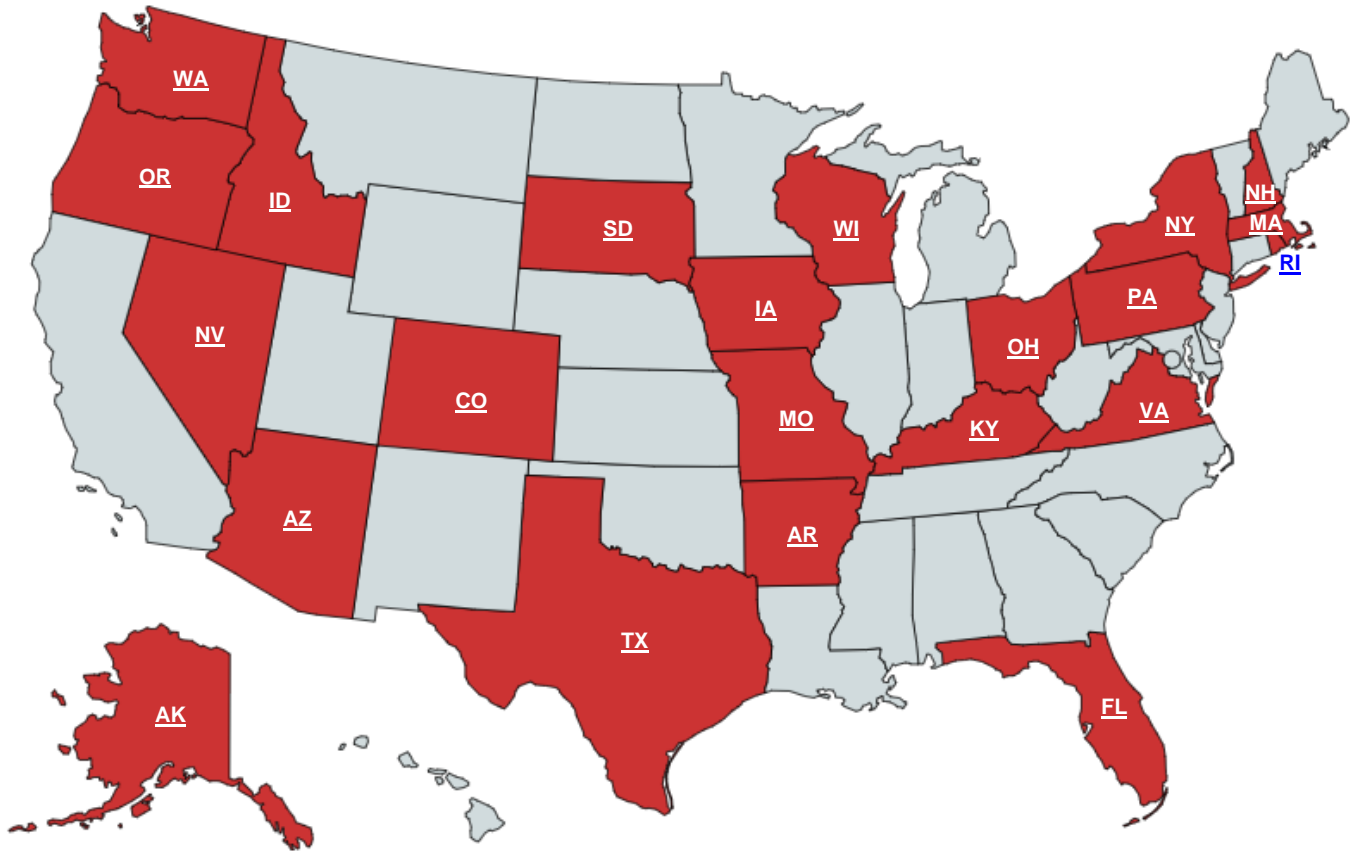


AOTA STATE REGULATORY MONITORING REPORT 5-24-2022

States in red on the map or bolded in the chart indicate states in which we are actively tracking regulations. Click the hyperlink to view more. For questions email Kristen Neville at kneville@aota.org



Alabama (AL)	<u>Kentucky (KY)</u>	North Dakota (ND)
<u>Alaska (AK)</u>	Louisiana (LA)	<u>Ohio (OH)</u>
<u>Arizona (AZ)</u>	Maine (ME)	Oklahoma (OK)
<u>Arkansas (AR)</u>	Maryland (MD)	<u>Oregon (OR)</u>
California (CA)	<u>Massachusetts (MA)</u>	<u>Pennsylvania (PA)</u>
<u>Colorado (CO)</u>	Michigan (MI)	<u>Rhode Island (RI)</u>
Connecticut (CT)	Minnesota (MN)	South Carolina (SC)
Delaware (DE)	Mississippi (MS)	<u>South Dakota (SD)</u>
DC	<u>Missouri (MO)</u>	Tennessee (TN)
<u>Florida (FL)</u>	Montana (MT)	<u>Texas (TX)</u>
Georgia (GA)	Nebraska (NE)	Utah (UT)
Hawaii (HI)	<u>Nevada (NV)</u>	Vermont (VT)
<u>Idaho (ID)</u>	New Hampshire (NH)	<u>Virginia (VA)</u>
Illinois (IL)	New Jersey (NJ)	<u>Washington (WA)</u>
Indiana (IN)	New Mexico (NM)	West Virginia (WV)
<u>Iowa (IA)</u>	<u>New York (NY)</u>	<u>Wisconsin (WI)</u>
Kansas (KS)	North Carolina (NC)	Wyoming (WY)

Alaska

1. [AK 5575 2022](#)

Agency Name: Department of Commerce, Community and Economic Development

Title: Physical Therapy And Occupational Therapy Board

Proposed: 04/06/2022

Summary: Establishes temporary military courtesy licenses for an active duty military member or their spouse.

