(j)(2).                 |
| Patient record retention requirements when a business is closed/sold/inherited or has a change of ownership; or if practitioner is no longer in private practice | TBD            | TBD      | Practice Committee to review and provide recommendations to the Board.                        | Language provides specificity to language in BPC 2570.185. |