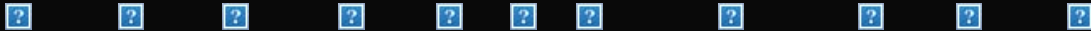


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625-X-1-.06 Reentry Therapists/Assistants

Except as provided in Code of Alabama 1975, §34-39-5, any individual desiring to practice as an Occupational Therapist or an Occupational Therapy Assistant in the State of Alabama shall, prior to practicing occupational therapy, apply to the Board for a license, pay the requisite fees, and pass a written examination as approved by the Board. Any person practicing occupational therapy or engaging in occupational therapy treatment without a valid active license in good standing, and who does not qualify for an exemption under Code of Alabama 1975, §34-39-5, shall be subject to the penalties prescribed at §34-39-15.

625-X-1-.01 Forms. All applicants for licensure shall submit to the Board the information requested on the official forms as approved by the Board, which at a minimum shall provide for:

(a) The name, permanent address and telephone number of the applicant;

(b) The business name, business address, phone number, and name of supervisor. The supervisor for an Occupational Therapy Assistant must be a currently licensed Occupational Therapist in the State of Alabama;

(c) A statement as to whether the applicant has been convicted of any felony offense denominated as such in any state or has been convicted of a misdemeanor or civil violation denominated as such involving an offense of moral turpitude in any state;

(d) A statement as to whether the applicant has been adjudged in a civil suit in a court in competent jurisdiction of malpractice or negligence in the practice of occupational therapy;

(e) A statement as to whether the applicant has previously been licensed as an Occupational Therapist or an Occupational Therapy Assistant, and whether said license as issued by another state has ever been revoked, suspended, probated, or otherwise voided.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-5

History: Filed January 7, 1992, Amended October 13, 1999.

625-X-1-.02 Completion Of Forms. Applications for licensure shall be personally completed by the applicant and signed by the applicant under oath with an acknowledgment that the making of a material false statement is subject to denial (and/or revocation) of a license. The form and information must be submitted to the Board prior to the commencement of practice.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-5

History: Filed January 7, 1992.

625-X-1-.03 Letters Of Recommendation.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-5

History: Filed January 7, 1992, Repealed August 28, 1996.

625-X-1-.04 Letter Of Verification. Each applicant must request that a letter of verification be issued by the National Board for Certification in Occupational Therapy, stating that the individual has met the requirements for certification as an Occupational Therapist or as an Occupational Therapy Assistant and that the applicant has not been censured, put on probation, suspended or revoked by the National Board for Certification in Occupational Therapy. Said verification shall be sent directly to the Alabama State Board of Occupational Therapy.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-5

History: Filed January 7, 1992, Amended August 28, 1996, Amended October 13, 1999.

625-X-1-.05 Letter(s) of Good Standing. Each applicant must request that a letter of good standing be issued by each state that has previously issued said applicant a license. Letter(s) must state that applicant's license has/has not been suspended, revoked, probated, or otherwise voided. Said letter of good standing shall be sent directly to the Alabama

State Board of Occupational Therapy.  
Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-5  
History: Filed December 18, 1995.

625-X-1-.06 Reentry Therapists/Assistants. All therapists/assistants who wish to reenter the practice area shall demonstrate competencies as follows:

(1) For therapists/assistants who have not practiced in the field of occupational therapy within the past five years, the following shall apply:

- (a) Applicants must complete all requirements for licensure as stated in this chapter.
- (b) Applicants must request a letter from their occupational therapist supervisor stating completion of a minimum of 480 hours/3 months of a board approved traineeship/perceptorship as provided for in 625-X-3-.08.

(2) Therapists/assistants who have not practiced in the field of occupational therapy within the past ten years shall be required to complete the traineeship/perceptorship as stated above and for licensure purposes only, successfully complete the certification examination administered by the National Board for Certification in Occupational Therapy.

(3) The applicant may be required to appear before the board for oral review.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7  
History: Filed December 18, 1995, Amended August 28, 1996.