Agency Contact: Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811, 907-465-2537, RegulationsAndPublicComment@alaska.gov

Citation: 12 AAC 54.130, .660

AOTA Summary: Notice of proposed new regulations to implement a new section of the Board's OT and PT rules to authorize issuance of a temporary military courtesy license to practice as an OT or OTA. Currently serving members of the military posted to Alaska and their spouses are eligible for such a license. To obtain a temporary license an applicant must submit the required application and fee, show active military duty orders posting the applicant to Alaska, or those of the applicant's spouse, evidence of licensure in good standing in another state, evidence that the state where the applicant is currently licensed required passage of the NBCOT exam as a condition of licensure, and show that the applicant has not been convicted of a crime that affects the applicants ability OT competently and safely as determined by the Board. A temporary military courtesy license must be issued by the Board within 30 days of receipt of applicant and expires after 180 days. Text of the proposed rules can be found here: <https://protect-us.mimecast.com/s/X8vuC4xvQNFB9mg4HBjRoH?domain=commerce.alaska.gov>. Comment deadline is May 9, 2022.

Arkansas

2. [AR 10124 2022](#)

Agency Name: Department of Human Services/Division of Developmental Disabilities Services

Title: Occupational Therapy, Physical Therapy State Plan

Proposed: 04/06/2022

Summary: Amends the Medicaid State Plan with the new occupational therapy, physical therapy, and speech language pathology services rate review methodology and most recent rate review results, including services rate review methodology and timeframe for implementing rate adjustments related to most recent rate review.

Agency Contact: Mac Golden, Division of Developmental Disabilities, Department of Human Services, 501-320-6383, Mac.E.Golden@dhs.arkansas.gov

Citation: 016.05.22

AOTA Summary: Notice of rate increase for OT, PT, and speech therapy providers of EPSDT services to be implemented over 2 years. Comment period ends May 7, 2022.

3. [AR 9940 2022](#)

Agency Name: Department of Health/Division of Health Related Boards and Commissions

Title: Rule 42 Licensure for Uniformed Service Members

Proposed: 02/11/2022

Summary: Amends the Medical Practices Act; relates to Rule 2.8 Establishing Provider/Patient Relationship, Rule 12 Dispensing, Rule 24 Physician Assistants, Rule 46 Administrative Fees and Fee Waivers, Rule 34 Death Certificates, Rule 36 Abortion Procedures, Rule 38 Telemedicine, and Rule 42 Licensure for Uniformed Service Member, Veterans, and Spouses; changes regulation to rule and removes immoral and moral turpitude.

Agency Contact: Amy Embry, State Medical Board, 501-296-1802, amy.embry@armedicalboard.org

Citation: 007.33.22

AOTA Summary: Revises current Rule 42 which relates to licensure for uniformed service members to require that the State Medical Board expedite an application for full licensure for a uniformed service member, a veteran, or their spouse. Such individuals are eligible for a temporary license while completing the full licensure process if the individual holds a substantially equivalent license in good standing in another state. The regulation also extends the expiration date of a deployed uniform service member or their spouse for 180 days following the date of the service member's return from deployment. Comment deadline is March 22, 2022.

4. [AR 9941 2022](#)

Agency Name: Department of Health/Division of Health Related Boards and Commissions

Title: Rule 46 Administrative Fee and Fee Waivers

Proposed: 02/11/2022

Summary: Amends the Medical Practices Act; relates to Rule 2.8 Establishing Provider/Patient Relationship, Rule 12 Dispensing, Rule 24 Physician Assistants, Rule 46 Administrative Fees and Fee Waivers, Rule 34 Death Certificates, Rule 36 Abortion Procedures, Rule 38 Telemedicine, and Rule 42 Licensure for Uniformed Service Member, Veterans, and Spouses; changes regulation to rule and removes immoral and moral turpitude.

Agency Contact: Amy Embry, State Medical Board, 501-296-1802, amy.embry@armedicalboard.org

Citation: 007.33.22

AOTA Summary: Codifies fees charged to licensees in regulation in accordance with state law passed in 2021. Comment deadline is March 22, 2022.

Arizona

5. [AZ 5949 2021](#)

Agency Name: Department of Health Services/Division of Occupational Licensing

Title: Community Health Workers

Proposed: 05/07/2021

Summary: Establishes rules concerning Community Health Workers.

Agency Contact: Thomas Salow, Branch Chief, Department of Health Services, Div of Licensing Services, 150 N 18th Ave, Ste 400, Phoenix, AZ 85007-3232, 602-364-1935, fax 602-364-4808, Thomas.Salow@azdhs.gov

Citation: R9-16-801 through -810, Article 8, Table 8.1

AOTA Summary: New rules delineating the scope of practice of community health workers and defining "direct services" they may deliver as including "falls risk assessment." Comment period ends May 18, 2022.

