AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the proposed text of CCR Sections 4128 and 4130 in Division 39, Title 16. A copy of the 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 April 19, 2013, to the following:

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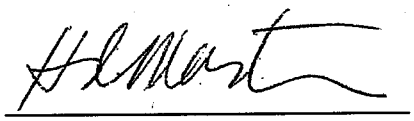
DATED: April 4, 2013



HEATHER MARTIN
Executive Officer
Board of Occupational Therapy

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

SECOND MODIFIED TEXT
Title 16, Division 39, California Code of Regulations

Proposed amendments are shown by strikeout for deleted text and underline for new text. Modifications are shown by double strikeout for deleted text and double underline for new modified language.

1. The title of Article 3 is amended to read as follows:

Article 3. License~~, Certificate,~~ <u>and</u> Limited Permit~~, Inactive Status~~

2. Article 3.5 is added to Division 39 to read as follows:

<u>Article 3.5. Inactive and Retired Status</u>

3. Section 4122, Inactive Status, is renumbered to Section 4127.

§ ~~4122~~ <u>4127</u>. Inactive Status.

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) Pay the renewal fee.
(2) If the board requires completion of continuing education for renewal of an active license, complete continuing education equivalent to that required for a single renewal period of an active license 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.

4. Section 4128 is added to Division 39, Article 3.5, to read as follows:

§ 4128. Retired Status.

(a) On or after July 1, 2013, a holder of an occupational therapist or occupational therapy assistant license that is current and whose license is not suspended, revoked, or otherwise restricted by the board or subject to discipline, may apply for retired status, upon application and payment of the fee prescribed in section 2570.17 of the Code.
(b) The application shall be on a form prescribed by the Board titled "Application for Retired Status" (Form ARS, New 7/2012), and shall disclose under penalty of perjury whether the licensee has been disciplined by another public agency or been convicted or pled nolo contendere to any violation of any statute in the United States or foreign country.
(c) A license in retired status is not subject to renewal.
(d) The holder of a license in retired status shall not engage in any activity for which an active license is required. Failure to comply with this section is unprofessional conduct and grounds for citation or discipline.
(e) An occupational therapist holding a license in retired status shall be permitted to use the title "occupational therapist, retired" or "retired occupational therapist." An occupational therapy assistant holding a license in retired status shall be permitted to use the title "occupational therapy assistant, retired" or "retired occupational therapy assistant." The designation of retired shall not be abbreviated in any way. Failure to comply with this section is unprofessional conduct and grounds for citation or discipline.
(f) In order to restore his or her license to active status the holder of a license in retired status shall:
(1) Complete a form prescribed by the board titled "Application to Restore License to Active Status," (Form ARL, New 7/2012), and pay the biennial renewal fee in effect at the time the request for activation is received; and.
(2) Satisfy continuing competency requirements as follows:
(A) Complete 24 PDUs, within two (2) years of the date the application for reactivation is received, if the license is in retired status for a period of five (5) years or less, or
(B) Meet one of the requirements set forth in section 2570.14 of the Code if the license is in retired status for a period of more than five (5) years. If qualifying under 2570.14(a), the holder of a license in retired status must complete 40 PDUs as specified in section 4161(g).
(h) A licensee may be granted a license in retired status on no more than two separate occasions.

NOTE: Authority cited: Sections 2570.10, and 2570.11, Business and Professions Code; Reference: Sections 118, 2570.14, 2570.16 and 2570.17, Business and Professions Code.

5. Section 4130, Article 4, is amended to read as follows:

§ 4130. Fees.

Fees are fixed by the board as follows:
(a) On or after July 1, 2014, the fee for processing an Initial Application for Licensure (Form IAL, Revised 8/2012) shall be fifty dollars ($50).
~~(a)~~(b) ~~On or after July 1, 2014, the~~ The initial license ~~or certificate~~ fee shall be prorated pursuant to Section 4120(a)(1) and based on a biennial fee of ~~($150)~~ ~~one hundred seventy dollars ($170)~~ one hundred fifty dollars ($150).

~~(b)~~(c) The fee for a limited permit ~~is~~ shall be seventy five dollars ($75).
~~(c) For a license that expires on or before December 31, 2006, the annual renewal fee for a license or certificate is $150.~~
~~(d) For a license that expires on or after January 1, 2007, the renewal fee shall be in accordance with the following schedule:~~
~~(1) For a license that expires between January 1, 2007, and December 31, 2007, a licensee with an even birth year shall renew for one year and the renewal fee shall be seventy-five dollars ($75).~~
~~(2) For a license that expires on or after January 1, 2007, and biennially thereafter, a licensee with an odd birth year shall renew for two years and the renewal fee shall be one hundred fifty dollars ($150).~~
(d) ~~(3) For a license that expires on or after before January July 1, 2008, 2014, and biennially thereafter, a licensee with an even birth year shall renew for two years and~~ T~~t~~he biennial renewal fee shall be one hundred fifty dollars ($150).
~~(e) For a license that expires on or after July 1, 2014, the biennial renewal fee shall be one hundred seventy dollars ($170).~~
~~(e)(f)~~(e) ~~On or after July 1, 2014,~~ T~~t~~he delinquency fee is one-half of the renewal fee.
~~(f)(g)~~(f) ~~On or after July 1, 2014,~~ T~~t~~he renewal fee for an inactive license ~~or certificate is~~ shall be ~~$25 fifty dollars ($50)~~ twenty five dollars ($25).
~~(h)~~(g) On or after July 1, 2013, the fee for an Application for Retired Status (Form ARS, New 7/2012), shall be twenty-five dollars ($25).
~~(g)(i)~~(h) The fee for a duplicate license is $15.
~~(h)(j)~~(i) The fees for fingerprint services are those charged by the California Department of Justice and the Federal Bureau of Investigation.

Note: Authority cited: Sections 122, 144, 163.5, and 2570.20, Business and Professions Code. Reference: Sections 144, 2570.5, 2570.9, 2570.10, 2570.11, ~~and~~ 2570.16, and 2570.17 Business and Professions Code.