## **CHAPTER 625-X-2** **EXEMPTIONS FROM LICENSING**

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Code of Alabama 1975, §34-39-5 provides that certain persons may be exempt from the licensure requirements of the Alabama State Occupational Therapy Practice Act. In determining whether a person is exempt from obtaining a license, the following shall apply:

625-X-2-.01 Exemptions. The requirement for a license as an Occupational Therapist or an Occupational Therapy Assistant does not apply to a person who is:

- (a) Licensed to practice another profession, occupation, or trade in accordance with the provisions of another law of this state and who is practicing said profession, occupation, or trade.
- (b) Directly employed as an Occupational Therapist or Occupational Therapy Assistant in a full-time capacity by the United States Government, who is solely under the direction or control of the federal organization by which an individual is employed, and who is not practicing occupational therapy outside the scope of employment of the federal organization by which the individual is employed, except when required.
- (c) Pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, provided that any occupational therapy activities and services are part of the supervised course of study and the person is wearing a badge or other emblem designating by title the fact that such person is a student or trainee and not a licensed Occupational Therapist or Occupational Therapy Assistant.
- (d) Fulfilling the supervised field work experience requirements provided that such activities and services constitute a part of the experience necessary to meet the requirements of the educational program.
- (e) Employed as an occupational therapy aide.

(1) Aids/unlicensed support personnel are required to be registered on official forms as approved by the board by employers and updated annually.  
Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-5, 34-39-7  
History: Filed January 7, 1992; Amended December 18, 1995.

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The Alabama Occupational Therapy Practice Act requires the Board to establish a procedure for persons who are eligible to take the certification exam and for persons who need to complete a traineeship/perceptorship. The following regulation sets forth the procedure by which such applicants shall apply for a limited permit under the provisions of Code of Alabama 1975, §34-39-11, and the procedure for the issuance of a limited permit by the Board to an applicant.

625-X-3-.01 Limited Permit Required/Application. Except as provided in §34-39-5, any individual desiring a limited permit to practice as an Occupational Therapist or an Occupational Therapy Assistant shall obtain a limited permit prior to practicing Occupational Therapy. Any person practicing occupational therapy or engaging in occupational therapy treatment without a valid limited permit who does not qualify for an exemption under §34-39-5, shall be subject to the penalties prescribed in §34-39-15.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11  
History: Filed January 7, 1992; Amended December 18, 1995.

625-X-3-.02 Forms. All applicants for limited permit shall submit to the Board the information requested on the official forms as approved by the Board, which at a minimum shall provide for:

- (a) The name, permanent address and telephone number of the applicant;
- (b) The business name, business address, phone number, and name of supervisor. Said supervisor must be a currently licensed Occupational Therapist in the State of Alabama;
- (c) A statement as to whether the applicant has been convicted of any felony offense denominated as such in any state or has been convicted of a misdemeanor or civil violation denominated as such involving an offense of moral turpitude in any state;
- (d) A statement as to whether the applicant has been adjudged in a civil suit, in a court of competent jurisdiction, of malpractice or negligence in the practice of occupational therapy;
- (e) A statement as to whether the applicant has been issued a license, limited permit or any form of a provisional license as an Occupational Therapist or Occupational Therapy Assistant, and whether said license, limited permit or provisional license as issued by another state has ever been revoked, suspended, probated, or otherwise voided.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11  
History: Filed January 7, 1992, Amended December 18, 1995, Amended October 13, 1999.

625-X-3-.03 Completion of Forms. Applications for limited permits shall be personally completed by the applicant and signed by the applicant under oath with an acknowledgment that the making of a material false statement is subject to denial and/or revocation of a permit. The form and information must be submitted to and approved by the Board prior to the commencement of practice.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11  
History: Filed January 7, 1992.

625-X-3-.04 Letters of Recommendation.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11  
History: Filed January 7, 1992; Amended December 18, 1995  
Repealed August 28, 1996.

625-X-3-.05 Letter of Verification.

(1) Non-certified applicants must request a letter of verification from their curriculum director of a program approved by the American Occupational Therapy Association stating that the applicant has successfully completed educational and field work requirements, and is eligible to take the certification exam administered by the National Board for Certification in Occupational Therapy. Said verification shall be sent directly to the Alabama State Board of Occupational Therapy.

(2) Foreign-trained non-certified applicants must request a letter of verification from the National Board for Certification in Occupational Therapy stating the applicant has successfully completed educational and field work requirements, and is eligible to take the certification exam administered by the National Board for Certification in Occupational Therapy. Said verification shall be sent directly to the Alabama State Board of Occupational Therapy.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11  
History: Filed January 7, 1992; Amended December 18, 1995,  
Amended August 28, 1996.

625-X-3-.06 Letter of Supervision. Each applicant must submit a letter from the Occupational Therapist supervisor confirming supervision while practicing under the limited permit. Said letter of supervision shall be sent directly to the Alabama State Board of Occupational Therapy.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11  
History: Filed December 18, 1995.