Colorado

6. [CO 17184 2022](#)

Agency Name: Department of Regulatory Agencies/Division of Professions and Occupations/Occupational Therapy Licensure
Title: Occupational Therapy Rules and Regulations
Proposed: 03/01/2022
Emergency Adoption: 03/01/2022
Summary: Amends and extends Executive Orders D 2021 124, D 2021 125, D 2021 129, D 2021 132, D 2021 136, D 2021 139, D 2021 141, D 2022 003, and D 2022 010, to expand the workforce of trained medical personnel available to provide healthcare services within inpatient facilities due to the coronavirus disease 2019 pandemic in Colorado.

Agency Contact: Elena M. Kemp, Regulatory Coordinator, 303-894-7426, dora_dpo_rulemaking@state.co.us
Citation: 3 CCR 715-1
 Adopted emergency rules authorizing OTs and OTAs to perform services delegated by certain health care providers while working in a specific settings provided the OT or OTA has been adequately cross-trained as determined by the facility and expands the OT and OTA scope of practice to authorize OTs and OTAs to provide COVID-19 vaccinations while working in certain settings and as delegated by certain health care providers. The Executive Order authorizing these rules to be promulgated and to remain in effect has been extended until 30 days from April 23, 2022.

AOTA Summary:

Florida

7. [FL 48799 2021](#)

Agency Name: Department of Health/Board of Occupational Therapy
Title: Requirements for License Renewal of an Active License
Proposed: 11/23/2021
Summary: Amends rules regarding continuing education credit for Occupational Therapists who supervise Occupational Therapy Doctoral Capstone residency students.

Agency Contact: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399
Citation: FAC 64B11-5.001
AOTA Summary: Proposed amendment to the Board's continuing education rules to allow for continuing education to be earned by supervising an entry-level doctoral capstone student. Comment period ends December 29, 2021.

Iowa

8. [IA 5855 2021](#)

Agency Name: College Student Aid Commission
Title: Health Care Professional Recruitment Program
Proposed: 08/11/2021
Summary: Expands loan repayment eligibility to health professionals who graduate from Iowa Regents universities and Iowa private colleges and universities, and who agree to practice in rural Iowa. Includes athletic trainers and occupational therapists as eligible health care professionals. Also includes a definition of eligible rural community; implements criteria to prioritize awards in the event that funding is not sufficient to award all new applicants.

Agency Contact: Mark Wiederspan, Executive Director, College Student Aid Commission, 475 SW Fifth St, Ste D, Des Moines, IA 50309, 515-725-3410, fax 515-725-3401, mark.wiederspan@iowa.gov

Citation: IAC 283-14.1, .2

AOTA Summary: Expands loan repayment eligibility to health professionals, now including athletic trainers and occupational therapists, who graduate from Iowa Regents universities and Iowa private colleges and universities and who agree to practice in eligible rural communities. Comment deadline is August 31, 2021.

Idaho

9. [ID 10714 2020](#)

Agency Name: Bureau of Occupational Licenses

Title: Occupational Therapists and Assistants

Proposed: 02/21/2020

Emergency Adoption: 02/21/2020

Summary: Relates to licensure fees for occupational therapists and occupational therapy assistants.

Agency Contact: Rob McQuade, Division of Occupational and Professional Licenses, 700 W. State St, PO Box 83720, Boise, ID 83720, 208-334-3233

Citation: IDAPA 24.06.01

AOTA Summary: Revises Board rules by 1) establishing conditions under which specific tasks may be delegated to an OT aide, 2) requiring a minimum of 10 contact hours be completed to renew a license, 5 of which must be directly related to the provision of OT services, 3) clarifying what topics may be considered directly related to the provision of OT services and what other topics are acceptable, 4) establishing requirements for inactive licensees to convert their license to an active license when the license has been inactive for less than 5 years, 5) establishing requirements for inactive licensees to convert their license to an active license when the license has been inactive for greater than 5 years, 6) revising fees, and 7) setting standards for the provision of OT services via telehealth.

These permanent rules have been proposed for adoption to replace the temporary rules currently in effect. The proposed permanent rules are the same as the temporary rules currently in effect. The permanent rule proposal has been adopted pending legislative review.

10. [ID 10960 2021](#)

Agency Name: Bureau of Occupational Licenses

Title: Rules of the Board of Architectural Examiners

Proposed: 07/01/2021

Emergency Adoption: 07/01/2021

Summary: Adopts and republishes specified existing rule chapters previously submitted to and reviewed by the Idaho Legislature under IDAPA 24, rules of the Division of Occupational and Professional Licenses.

Agency Contact: Tim Frost, Operations and Regulatory Bureau Chief, 11351 W. Chinden Boulevard, Boise, ID 83714, P.O. Box 83720, Boise, ID 83720-0063, ibol@ibol.idaho.gov

Citation: IDAPA 24.01 through 24.39

**AOA
Summary:**

Notice of adoption of temporary OT licensing board rules, effective July 1, 2021. A public hearing has been scheduled on the proposed permanent adoption of OT Board rules and the rules of all licensing boards under the Division of Occupational and Professional Licenses. As of December 22, 2021, this proposal is pending review by the state legislature.

