

## AVAILABILITY OF SECOND MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the text of CCR Sections 4110, 4112, 4120, 4121, 4123, and 4127 in Division 39, Title 16. A copy of the second modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on June 3, 2014, to the following:

Jeff Hanson  
California Board of Occupational Therapy  
2005 Evergreen Street, Suite 2050  
Sacramento, CA 95815  
Telephone: (916) 263-2294  
Fax: (916) 263-2701  
E-mail: [cbot@dca.ca.gov](mailto:cbot@dca.ca.gov)

DATED: May 19, 2014

[Signature on File]

---

HEATHER MARTIN  
Executive Officer  
Board of Occupational Therapy

California Board of Occupational Therapy  
Department of Consumer Affairs

Title 16. Division 39, California Code of Regulations

**PROPOSED SECOND MODIFIED TEXT**

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

Modifications to regulatory language are shown by ~~double-strikeout~~ for deleted text and double underline for new text.

Second modifications to the regulatory language are shown by ~~italic double-strikeout~~ for deleted text and italic double underline for new text.

**a. Section 4110, Article 2, is amended to read as follows:**

**§ 4110. Application**

(a) An application for a license, ~~certificate~~, or limited permit shall be submitted on the form entitled Initial Application for Licensure, Form ILA, Rev. 8/2012), hereby incorporated by reference, or by providing the same information via on-line submission, if available, and shall contain the information required by sections 30, 144, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16 of the Code and Family Code section 17520, accompanied by the appropriate fees.

(b) For an applicant applying for licensure pursuant to section 2570.15 of the Code, "substantially equal" means that the applicant has successfully completed the academic requirements of an educational program, including the educational program and supervised fieldwork requirements, for an occupational therapist or an occupational therapy assistant that are approved by the board and approved by the foreign credentialing review process of the National Board of Certification in Occupational Therapy (~~NBCOT~~), the American Occupational Therapy Certification Board, or the American Occupational Therapy Association.

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 30, 144, 850, 851, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, 2570.15 and 2570.16, Business and Professions Code; and Section 17520, Family Code.

**b. Section 4112, Article 2, is amended to read as follows:**

**§ 4112. Review of Application**

~~(a)~~ Within thirty (30) days after receipt of an application for a license, ~~certificate~~, or limited permit, the board shall inform the applicant, in writing, whether the application is complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

~~(b) Within ten (10) days after receipt of an application for a license submitted by an applicant that is:~~

~~(1) Married to, or in a domestic partnership or other legal union with an active duty member of the military who is assigned to a duty station in California, and~~

~~(2) Holds a current, unrestricted, occupational therapist or occupational therapy assistant license, certificate or registration issued by another state, district, or territory of the United States, the board shall inform the applicant, in writing, whether the application is complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.~~

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 115.5, 144, 2570.5, 2570.6, 2570.7, 2570.8, 2570.9, 2570.14, and 2570.16, Business and Professions Code and Section 15376, Government Code.

**c. Section 4120, Article 3, is amended to read as follows:**

**§ 4120. Renewal of License or Certificate – Forms**

(a) The term of a license or certificate shall be two years.

(1) Unless renewed, a license or certificate issued by the board shall expire at 12 midnight on the last day of the holder's birth month during an odd year if the licensee was born in an odd year or during an even year, if the licensee was born in an even year. The initial license fee shall be prorated from the month of issuance based on the holder's birth month and birth year.

(2) To renew an unexpired license or certificate, the holder shall, before the time at which the license or certificate would otherwise expire, apply for renewal, pay the renewal fee, and certify that the licensee's or certificate holder's representations on the renewal form are true, correct, and contain no material omissions of fact, signed under penalty of perjury.

(3) The renewal application shall include a statement specifying whether the licensee or certificate holder was convicted of a crime or disciplined by another public agency during the preceding renewal period, and whether the continuing competency requirements have been met if renewing in an active status.