625-X-3-.07 Expiration of Limited Permits. Limited permits shall expire 120 days after issuance or upon notification of failure of examination by the National Board of Certification in Occupational Therapy. No more than one limited permit shall be granted per applicant if the applicant has failed the examination.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11.  
History: Filed January 7, 1992; Amended December 18, 1995,  
Amended August 28, 1996; Amended: Filed October 29, 2003;  
Effective December 3, 2003

625-X-3-.08 Reentry Therapists/Assistants. Former graduates who have not practiced in the field of occupational therapy within the past 5 years must complete a traineeship/perceptorship.

(1) Applicants must complete all requirements for limited permit as stated in this chapter.

(2) Letter of supervision as stated in 625-X-3-.06 must verify that applicant will receive in-sight supervision by an Alabama licensed occupational therapist with no less than 5 years continuous experience.

(3) The applicant may be required to appear before the board for oral review.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7  
History: Filed December 18, 1995.

## **CHAPTER 625-X-4**

### **ISSUANCE OF LICENSE**

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625-X-4-.02 Effect Of Issuance

625-X-4-.03 Validity

Code of Alabama 1975, §34-39-11, in pertinent part, provides for the issuance of licenses to qualified occupational therapists and occupational therapy assistants upon approval of the application by the Board and payment of the requisite fees. This regulation provides for the manner in which such licenses shall be issued.

625-X-4-.01 Requirements For Issuance. Upon filing of a properly completed application, the Board shall issue the appropriate license which shall be signed by the Chairperson and Secretary if all requirements for licensure have been met.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11  
History: Filed January 7, 1992.

625-X-4-.02 Effect of Issuance.

Issuance of a license shall allow the applicant to use the initials O.T., O.T./L., O.T.R./L., or L.O.T.R., if the license is for an Occupational Therapist or O.T.A., O.T.A./L., C.O.T.A./L., or L.O.T.A., if the license is for an Occupational Therapy Assistant. Occupational Therapist Registered, OTR, Certified Occupational Therapy Assistant and COTA are federally registered certification marks owned by The National Board for Certification in Occupational Therapy and may be used only by individuals who meet The National Board for Certification in Occupational Therapy's certification standards.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11  
History: Filed January 7, 1992; Amended: Filed October 29, 2003;  
Effective December 3, 2003

625-X-4-.03 Validity. Any license issued by the Board shall be valid until the expiration date designated on the license.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-11  
History: Filed January 7, 1992.

## **CHAPTER 625-X-5**

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Code of Alabama 1975, §34-39-7, provides in pertinent part, that the Board shall establish regulations for the renewal of licenses. This regulation provides for a procedure by which such licenses shall be renewed.

625-X-5-.01 General Provisions. In order to continue the practice of occupational therapy as an Occupational Therapist or an Occupational Therapy Assistant, each license as issued by the Board must be annually/biennially renewed by the Board.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7  
History: Filed January 7, 1992, Amended December 18, 1995.

625-X-5-.02 Requisites For Renewal. To qualify for a renewal of licenses previously issued by the Board, the license holder shall, 60 days prior to the expiration for the license, comply with all of the following requirements:

(a) File with the Board a properly completed application for renewal on forms approved by the Board and mail the application to the Office of the Board.

(b) An application for renewal must be accompanied by proof of completion of continuing education requirements which are as follows:

(1) An Occupational Therapist must obtain 1.5 CEUs (or 15 contact hours) annually or 3.0 CEUs (or 30 contact hours) biennially. No more than 1/3 of continuing education credits may be administration/management/academic related with the remainder related to direct patient treatment. No more than a 1/3 hours can be generated by the therapist's professional presentations.

(2) An Occupational Therapy Assistant must obtain 1.0 CEU (or 10 contact hours) annually or 2.0 CEUs (or 20 contact hours) biennially. No more than 1/3 of continuing education credits may be administration/management/academic related with the remainder related to direct patient treatment. No more than a 1/3 hours can be generated by the therapist's professional presentations.

(c) An application for renewal shall be deemed timely received if the envelope contains a properly completed application for renewal and bears a postmark indicating the application was mailed at least 60 calendar days prior to the expiration of the license.

(d) Failure to timely file an application or to properly complete the application may result in the rejection of the application and may subject the license holder to a late fee as established by the Board.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7  
History: Filed January 7, 1992, Amended October 13, 1999.

625-X-5-.03 Issuance Of Renewal License. Upon receipt of a timely filed, properly completed application and payment of appropriate fees, the Board shall, after a review of the application for renewal, notify the applicant of the receipt of the application and renewal of the applicant's license.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7  
History: Filed January 7, 1992.