Kentucky

11. [KY 24697 2021](#)

Agency Name: Cabinet for Health and Family Services/Department for Medicaid Services/Division of Policy and Operations
Title: Telehealth Service Coverage and Reimbursement
Proposed: 10/15/2021
Summary: This administrative regulation establishes the Department for Medicaid Services' coverage and reimbursement policies relating to telehealth services in accordance with KRS 205.559 and 205.5591.

Agency Contact: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 E Main Street 5 W-A, Frankfort, KY 40621, 502-564-6746, fax 502-564-7091, CHFSregs@ky.gov
Citation: 907 KAR 3:170
Proposed amendments to Medicaid regulations related to telehealth, specifically repealing the definition of "face to face", adding definitions of "in-person" and remote patient monitoring, establishing a patient's right to receive care in-person or via synchronous telehealth, establishing reimbursement for audio-only telehealth encounters, establishing the right of the Department of Medicaid Services to restrict participation by an out-of-state telehealth provider, and delineating specific conditions eligible for remote patient monitoring, among other edits. Comment period ended in December, 2021.

AOA Summary:

Louisiana

12. [LA 15848 2020](#)

Agency Name: Department of Health/Office of the Secretary/Bureau of Health Services Financing
Title: Emergency Telemedicine
Proposed: 03/16/2020
Emergency Adoption: 03/16/2020
Summary: Adopts rules pertaining to Emergency Telemedicine in an emergency basis.
Agency Contact: Department of Health, PO Box 629, Baton Rouge, LA 70821-0629, 225-342-9500, fax 225-342-5568
Citation: LAC 50:I.505
Emergency rule in effect starting April 20, 2022 authorizing Medicaid to temporarily cover services provided through the use of an interactive audio telecommunications system, without the requirement of video, if such action is deemed necessary to ensure sufficient services are available to meet beneficiaries' needs. A Notice of Intent to adopt this rule permanently has also been published.

AOA Summary:

13. [LA 16493 2022](#)

Agency Name: Department of Health/Office of the Secretary/Bureau of Health Services Financing
Title: Emergency Telemedicine/Telehealth

Proposed: 04/20/2022
Summary: Establishes provisions allowing coverage of telemedicine and or telehealth services provided through an interactive audio system, without the requirement of video.
Agency Contact: Patrick Gilles, Bureau of Health Services Financing, PO Box 91030, Baton Rouge, LA 70821-9030
Citation: LAC 50:I.501, 503, 505
AOTA Summary: Proposed permanent rule authorizing Medicaid to cover temporarily services provided through an interactive audio telecommunications system, without the requirement of video, if such action is deemed necessary to ensure services are available to meet beneficiaries' needs. The rule also defines telehealth/telemedicine as an interactive audio and video telecommunications system allowing for real-time communications between a distant site practitioner and the beneficiary without a restriction on the originating site. Comment period ends May 31, 2022.

Massachusetts

14. [MA 11399 2020](#)

Agency Name: Office of Consumer Affairs and Business Regulation/Division of Professional Licensure/Board of Registration of Allied Health Professions
Title: Occupational Therapists
Proposed: 01/10/2020
Adopted: 08/07/2020
Summary: Clarifies the roles and responsibilities of occupational therapists and occupational therapy assistants in providing care, supervision, and in documenting assessments and other client encounters; clarifies the standards of practice, supervision, and documentation for athletic trainers, clarifies the roles and responsibilities of physical therapists and physical therapist assistants; creates biennial continuing competence standards for all professions and individual licenses, including documentation.
Agency Contact: Board of Allied Health Professionals, 1000 Washington St, Ste 710, Boston, MA 02118, 617-727-0054
Citation: 259 CMR 3.00, 4.00, 5.00, 7.00
AOTA Summary: Implements continuing competence requirements for OTs and OTAs in Massachusetts and amends rules regarding definitions, roles and responsibilities, OT aides, supervision, documentation, and grounds for disciplinary action. All proposed OT rule amendments have been adopted and went into effect on August 7. Proposed OT and PT continuing education rules have been approved and went into effect on April 29, 2022.

15. [MA 11556 2021](#)

Agency Name: Executive Office of Health and Human Services/Office of Medicaid
Title: Home Health Agency
Proposed: 01/29/2021
Summary: Establishes and clarifies prior authorization limits and requirements. Establishes that home health aide services may be provided absent a need for skilled nursing services, and sets standards for training and competency of home health aides. Expands providers qualified to order home health services. Clarifies and strengthens prohibited marketing activities for home health agencies.
Agency Contact: D. Briggs, 100 Hancock St, 6th Floor, Quincy, MA 02171
Citation: 130 CMR 403

AOTA Summary: Proposed amendments to Medicaid home health rules, including definitions of occupational therapy, occupational therapist, and occupational therapy assistant. Comment deadline is February 12, 2021.

Missouri

16. [MO 26867 2021](#)

Agency Name: Department of Social Services/MO HealthNet Division
Title: Home Health Care Services
Proposed: 10/05/2021
Emergency Adoption: 10/05/2021
Adopted: 03/15/2022
Summary: Allows the adult expansion group described in Article IV Section 36(c) of the Missouri Constitution to receive habilitative services through the Missouri Home Health Program; updates the incorporated by reference dates.