(4) For a license or certificate that expires on or after July 1, 2010, as a condition of renewal, an applicant for renewal not previously fingerprinted by the board, or for whom a record of the submission of fingerprints no longer exists, is required to furnish to the Department of Justice, as directed by the board, a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice. Failure to submit a full set of fingerprints to the Department of Justice on or before the date required for renewal of a license or certificate is grounds for discipline by the board. It shall be certified on the renewal form whether the fingerprints have been submitted. This requirement is waived if the license or certificate is renewed in an inactive status, or the licensee or certificate holder is actively serving in the military outside the country.

(5) An inactive license or certificate may be renewed.

(6) Failure to provide all of the information required by this section renders any application for renewal incomplete and not eligible for renewal.

(b) A limited permit cannot be renewed.

~~(c) Licensees who possess a current and valid license and who are called to active duty as a member of the United States Armed Forces or the California National Guard do not have to:~~

~~(1) Pay the renewal fee set forth in section 4130; or~~

~~(2) Complete the continuing competency requirements set forth in section 4161.~~

~~These requirements are waived only during the period in which the licensee is on active duty service.~~

~~(d) Licensees may not engage in the practice of occupational therapy during the period of active duty service and renewal waiver unless he or she wishes to practice, at which time the licensee shall request the license be placed on military active status. A licensee whose license is on military active status may practice occupational therapy but shall not engage in private practice.~~

~~(e) Licensees who are on active duty service must notify the board, in writing, within 60 days of his or her notice of discharge.~~

~~(f) In order to activate their license, the licensee must meet all necessary renewal requirements within six (6) months from the licensee's discharge from active duty service, including the requirements of sections 4130 and 4161.~~

~~(c) Licensees who possess a current and valid license and who are called to active duty as a member of the United States Armed Forces or the California National Guard shall have all renewal requirements waived, upon submission of documentation verifying the licensee's active duty service. The renewal requirements are waived only for the period during which the licensee is on active duty service.~~

~~(d) Licensees may not engage in the practice of occupational therapy during the period of active duty service and renewal waiver. In order to provide occupational therapy services a licensee may request that his or her license be placed on "Military Active" status. A licensee whose license is on "Military Active" status shall not engage in private practice or render services to the public.~~

~~(e) A licensee who applies to reactive his or her license within six (6) months of their discharge from active duty service, shall be granted waivers as follows:~~

~~(1) A licensee who applies to reactive his or her license within two (2) years from the expiration date of their license shall be exempted from paying the renewal fee, delinquent fee, and meeting the continuing competence requirement; or~~

~~(2) A licensee who applies to reactivate his or her license more than two (2) years from the expiration date of their license shall be exempted from paying any accrued renewal or delinquent fees but shall complete the continuing competence requirement set forth in Section 4161 or otherwise request and qualify for the continuing competence exemption set forth in Section 4163.~~

~~(f) Licensees who are on active duty service must notify the board, in writing, within 60 days of his or her notice of discharge in order to meet the renewal waiver requirement.~~

~~(g) Any licensee who fails to apply to reactive his or her license within six (6) months of discharge shall make the waivers specified in Sections 4120(c)(1) and (2) null and void.~~

~~The license shall then be subject to the standard license renewal requirements as set forth in Sections 4130 and 4161.~~

Note: Authority cited: Sections 134, 152.6, 462, and 2570.20, Business and Professions Code. Reference: Sections 114.3, 134, 152.6, 462, 2570.5, 2570.9, 2570.10, and 2570.11, Business and Professions Code.

**d. Section 4121, Article 3, is amended to read as follows:**

**§ 4121. Renewal of Expired License or Certificate; Application; Fees; Effective Date of Renewal**

~~(a)~~ Except as otherwise provide in the Code, a license or certificate which has expired may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If a license or certificate is renewed after its expiration, the licensee or certificate holder, as a condition precedent to renewal, shall also pay a delinquency fee. Renewal under this section shall be effective on the date on which the application is ~~filed~~ received by the Board, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license or certificate shall continue in effect through the expiration date provided in section 4120, ~~above which next occurs after the effective date of renewal, when it~~ at which time, it shall expire if it is not renewed.