625-X-5-.04 Denial Of Renewals. In the event the Board, for whatever reason, denies a timely application for renewal, the Board shall notify the licensee, in writing, and shall send such notice by certified mail, return receipt requested, to the address given by the applicant in the application for renewal. The notice of denial shall state the reasons for the denial of the application of renewal.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7  
History: Filed January 7, 1992.

625-X-5-.05 Suspended Licenses/Licenses On Probation. Suspended licenses or licenses on probation shall be subject to the provisions of this regulation, but the issuance of a renewal license during the period of suspension shall not permit the license holder to practice occupational therapy as an Occupational Therapist or an Occupational Therapy Assistant until such time as the terms of the suspension have been satisfied or the period of probation has expired and the license has been reinstated.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7  
History: Filed January 7, 1992.

## **CHAPTER 625-X-6** **LATE RENEWAL OF LICENSES**

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625-X-6-.03 Application

Code of Alabama 1975, §34-39-13 provides, in pertinent part, that the Board shall promulgate regulations for the late renewal of licenses. This regulation sets forth the procedure by which applications for late renewal of licenses are handled.

625-X-6-.01 Determination Of Late Renewal. The license shall be deemed late for renewal if a complete application for renewal is not submitted 60 days prior to the expiration of the license.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-13  
History: Filed January 7, 1992.

625-X-6-.02 Notice of Expiration. If for any reason, a license is not renewed, the Board shall notify the license holder in writing that the license has expired and the licensee shall immediately cease practice as an Occupational Therapist or as an Occupational Therapy Assistant and not resume practice until such time as a renewed license is issued by the Board. Such notice shall be sent to the last known address of the licensee and shall be mailed certified, return receipt requested.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-13  
History: Filed January 7, 1992.

625-X-6-.03 Application.

(1) Applications for late renewal of license shall be filed in accordance with the provisions of §34-39-13, and shall be subject to an additional late renewal fee as prescribed in §4-39-14.

(2) Late renewal of licenses shall not be allowed for any license which as been expired for a period of 3 years or longer.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §4-39-13  
History: Filed January 7, 1992.

## **CHAPTER 625-X-7** **FEES**

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Code of Alabama 1975, §34-39-13 provides, in pertinent part, for the assessment of fees for the application, licensure of occupational therapists and occupational therapy assistants, and other fees as deemed appropriate by the Board. This regulation provides for such fees.

625-X-7-.01 Regulatory Board Fees. The following are the fees, payable to the ASBOTF, which shall be collected by the Board:

- (a) Initial license fee: Occupational Therapist \$115.00; Occupational Therapy Assistant \$95.00
  - (b) Limited permit fee: \$25.00
  - (c) Renewal of license fee: Occupational Therapist \$115.00; Occupational Therapy Assistant \$95.00
  - (d) Late renewal fee: \$50.00
  - (e) The cost of conducting a hearing of any person whose license is suspended, revoked or refused as a result of such hearings: Actual Cost
- Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-13  
History: Filed January 7, 1992; Amended August 24, 2006

625-X-7-.02 Miscellaneous Costs. The following costs may be assigned to applicants by the Board for the following activities:

- (a) Issuance of a duplicate license;
  - (b) Photocopying of any material not otherwise privileged and in the custody of the Board;
  - (c) Letter of verification to other regulatory or certification boards attesting to the status of a licensee;
  - (d) Other operational expenses incurred by the Board.
- Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-13  
History: Filed January 7, 1992.

## CHAPTER 625-X-8

### SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS, HOLDERS OF LIMITED PERMITS, AND OCCUPATIONAL THERAPY AIDES

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Code of Alabama 1975, §34-39-3 and 34-39-11 provides, in pertinent part, that an Occupational Therapy Assistant, and Occupational Therapy Aide or an individual issued a limited permit may only provide occupational therapy services under the supervision of an Occupational Therapist. This regulation sets forth the terms and requirements of such supervision.

625-X-8-.01 Supervision Of Licensed Occupational Therapy Assistants.