Agency Contact: Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, Rules.Comment@dss.mo.gov
Citation: 13 CSR 70-90.010

AOTA Summary: Adopted emergency rule requiring coverage of PT, OT, and speech therapy home health services for the adult Medicaid expansion group as a result of the state expanding Medicaid under the ACA. Emergency rule expires in April, 2022. Rule has been adopted and goes into effect on April 30, 2022.

17. [MO 26971 2022](#)

Agency Name: Department of Social Services/MO HealthNet Division
Title: Telemedicine Services
Proposed: 11/22/2021
Summary: The purpose of this rule is to establish the division's guidelines regarding coverage and reimbursement for telemedicine services. The goal of this policy is to allow greater access to care for MO HealthNet participants.

Agency Contact: Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, Rules.Comment@dss.mo.gov
Citation: 13 CSR 70-3.330

AOTA Summary: Proposed telehealth rules for MO HealthNet covered services and enrolled providers. The rules define various terms, establish that an originating site can be a patient's home, set forth standards by which the patient-provider relationship may be established included by telehealth, requires that to be covered a telehealth service must be medically necessary and performed using the same standard of care as if the service were provided in-person, and sets forth requirements for prior authorization, utilization review, reimbursement, and confidentiality. Comment deadline is February 2, 2022.

New Hampshire

18. [NH 10267 2022](#)

Agency Name: Office of Licensed Allied Health Professionals/Occupational Therapy Governing Board
Title: Continued Status
Proposed: 01/06/2022

Summary: Amends rules relating to Continued Status.
Agency Contact: Tina M Kelley, Program Specialist IV, Office of Professional Licensure and Certification, 7 Eagle Square, Concord, NH 03301, 603-271-5247, fax 603-271-0597, [OPLC-Rules@oplcnh.gov](mailto:Rules@oplcnh.gov)
Citation: Occ 400
AOTA Summary: Proposal makes numerous changes to the OT Board rules. Proposed amendments include the definition of active in the profession as it pertains to an applicant for reinstatement of a license, the process for renewal and reinstatement of a license, continuing education requirements, and the required supervision form. As of April 7, the proposal is under consideration by a legislative committee on administrative rules.

Nevada

19. [NV 6981 2021](#)

Agency Name: Board of Occupational Therapy
Title: Licenses and Continuing Education
Proposed: 11/09/2021
Adopted: 04/11/2022
Summary: Amends rule relating to occupational therapy; revising provisions relating to late renewal of a license; provisional licensure; continuing education requirements; and providing other matters properly relating thereto.
Agency Contact: Board of Occupational Therapy, 6170 Mae Anne Ave, Ste 1, Reno, NV 89523, 775-746-4101, fax 775-746-4105, board@nvot.org
Citation: NAC 640A.030, .065, .070, .090
AOTA Summary: Initial draft of rule amendments that would prohibit the Board from accepting any license renewal submitted more than 30 days after the license expiration date, repealing the requirement that an individual who receives a provisional license, who was previously certified, and who has not practiced within 5 years before receipt of the license must complete 640 hours of supervised practice under a licensed OT, and repealing the requirement that a licensee submit a certain form to the Board to show compliance with continuing education requirements. Proposal has been approved by the legislature and went into effect on April 11, 2022.

New York

20. [NY 30261 2022](#)

Agency Name: Department of Health
Title: Telehealth Services
Proposed: 12/22/2021
Emergency Adoption: 12/22/2021
Summary: To ensure continuity of care of telehealth services provided to Medicaid enrollees.
Agency Contact: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Rm 2438, ESP Tower Building, Albany, NY 12237, 518-473-7488, regsqna@health.ny.gov
Citation: Title 18 NYCRR Part 538
AOTA Summary: Emergency rule continues to allow all Medicaid enrolled providers to provide services via telehealth to Medicaid enrollees until permanent regulations are promulgated. Rule expires June 19, 2022.

21. [NY 30378 2022](#)

Agency Name: Department of Health
Title: Telehealth Services
Proposed: 03/23/2022
Summary: Ensures continuity of care of telehealth services provided to Medicaid enrollees.
Agency Contact: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Rm 2438, ESP Tower Bldg, NY 12237, 518-473-7488, regsqna@health.ny.gov
Citation: Title 18 NYCRR Part 538 Section 505.17; 533.6
AOTA Summary: Proposed permanent rule authorizing certain health care providers to use telehealth to provide telehealth services that are appropriate to meet a patient's health care needs and are within a provider's scope of practice. This rule only allows for OTs to provide services via telehealth. Comment deadline is May 22, 2022. An emergency rule authorizing all Medicaid providers authorized to provide in-person services to provide services via telehealth during the federal public health emergency related to COVID-19 has been extended until June 19, 2022.

Ohio

22. [OH 24972 2021](#)

Agency Name: Department of Medicaid
Title: Provider Credentialing
Proposed: 04/26/2021
Summary: Establishes rule to set forth credentialing requirements for eligible, active providers who enroll with the Department. The credentialing process will now be completed by the Department or its credentialing designee, rather than the individual Managed Care Plans.
Agency Contact: Office of Chief Legal Counsel, Ohio Department of Medicaid, 50 W Town St, Suite 400, Columbus, OH 43215-3414, fax 614-995-1301, rules@medicaid.ohio.gov
Citation: OAC 5160-1-42
AOTA Summary: New proposed rules related to healthcare provider credentialing which shifts the responsibility for credentialing from the Managed Care Plans to the Department of Medicaid. Credentialing is mandatory for OTs, but not mandatory for OTAs.

