

## AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the text of CCR Section 4170 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 December 18, 2014, to the following:

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DATED: December 3, 2014

Signature on file  
HEATHER MARTIN  
Executive Officer  
Board of Occupational Therapy

**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
Title 16, Division 39, California Code of Regulations

***Modified Text***

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

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

Amend Title 16, Division 39, Article 8 California Code of Regulations to read as follows:

Article 8. ~~Ethical Standards of Practice~~ Service Delivery Standards

**§ 4170. Ethical Standards of Practice**

A violation of any ethical standard of practice constitutes grounds for disciplinary action. Every person who holds a license, ~~certificate or a~~ a limited permit issued by the board, ~~or is practicing on a license issued by another state pursuant to section 2570.4 of the Code,~~ shall comply with the following ethical standards of practice:

(a) Occupational therapy practitioners shall comply with state and federal laws pertaining to discrimination.

~~(1) An occupational therapy practitioner's services shall reflect an understanding of how these services can be affected by socio-economic factors such as~~ (1) An occupational therapy practitioner shall consider how a client's or patient's economic status, age, ethnicity, race, disability, marital status, sexual orientation, gender, gender identity, religion, residence, culture, political affiliation, and or insurance coverage impact health care practices and incorporate these considerations in the provision of his or her services.

(2) An occupational therapist offering free or reduced-fee occupational therapy services shall exercise the same standard of care when providing those services as for full fee services.

(b) Occupational therapy practitioners shall take reasonable precautions to avoid imposing or inflicting harm upon the client or to his or her property.

(1) Occupational therapy practitioners shall not exploit clients in any manner or harm recipients of occupational therapy services, students, research participants, or employees.

(2) Occupational therapy practitioners shall, while a relationship exists as an occupational therapy practitioner, educator, researcher, supervisor, or employer and within six (6) months of termination of occupational therapy services, avoid relationships or associations that include, but are not limited to emotional, physical, psychological, financial, social, or activities that interfere with professional judgment and objectivity, including avoiding:

(A) Any sexual relationship or activity, whether even if consensual or nonconsensual, with any recipient of service, including any family or significant other of the recipient of services, and

(B) Any sexual relationship or activity, even if consensual, with any student, or research participant, or employee, under direct supervision, and

~~(B)~~ (C) Bartering for services or establishing any relationship to further one's own physical, emotional, financial, political, or business interests at the expense of the best interests of recipients of services, or the potential for exploitation and conflict of interest.

(c) Occupational therapy practitioners shall collaborate with clients, caretakers or other legal guardians in setting goals and priorities throughout the intervention process.

- (1) Occupational therapy practitioners shall fully inform the client of the nature, risks, and potential outcomes of any interventions.
- (2) Occupational therapy practitioners shall obtain informed consent from clients involved in research activities and indicate in the medical record that they have fully informed the client of potential risks and outcomes.
- (3) Occupational therapy practitioners shall respect the client's right to refuse services ~~or involvement in research or educational activities.~~
- (4) Occupational therapy practitioners shall maintain patient confidentiality unless otherwise mandated by local, state or federal regulations.
- (d) Occupational therapy practitioners shall perform occupational therapy services only when they are qualified by education, training, and experience to do so-
- ~~(1) Occupational therapy practitioners shall hold the appropriate credentials for the services they provide.~~
- ~~(2) Occupational therapy practitioners~~ and shall refer to or consult with other service providers whenever such a referral or consultation is necessary for the care of the client. Such referral or consultation ~~should~~ shall be done in collaboration with the client.
- (e) Occupational therapy practitioners shall, through completion of professional development activities required for license renewal or in other ways assure continued competence with respect to his or her own current practice and technology.
- (f) Occupational therapy practitioners shall report to the Board any acts committed by another occupational therapy practitioner that they have reason to believe are unethical or illegal in practice, education, research, billing, or documentation, and shall cooperate with the Board by providing information, documentation, declarations, or assistance as may be allowed by law .
- (g) Occupational therapy practitioners shall make all other mandatory reporting to the appropriate authorities as required by law.
- ~~(e)~~ (h) Occupational therapy practitioners shall comply with the Occupational Therapy Practice Act, the California Code of Regulations, and all other related local, state, and federal laws-, and shall comply with the following:
- (1) Practice occupational therapy only when holding a current and valid license issued by the Board, and appropriate national, state, or other requisite credentials for the services they provide; and
- (2) Practice occupational therapy within his or her own level of competence and scope of practice.
- ~~(f)~~ (i) Occupational therapy practitioners shall provide accurate information about occupational therapy services-
- ~~(1) Occupational therapy practitioners~~ and shall accurately represent their credentials, qualifications, education, experience, training, and competence.
- ~~(2)~~(j) Occupational therapy practitioners shall disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom they may establish a professional, contractual, or other working relationship.
- ~~(3)~~(k) Occupational therapy practitioners shall ~~refrain from using~~ not use or ~~participating~~ participate in the use of any form of communication that contains false, fraudulent, deceptive statements or claims.
- ~~(g)~~(l) Occupational therapy practitioners shall report to the Board acts constituting grounds for discipline as defined in Section 2570.28 of the Occupational Therapy Practice Act.

Note: Authority Cited: Business and Professions Code section 2570.20. Reference: Business and Professions Code sections 2570.4, 2570.20 and 2570.36.