- (1) All Occupational Therapy Assistants shall assist in the practice of occupational therapy only under the supervision of an Occupational Therapist.
  - (2) Supervision of an Occupational Therapy Assistant by an Occupational Therapist shall consist of at least 5% of work hours per month of one-to-one on-site supervision for each certified Occupational Therapy Assistant with supervision including:
    - (a) The monitoring of a patient's progress by the Occupational Therapist;
    - (b) Evaluation of the treatment plan and determination of treatment termination by the Occupational Therapist.
  - (3) The Occupational Therapist shall ensure that the Occupational Therapy Assistant is assigned only those duties and responsibilities for which the assistant has been specifically educated and which the Occupational Therapy Assistant is qualified to perform.
  - (4) The provisions as enumerated in subsection (1), (2), and (3), shall apply to any individual holding a temporary permit as issued by the Board.
- Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-3, 34-39-11  
History: Filed January 7, 1992; Amended December 18, 1995;  
Amended April 12, 1996.

625-X-8-.02 Supervision Of Therapists/Assistants With Limited Permits. Any individual issued a limited permit under the provision of §34-39-11, shall be supervised in accordance with the requirements of 625-X-8-.01 as set here and above.

- (1) Supervision of limited permit holders shall consist of one-to-one on-site supervision a minimum of 50% of direct patient time by an Occupational Therapist who holds a current license in this State.
  - (2) Supervision of limited permit holders who are in the reentry process, as stated in 625-X-3--.08, shall consist of 100%, in-sight supervision by an Alabama licensed Occupational Therapist with no less than five years continuous experience.
- Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-3, 34-39-11  
History: Filed January 7, 1992; Amended December 18, 1995.

625-X-8-.03 Supervision of Occupational Therapy Aides.

- (1) An occupational therapy aide/support personnel is an unlicensed person who assist in the practice of occupational therapy, who works under the supervision of a licensed occupational therapist and whose activities require an understanding of occupational therapy but do not require professional or advance training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy. An occupational therapy aide is a worker who is trained on the job to meet the specific needs of the facility.
- (2) A licensed occupational therapist may delegate to occupational therapy aides only specific tasks which are neither evaluative, assessive, task selective nor recommending in nature, and only after insuring that the aide has been appropriately trained for the performance of the task.
- (3) Any duties assigned to an occupational therapy aide must be determined and appropriately supervised by a licensed occupational therapist and must not exceed the level of training, knowledge, skill, and competence of the individual being supervised. The licensed occupational therapist is totally and wholly responsible for the acts or actions performed by any occupational therapy aide functioning in the occupational therapy setting.
- (4) Duties or functions which occupational therapy aides may perform include, but are not limited to:
  - (a) Routine department maintenance task;
  - (b) Transportation of patients/clients;
  - (c) Preparation or setting up of treatment equipment and work area;
  - (d) Taking care of patient's/client's personal needs during treatment;
  - (e) Clerical, secretarial, administrative activities.
- (5) Duties or functions which occupational therapy aides shall not perform include, but are not limited to,
  - (a) Interpret referrals or prescriptions for occupational therapy services;
  - (b) Perform evaluative procedures;

- (c) Develop, plan, adjust, or modify treatment procedures;
  - (d) Act on behalf of the occupational therapist in any matter related to direct patient care which requires judgment or decision making.
  - (e) Act independently or without supervision of an occupational therapist.
  - (6) An aide/support personnel may assist in the delivery of occupational therapy; however, may not provide direct patient treatment.
  - (7) Care rendered independently by an occupational therapy aide/support personnel shall not be charged as occupational therapy.
- Author: Alabama State Board of Occupational Therapy  
 Statutory Authority: Code of Alabama 1975, §34-39-3, 34-39-11  
 History: Filed January 7, 1992; Amended December 18, 1995.

**CHAPTER 625-X-9**  
**GROUND FOR DENIAL, REFUSAL TO RENEW,**  
**SUSPENSION, REVOCATION, OR IMPOSITION OF**  
**PROBATIONARY CONDITIONS**

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Code of Alabama 1975, §34-39-12 provides in part, for the denial, non-renewal, suspension, revocation, or imposition of probationary conditions upon a licensee for violations of the Alabama Occupational Therapy Practice Act or violation of the regulations promulgated pursuant thereto. This regulation describes the type of conduct which may result in the denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a licensee, the application of appropriate sanctions, and the procedure for reinstatement of a license.

**625-X-9-.01 Grounds For Denial, Refusal To Renew, Suspension, Revocation, Or Imposition Of Probationary Conditions.**

- (1) The Board may deny, refuse to renew, suspend, revoke, or impose probationary conditions where the licensee or applicant for licensure has engaged in unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:
    - (a) Engaging in fraud, misrepresentation or concealment of material facts in obtaining or seeking to obtain a license or limited permit.
    - (b) Engaging in unprofessional conduct or violating the code of ethics as adopted by the Board.
    - (c) Being convicted of a criminal offense in any court if the act for which the licensee or applicant for licensure was convicted is determined by the Board to constitute an offense of moral turpitude.
- Author: Alabama State Board of Occupational Therapy  
 Statutory Authority: Code of Alabama 1975, §34-39-12  
 History: Filed January 7, 1992.