23. [OH 25846 2022](#)

Agency Name: Occupational Therapy, Physical Therapy and Athletic Trainers Board
Title: Permit Holders and Occupational Therapy Assistants
Proposed: 04/20/2022
Summary: Amends rules regarding supervision.
Agency Contact: Missy Anthony, Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers, 77 South High St. 16th floor Columbus OH 43215, 614-466-3474, missy.anthony@otptat.ohio.gov
Citation: OAC 4755-7-04
AOTA Summary: Amends rules related to supervision of students to require supervisors of Level II fieldwork students to have completed at least one year of professional practice as a fully licensed OT or OTA to align with ACOTE standards. No amount of experience is required to supervise Level I OT or OTA students. Comment deadline is May 18, 2022.

Oregon

24. [OR 46974 2021](#)

Agency Name: Occupational Therapy Licensing Board
Title: Unprofessional Conduct
Proposed: 11/12/2021
Emergency Adoption: 11/12/2021
Summary: The proposed rule permits the Board to impose discipline for failing to comply with OHA rules requiring masks, face coverings or face shields and failing to comply with OHA rules requiring vaccinations.
Agency Contact: Nancy Schuberg, Occupational Therapy Licensing Board, 800 NE Oregon St. Suite 407, Portland, OR 97232, 971-673-0198, nancy.schuberg@otlb.oregon.gov
Citation: OAR 339-010-0020
AOTA Summary: Emergency rule authorizes the Board to take disciplinary action against a licensee for failure to comply with the Oregon Health Authority rules relating to masks, face coverings, or face shields, and relating to vaccines. This rule expired May 10, 2022. A similar permanent rule has been proposed by the Oregon Health Authority.

Pennsylvania

25. [PA 6420 2022](#)

Agency Name: Department of State/Bureau of Professional and Occupational Affairs/Board of Occupational Therapy Education and Licensure
Title: Licensure by Endorsement
Proposed: 02/04/2022
Summary: Amends rule relating to licensure by endorsement; and provisional endorsement license.
Agency Contact: Board Counsel, Board of Occupational Therapy Education and Licensure, PO Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatoryCounsel@pa.gov
Citation: 49 PA. Code Ch. 42
AOTA Summary: Proposed new regulations authorizing the issuance of a license by endorsement and a provisional license by endorsement to applicants meeting certain requirements. Comment deadline is March 7, 2022.

Rhode Island

26. [RI 9437 2022](#)

Agency Name: Department of Health
Title: Immunization, Testing Screening for Health Care Workers
Proposed: 02/24/2022
Summary: This regulation is being promulgated to add definitions for the terms advance practice registered nurse, health care facility, period in which flu is widespread, and up to date; revise the definitions of health care worker, physician, physician assistant, and practitioner; remove superfluous language; require health care workers to be up to date with a coronavirus vaccine or wear a medical grade N95 mask when the prevalence rate is substantial; require health care facilities to document coronavirus immunization status of its health care workers; simplify the requirements for influenza; and create a violation section.
Agency Contact: Paula Pullano, Department of Health, 3 Capitol Hill, Room 410, Providence, RI 02908-5097, Paula.Pullano@health.ri.gov
Citation: 216-RICR-20-15-7

AOTA Summary: Proposed permanent rule that requires health care workers to be vaccinated against COVID-19 or wear a certain type of mask when the COVID transmission rate is substantial (defined as 50 cases per 100,000 per week). Comment period ends on March 27, 2022.

South Dakota

27. [SD 5390 2022](#)

Agency Name: Board of Medical and Osteopathic Examiners
Title: Board of Medical and Osteopathic Examiners
Proposed: 02/08/2022
Adopted: 04/14/2022
Summary: Amends rules to clarify the definition of supervision between an occupational therapist and occupational therapy assistant.

Agency Contact: South Dakota Board of Medical and Osteopathic Examiners, 101 N Main Ave, Ste 301, Sioux Falls, SD 57104, SDBMOE@state.sd.us
Citation: 20:64:01:01, 20:84:01:01, :02:01, :02:02, :03:01, :04:01, :05:01, :05:02, 20:61:01:02
AOTA Summary: Revises the definition of "supervision" to allow for supervision of an OTA to be done in person or via telecommunications while the OTA is treating patients. Proposal has been adopted and goes into effect on May 4, 2022.

Texas

28. [TX 41911 2022](#)

Agency Name: Board of Occupational Therapy Examiners
Title: Definitions
Proposed: 02/18/2022
Adopted: 05/09/2022
Summary: The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code 362.1. Definitions. The amendments are proposed to clarify and cleanup the section and to replace the current definition of occupational therapy practice.