~~(b) This section shall not apply to licensees who are on active duty service as a member of the United States Armed Forces or the California National Guard.~~

Note: Authority cited: Section 2570.20, Business and Professions Code. Reference: Sections 114.3, 163.5, 2570.9, and 2570.10, Business and Professions Code.

**Section 4123, Article 3, is amended to read as follows:**

**§ 4123. Limited Permit**

(a) To qualify for a limited permit, a person must have applied to the National Board for Certification in Occupational Therapy (NBCOT) to take the licensing examination within four (4) months of completing the education and fieldwork requirements for licensure or certification and request NBCOT provide their examination score report be forwarded to the Board.

(1) Upon receipt from NBCOT, the applicant must forward to the Board a copy of the Authorization to Test (ATT) letter.

(2) The applicant must provide documentation or other evidence to the Board, to prove that the applicant requested their examination score be sent from NBCOT to the Board, before a limited permit may be issued.

(3) A limited permit shall only be valid for three (3) months from the date of issuance by the Board, upon receipt of a failing result, or two (2) weeks following the expiration of the applicants' eligibility to test period, whichever occurs first.

(4) The limited permit holder must immediately notify the Board of the results of the examination.

(5) The limited permit holder must provide to the Board the name, address and telephone number of his or her employer and the name and license number of his or her supervising occupational therapist (OT). Any change of employer or supervising OT must be provided to the Board, in writing, within ~~40~~ five (5) days of the change.

(b) A limited permit shall not be denied to an applicant that has completed the fingerprint, education, and examination requirements, yet is unable to provide transcripts due to the college or university's inability to make the transcripts available to the student or the Board

in a timely manner. A limited permit issued pursuant to this section shall only be valid for three (3) months from the date of issuance by the Board.

~~(b)~~ (c) The limited permit will be cancelled, and the fee forfeited, upon notification to the Board or the limited permit holder by the test administrator that the holder failed to pass the first examination.

Note: Authority cited: Sections 2570.5 and 2570.20, Business and Professions Code. Reference: Sections 2570.5, 2570.6, 2570.7, 2570.9, 2570.16 and 2570.26, Business and Professions Code; and Sections 4100, 4102, 4110, 4111, 4112, 4114, 4120 and 4130, California Code of Regulations.

**e. Section 4127, Article 3.5, is amended to read as follows:**

**§ 4127. Inactive Status**

*(The renumbering of Section 4127 (formerly Section 4122) is part of a pending rulemaking action-reference: Z-202-0814-22)*

Upon written request, the board may grant inactive status to a license ~~or certificate~~ holder under the following conditions:

(a) At the time of application for inactive status, the holder's license ~~or certificate~~ shall be current and not suspended, revoked, or otherwise punitively restricted by the board.

(b) The holder of an inactive license ~~or certificate~~ shall not engage in any activity for which a license ~~or certificate~~ is required.

(c) An inactive license ~~or certificate~~ shall be renewed during the same time period in which an active license or certificate is renewed. The holder of an inactive license ~~or certificate~~ need not comply with any continuing education requirement for renewal of an active license.

(d) The renewal fee for a license ~~or certificate~~ in an active status shall apply also for a renewal of a license ~~or certificate~~ in an inactive status, unless a lesser renewal fee is specified by the board.

(e) In order for the holder of an inactive license ~~or certificate~~ to restore his or her license ~~or certificate~~ to an active status, he or she shall comply with all of the following:

(1) Pays the renewal fee.

~~(2) If the board requires completion of continuing education for renewal of an active license,~~ Provides proof of completion of complete continuing education equivalent to that required for a single renewal period of an active license, pursuant to Section 4161 ~~or certificate, unless a different requirement is specified by the board on a case-by-case basis.~~

Note: Authority cited: Sections 462, 700, 701, and 2570.20, Business and Professions Code. Reference: Sections 462, 700, 701, and 2570.11, Business and Professions Code.