**625-X-9-.02 Unprofessional Conduct.**

- (1) Code of Alabama 1975, §34-39-3, provides in part, that no occupational therapy treatment programs to be rendered by an Occupational Therapist or Occupational Therapy Assistant, or Occupational Therapy Aide shall be initiated without a referral of a physician or dentist who shall establish a medical diagnosis of the condition for which the individual will receive occupational therapy services, except Occupational Therapists employed by state agencies and those employed by the public schools and colleges of this state who provide screening and rehabilitation services for the educationally related needs of the students.
- (2) An Occupational Therapist or an Occupational Therapy Assistant shall not delegate to an unlicensed employee or person under his or her control or supervision a service which requires the skill, knowledge, or judgment of an Occupational Therapist or an Occupational Therapy Assistant.
- (3) An Occupational Therapist or Occupational Therapy Assistant shall inform the referring source when any requested treatment procedure is inadvisable or contraindicated, and shall refuse to carry out the orders of a referring practitioner when the requested treatment is inadvisable or contraindicated.
- (4) An Occupational Therapist or an Occupational Therapy Assistant shall not continue treatment beyond the point of possible benefit to the patient or treat more frequently than necessary to obtain the maximum therapeutic effect.
- (5) An Occupational Therapist or an Occupational Therapy Assistant shall not permit another person to use his or her license for any purpose.
- (6) An Occupational Therapist or an Occupational Therapy Assistant shall not verbally, physically or otherwise abuse a patient.
- (7) An Occupational Therapist or an Occupational Therapy Assistant shall not engage in false or misleading advertising, betrayal of professional confidence, or falsification of patient's records.
- (8) An Occupational Therapist or an Occupational Therapy Assistant shall not submit a false report of continuing education or fail to submit the annual report on continuing education.
- (9) An Occupational Therapist or an Occupational Therapy Assistant shall notify the Board within 30 days after the occurrence of any judgment or settlement of a malpractice claim or action.
- (10) An Occupational Therapist or an Occupational Therapy Assistant shall comply with any subpoena issued by the Board.
- (11) An Occupational Therapist or an Occupational Therapy Assistant shall report to the Board any violation of these regulations.
- (12) An Occupational Therapist or an Occupational Therapy Assistant shall not directly or indirectly request, receive or participate in the dividing, transferring, assigning, rebating or refunding of an unearned fee nor shall an Occupational Therapist or an Occupational Therapy Assistant profit by means of a credit or other valuable consideration as an unearned commission, discount or gratuity in connection with the furnishing of occupational therapy assessment or treatment.
- (13) An Occupational Therapist or Occupational Therapy Assistant shall not exercise influence on patients to purchase equipment produced or supplied by a company by which the Occupational Therapist or Occupational Therapy Assistant owns stock or has any other direct or indirect financial interest.
- (14) An Occupational Therapist or Occupational Therapy Assistant should be responsible for providing services without regard to race, creed, national origin, sex, age, handicap, disease, social status, financial status, or religious affiliation.
- (15) An Occupational Therapist or Occupational Therapy Assistant shall inform patients of the nature and potential outcomes of treatment and shall respect the right of potential recipients of services to refuse treatment.
- (16) An Occupational Therapist or Occupational Therapy Assistant shall inform patients involved in education or research activities of the potential outcome of those activities.
- (17) An Occupational Therapist or Occupational Therapy Assistant shall include patients in the treatment planning process.
- (18) An Occupational Therapist or Occupational Therapy Assistant shall maintain goal-directed and objective relationships with all patients.
- (19) An Occupational Therapist or Occupational Therapy Assistant shall protect the confidential nature of information gained from educational practice and investigational activities unless sharing such information is necessary to protect the well-being of a third party.
- (20) An Occupational Therapist or Occupational Therapy Assistant shall take all reasonable precautions to avoid harm to the recipient of services or detriment to the recipient's property.
- (21) An Occupational Therapist or Occupational Therapy Assistant shall function within the parameter of his or her competence and the standards of the profession.
- (22) An Occupational Therapist or Occupational Therapy Assistant shall refer clients to other service providers or consult

with other service providers when additional knowledge and expertise is required.