Agency Contact: Lea Weiss, Occupational Therapy Coordinator, Board of Occupational Therapy Examiners, 333 Guadalupe St, Ste 2-510, Austin, TX 78701-3942, lea@ptot.texas.gov
Citation: 40 TAC 12.362.362.1
AOTA Summary: Proposal makes minor changes to the definitions laid out in the Board rules, combines the definitions of OT and OTR/L and OTA and COTA, and updates the scope of practice to align AOTA's model definition of occupational therapy. At its meeting on May 6, 2022, the Board decided not to adopt the proposed changes to the definition of "occupational therapy practice" after receiving comments with concerns from the Texas chapter of the American Medical Association. The other proposed amendments to other definitions were adopted and go into effect on June 1, 2022.

29. [TX 41912 2022](#)

Agency Name: Board of Occupational Therapy Examiners
Title: Changes of Name or Address
Proposed: 02/17/2022
Adopted: 05/09/2022

Summary: The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code 369.2, Changes of Name or Address, and 369.3, Use of Titles.

Agency Contact: Lea Weiss, Occupational Therapy Coordinator, Board of Occupational Therapy Examiners, 333 Guadalupe St, Ste 2-510, Austin, TX 78701-3942, lea@ptot.texas.gov

Citation: 40 TAC 12.369.369.2, .3

AOTA Summary: Proposal clarifies what titles and credentials may be used by a licensee and in what order they should be listed after the licensee's name. Proposal was adopted and goes into effect on June 1, 2022.

30. [TX 41913 2022](#)

Agency Name: Board of Occupational Therapy Examiners

Title: Retired Status

Proposed: 02/18/2022

Adopted: 05/09/2022

Summary: The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code 371.2, Retired Status. The changes are proposed to revise requirements concerning voluntary charity care.

Agency Contact: Lea Weiss, Occupational Therapy Coordinator, Board of Occupational Therapy Examiners, 333 Guadalupe St, Ste 2-510, Austin, TX 78701-3942, lea@ptot.texas.gov

Citation: 40 TAC 12.371.371.2

AOTA Summary: Proposal amends the definition of "voluntary charity care" to allow for more opportunities for a licensee on retired status to furnish such care. Proposal was adopted and goes into effect on June 1, 2022.

31. [TX 41914 2022](#)

Agency Name: Board of Occupational Therapy Examiners

Title: Provision of Services

Proposed: 02/18/2022

Adopted: 05/09/2022

Summary: The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code 372.1, Provision of Services.

Agency Contact: Lea Weiss, Occupational Therapy Coordinator, Board of Occupational Therapy Examiners, 333 Guadalupe St, Ste 2-510, Austin, TX 78701-3942, lea@ptot.texas.gov

Citation: 40 TAC 12.372.372.1

AOTA Summary: Proposed amendment to the Board's regulation on the provision of services, specifically establishing standards for the evaluation of a client via telehealth and for the provision of interventions to a client via telehealth. Proposal also repeals the requirement that devices in sustained skin contact with the client require on-site and attending presence of an OT practitioner for initial applications. Proposal was adopted and goes into effect on June 1, 2022.

32. [TX 41915 2022](#)

Agency Name: Board of Occupational Therapy Examiners

Title: Supervision of Non-Licensed Personnel

Proposed: 02/18/2022

Adopted: 05/09/2022

Summary: The Texas Board of Occupational Therapy Examiners proposes amendments to 40 Texas Administrative Code 373.1, Supervision of Non-Licensed Personnel.

Agency Contact: Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701-3942 or to lea@ptot.texas.gov within 30 days following the publication of this notice in the Texas Register.

Citation: 40 TAC 12.373.373.1

AOTA Summary: Proposed amendment to the Board's rule on supervision of non-licensed personnel to allow for the use of telehealth when an OT is supervising non-licensed personnel who is assisting in the construction of adaptive/assistive equipment and splints. Proposal was adopted and goes into effect on June 1, 2022.

Virginia

33. [VA 200426 2021](#)

Agency Name: Department of Behavioral Health and Developmental Services

Title: Licensing Providers

Proposed: 01/08/2021

Emergency Adoption: 01/08/2021

Summary: Aligns the licensing regulations with the American Society of Addiction Medicine Levels of Care Criteria (ASAM) or an equivalent set of criteria to ensure individualized, clinically driven, participant-directed, and outcome-informed treatment. Incorporates best practices to promote recovery from the disease of addiction.

Agency Contact: Ruth Anne Walker, Director of Regulatory Affairs, Dept of Behavioral Health and Developmental Services, 1220 Bank St, 4th Fl, Richmond, VA 23219, 804-225-2252, ruthanne.walker@dbhds.virginia.gov

Citation: 12 VAC 35-105-20, -30, -925, -930, -960, -1000, -1110, -1420 thru -1860

AOTA Summary: Adopted emergency rule defining "allied health professional" as including occupational therapists, and authorizing allied health professionals to provide certain services under various addiction treatment programs. Rule is in effect until August 19, 2022. A permanent rule has been proposed with a comment deadline of April 15, 2022.

34. [VA 200726 2022](#)

Agency Name: Department of Health Professions/Board of Medicine

Title: Regulations for Licensure of Occupational Therapists

Proposed: 12/22/2021

Emergency Adoption: 12/22/2021

Summary: Adds definitions consistent with the compact, sets the fee for a compact privilege to practice in Virginia, and specifies that renewal of the privilege is based on adherence to compact rules for continued competency.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, 804-367-4558, FAX 804-527-4429, william.harp@dhp.virginia.gov

Citation: 18 VAC 85-80-10, -26, -70, -71

AOTA Summary: Adopted emergency rules to set the fee for a compact privilege issued by the Virginia Board of Medicine at \$75 biennially. Rules went into effect on January 1, 2022 and expire on June 30, 2023.

