

BOARD OF OCCUPATIONAL THERAPY

ORDER OF ADOPTION

Title 16, Division 39, California Code of Regulations

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

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

Article 3. ~~License, Certificate, and Limited Permit, Inactive Status~~

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

Article 3.5. Inactive and Retired Status

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

§ ~~4122~~ 4127. ~~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).

(g) 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 ILA, Revised 8/2012) shall be fifty dollars (\$50).

(a)(b) The initial license or certificate fee shall be prorated pursuant to Section 4120(a)(1) and based on a biennial fee of 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 January 1, 2008, and biennially thereafter, a licensee with an even birth year shall renew for two years and the biennial renewal fee shall be one hundred fifty dollars (\$150).~~

~~(e) The delinquency fee is one-half of the renewal fee.~~

~~(f) The renewal fee for an inactive license or certificate is shall be twenty five dollars (\$25).~~

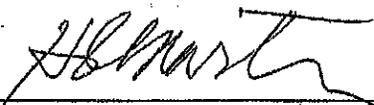
~~(g) On or after July 1, 2013, the fee for an Application for Retired Status (Form ARS, New 7/2012), shall be twenty-five dollars (\$25).~~

~~(g)(h) The fee for a duplicate license is shall be fifteen dollars \$15.~~

~~(h)(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.

DATE: 18 Dec 2013



Heather Martin, Executive Officer
California Occupational Therapy Board

12/23/2013

per agency
request



STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2012-0814-22	REGULATORY ACTION NUMBER 2013-1119-03S	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
RECEIVED FOR FILING DATE AUG 14 '12 AUG 24 '12		2013 NOV 19 PM 4:19 OFFICE OF ADMINISTRATIVE LAW	
Office of Administrative Law		REGULATIONS	

ENDORSED FILED
IN THE OFFICE OF

2013 DEC 23 PM 12:03

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
California Board of Occupational Therapy

AGENCY FILE NUMBER (if any)

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

1. SUBJECT OF NOTICE Retired Status and Fees		TITLE(S) 16	FIRST SECTION AFFECTED 4122	2. REQUESTED PUBLICATION DATE August 24, 2012
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Jeff Hanson	TELEPHONE NUMBER (916) 263-2092	FAX NUMBER (Optional) (916) 263-2701
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2012, 842	PUBLICATION DATE 8/24/2012

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Retired Status & Application Processing	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES(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 4128 AMEND 4122, 4130 REPEAL
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 §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, 511346.1(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 §511349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, 511346.1) | <input type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| <input type="checkbox"/> Emergency (Gov. Code, 511346.1(b)) | | <input type="checkbox"/> Other (Specify) | |

per agency request

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, 544 and Gov. Code 511347.1)
 September 24, 2012 - October 9, 2012, April 4, 2013 - April 19, 2013, April 22, 2013 - May 7, 2013.

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>GC 11343.4(a)</u>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input checked="" type="checkbox"/> Other (Specify) <u>Denise D. Brown, Director, Department of Consumer Affairs</u>			

7. CONTACT PERSON Heather Martin	TELEPHONE NUMBER (916) 263-2294	FAX NUMBER (Optional) (916) 263-2701	E-MAIL ADDRESS (Optional) heather.martin@dca.ca.gov
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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 <i>H Martin</i>	DATE 18 NOV 2013
TYPED NAME AND TITLE OF SIGNATORY Heather Martin, Executive Officer	

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ENDORSED APPROVED

DEC 23 2013

Office of Administrative Law