(23) An Occupational Therapist or Occupational Therapy Assistant shall be acquainted with applicable state, federal, and institutional rules and shall practice accordingly.

(24) An Occupational Therapist or Occupational Therapy Assistant shall inform employers, employees and colleagues about those laws and administrative rules of the Board policies that apply to the profession of occupational therapy.

(25) An Occupational Therapist or Occupational Therapy Assistant shall require those whom they supervise to adhere to ethical standards of conduct.

(26) An Occupational Therapist or Occupational Therapy Assistant shall accurately record and report client information.

(27) An Occupational Therapist or Occupational Therapy Assistant shall accurately represent his or her competence and training to the public.

(28) An Occupational Therapist or Occupational Therapy Assistant shall not use or participate in the use of any form of communication that contains a false, fraudulent, deceptive or unfair statement or claim.

(29) An Occupational Therapist or Occupational Therapy Assistant shall report any illegal, incompetent or unethical practice to this Board.

(30) An Occupational Therapist or Occupational Therapy Assistant shall not disclose privileged/confidential information when participating in reviews of peers, programs, or systems.

(31) An Occupational Therapist or Occupational Therapy Assistant who employs or supervises colleagues shall provide appropriate supervision.

(32) An Occupational Therapist or Occupational Therapy Assistant shall recognize the contributions of colleagues when disseminating professional information.

(33) An Occupational Therapist or Occupational Therapy Assistant shall not obtain, possess, or attempt to obtain or possess a controlled substance without lawful authority, nor shall an Occupational Therapist or Occupational Therapy Assistant sell, prescribe, give away, or administer controlled substances in the practice of occupational therapy.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-12

History: Filed January 7, 1992.

#### 625-X-9-.03 Sanctions.

(1) After a hearing as provided under §34-39-12, the Board may, in its discretion, revoke or suspend a license for such period of time as the Board believes to be warranted by the facts and evidence presented.

(2) The Board may, in lieu of revoking or suspending a license, place the licensee on probation for a period not to exceed one year, except that if the adjudication of the violation is the second such adjudication within five years, the licensee shall not be entitled to probation.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-12

History: Filed January 7, 1992.

#### 625-X-9-.04 Reinstatement.

(1) A suspended license may be considered for reinstatement upon the filing of an application for reinstatement by the licensee and determination by the Board that the period of suspension has expired, in accordance with the provisions of §34-39-12.

(2) (a) A revoked license shall only be reinstated if the applicant has fully complied with all of the provisions of §34-39-12.

(b) An individual whose license has been revoked may not apply for reinstatement under the provisions of this regulation for a period of one year from the entry of the Order of the Board, or, if the decision is appealed, from the date the appeal is finally resolved or an endorsement of finality is entered by the appropriate appellate court. Hearings upon application for reinstatement shall be held in accordance with the provisions of §34-39-12.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-12

History: Filed January 7, 1992.

### **CHAPTER 625-X-10 DISCIPLINARY PROCEEDINGS**

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Code of Alabama 1975, §34-39-6 and §34-39-16, in pertinent parts, requires the Board to promulgate regulations establishing a procedure by which the Board will institute actions against an Occupational Therapist or an Occupational Therapy Assistant for violation of the Act and the regulations promulgated thereto or for professional misconduct. This regulation sets forth the procedure and process by which such complaints shall be instituted.

625-X-10-.01 Complaints. Complaints alleging any violation of the laws of the State of Alabama or rules of this Board may be lodged by any person with the Executive Director.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-6, 34-39-16

History: Filed January 7, 1992.

625-X-10-.02 Probable Cause. Except as otherwise provided by statute or administrative rule of the Board, the Executive Director, upon the lodging of a complaint, shall consult with the Board's attorney to determine whether probable cause exists for the issuance of a summons and complaint.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-6, 34-39-16

History: Filed January 7, 1992.

#### 625-X-10-.03 Summons And Complaint.

(1) Preparation: In the event the Executive Director determines that probable cause exists for the filing of a Summons and Complaint, the Executive Director shall instruct its legal counsel to prepare such.

(2) Except as otherwise provided by statute or administrative rule of the Board, a summons and complaint shall be sent, certified mail return receipt requested, to the most recent address of the Respondent on file and shall be mailed at least 35 days prior to the scheduled date of the hearing. In the event the summons and complaint is refused or the return receipt has not been received by the Board for its attorney at least 25 days before the scheduled hearing, the Respondent may be served by mailing a copy of the summons and complaint first class mail at least 22 days before the hearing date.