Washington

35. [WA 41675 2021](#)

Agency Name: Health Care Authority
Title: Define and Describe Telemedicine
Proposed: 07/15/2021
Summary: This rule making provides for audio-only telemedicine, in alignment with ESSB 1196. This also identifies additional related changes that are required in order to improve clarity or update policy.

Agency Contact: Melinda Froud, Rulemaking Questions, PO Box 42716, Olympia, WA 98504-2716, 360-725-1408, fax 360-586-9727, melinda.froud@hca.wa.gov
Citation: WAC 182-531-0100, -1730; -531A-1200; -537-0100, -0200; -550-1350, -1500; -551-2010, -2040, -2125, -2210

AOTA Summary: Announcement of drafting of rules by the Health Care Authority on telehealth as a result of the passage of HB 1196 which requires coverage of services provided by audio-only telemedicine beginning January 1, 2023.

36. [WA 42426 2022](#)

Agency Name: Department of Health
Title: Definitions Home Health
Proposed: 03/31/2022
Emergency Adoption: 03/31/2022
Summary: Removes the requirement that supervision of aide services must be during an on site visit and adds language that the supervisory visit may be conducted on site or via telemedicine; allows home health and hospice agencies to perform supervision either on site or via telemedicine.

Agency Contact: Department of Health, River View Corporate Center, Suite 1500, 16201 East Indiana Avenue, Spokane Valley, WA 99216
Citation: WAC 246-335-510, -545, -610, -645
AOTA Summary: Adopted emergency rule authorizing the supervision of home health aides providing home health services or hospice services to be done on-site or via telemedicine. Emergency rule is in effect until July 29, 2022.

Wisconsin

37. [WI 23028 2020](#)

Agency Name: Department of Health Services
Title: Telehealth Services
Proposed: 06/08/2020
Summary: Requires the Department to promulgate rules specifying certain reimbursable Medical Assistance telehealth services and authorizes the Department to promulgate rules specifying certain nonreimbursable Medical Assistance telehealth services.

Agency Contact: Laura Brauer, Division of Medicaid Services, 608-266-5368, DHSDMSAdminRules@dhs.wisconsin.gov
Citation: DHS 10, 38, 73, 92, 101, 105, 106, 107, 108, 109

AOTA Summary: Proposed rule clarifies how OTAs provide and bill for telehealth services under Medicaid and removes the requirement that the supervision under which OTAs shall provide services must be direct, immediate, and on-premises.

38. [WI 23055 2020](#)

Agency Name: Department of Safety and Professional Services/Medical Examining Board/Occupational Therapists Affiliated Credentialing Board
Title: Telehealth
Proposed: 07/06/2020
Summary: Establishes standards of practice and conduct for providing occupational therapy services using telehealth.

Agency Contact: Dale Kleven, Administrative Rule Coordinator, 608-261-4472, DSPSAdminRules@wisconsin.gov
Citation: OT 1, 2, 3, 4, 5, 6

AOTA Summary: Rule proposal amends supervision rule to allow for supervision of an OTA or of unlicensed personnel to be conducted on the premises or through technology that meets the standard in the Board's new telehealth rule; requires unlicensed personnel to be supervised on premises in the immediate area; and establishes practice standards, conduct standards, informed consent, recordkeeping, and supervision rules related to the provision of OT services via telehealth. Public hearing will be held on June 8, 2021 to accept feedback from stakeholders. Comment deadline is June 8, 2021.

39. [WI 23133 2021](#)

Agency Name: Department of Safety and Professional Services/Medical Examining Board/Occupational Therapists Affiliated Credentialing Board
Title: Licensure Requirements
Proposed: 01/04/2021
Summary: Relates to the requirements for licensure.

Agency Contact: Dale Kleven, Administrative Rule Coordinator, 608-261-4472, DSPSAdminRules@wisconsin.gov
Citation: OT 2

AOTA Summary: Proposed rule clarifying that initial certification by NBCOT is required to obtain a license. The rule as currently written requires evidence to be provided that an applicant is currently certified by NBCOT, which conflicts with the statute. Comment period ends June 7, 2022.

40. [WI 23182 2021](#)

Agency Name: Department of Safety and Professional Services/Medical Examining Board/Occupational Therapists Affiliated Credentialing Board
Title: Continuing Education
Proposed: 05/03/2021
Summary: Requires seminars, workshops, lectures, symposia, and professional conferences be sponsored or approved by acceptable health-related or other organizations, including WOTA, in order to qualify as acceptable continuing education.

Agency Contact: Kassandra Walbrun, Administrative Rule Coordinator, 608-261-4463, DSPSAdminRules@wisconsin.gov
Citation: OT 3

AOTA Summary: Proposed revisions to the Board's continuing education rules to clarify that CE points accumulated through activities not listed in the chart in Rule 3.06 must be in courses, programs, or activities related to the licensee's practice; allowing for webinars approved by the Wisconsin OT Association and/or AOTA, board certification issued by AOTA or

other organizations, and AOTA specialty certifications to be considered acceptable continuing education activities. Comment deadline is June 7, 2022.