(3) Contents: The summons and complaints shall give notice in substantial compliance with the Alabama Administrative Procedure Act 12(2), (Code of Alabama 1975, §41-22-12 (a)(b)(2)).

(4) Counsel for the Board may amend the probable cause note as deemed appropriate, subject to approval by the Board at disciplinary hearings.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-6, 34-39-16

History: Filed January 7, 1992.

#### 625-X-10-.04 Pre-Hearing Discovery.

(1) Permitted. Pre-hearing discovery shall be permitted in accordance with this rule to the extent necessary to prevent fraud, conserve the Board's time, prevent undue surprise at hearing, and facilitate the carriage of justice.

(2) Extent Allowed. The attorney for the Board of the Respondent may, upon application to the Chairperson, obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action,

whether it relates to the charge of the Board or the Defense of the Respondent.

(3) Methods of Discovery.

(a) Upon written application to the Chairperson, the following discovery shall be allowed or ordered:

1. Deposition upon oral examination of any expert witness
2. Interrogatories to Respondent
3. Order for production and copying of documents and entry upon land for inspection and other purposes, against any person.

(b) The discovery must be had in accordance with any terms and conditions imposed by the Chairperson. The Chairperson may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression, or undue burden or expense.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-6, 34-39-16

History: Filed January 7, 1992.

## **CHAPTER 625-X-11**

### **ADMINISTRATIVE HEARINGS**

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Code of Alabama 1975, §34-39-16 and pertinent parts of §34-39-7, provide for promulgation of regulations governing the conduct of administrative hearings authorized by the Act. This regulation sets forth the procedure by which such hearings are to be conducted.

625-X-11-.01 Administrative Hearings.

(1) Conduct of Hearing.

(a) Hearing Examiners. The Board may, in its discretion, appoint some person to act as hearing examiner at disciplinary hearings. In the event a hearing examiner is appointed, he/she shall preside at the hearing and shall rule on all questions of evidence and procedure notwithstanding any other provisions of these rules to the contrary, with the exception of any pre-hearing motions which may be filed.

(b) Plea. The respondent shall plea either "guilty" or "not guilty" to the charges set forth in the complaint.

(c) Opening Statement. Each side shall be permitted to make a short opening statement.

(d) The state shall present its evidence followed by the respondent, followed by rebuttal by the state. Each witness called may be examined in the following manner:

1. Direct examination
2. Cross examination
3. Examination by Board
4. Re-direct examination
5. Re-cross examination
6. Re-examination by Board.

(e) Closing Argument. Each side shall be permitted to make a short closing statement summarizing the evidence presented and urging the application of relevant law to the evidence presented.

(f) The Board may request one or both sides to prepare within 7 days for the Board's consideration a proposed order of the Board including findings of fact, official notice and conclusion of law. Underlying facts of record which support findings shall be cited.

(g) Order. The Board shall issue an order within 30 days of the date of the final hearing, which shall include findings of fact, official notice taken, and conclusions of law, stated separately. Respondent shall be delivered a copy of the order by certified mail return receipt requested, and a copy shall be mailed first class to each attorney of record.

(2) Evidence. Evidence shall be admitted in accordance with the Alabama Administrative Procedure Act, §13. The probable cause note and any attachments thereto shall be admitted into evidence as a portion of the complaint without further authentication.

(3) Emergencies. The Board may in an emergency situation, when danger to the public health, safety and welfare requires, suspend a license without hearing or with an abbreviated hearing in accordance with the Alabama Administrative Procedure Act.

(4) Other. The hearing shall otherwise be conducted in compliance with the provisions of the Alabama Administrative Procedure Act.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-7, 34-39-16

History: Filed January 7, 1992.

625-X-11-.02 Discipline.

(1) Revocation or Suspension of License. Upon a finding that respondent has violated any enumerated statutory provision or any rule or regulation adopted pursuant thereto, the Board may revoke or suspend any license or permit heretofore issued by the Board and/or impose a civil penalty in accordance with applicable statute(s) or rule(s) or regulation(s).

(2) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of any order issued pursuant to subsection (1). The stay may be conditioned on any provision the Board deems appropriate under all the circumstances of a particular case.

(3) Consideration. In determining whether a license should be revoked or suspended, and whether execution of the order should be stayed, and upon what conditions, the Commission shall consider all relevant factors, including, but not limited to the following:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of repetitions of offenses;
- (d) the length of time since the date of violation;
- (e) the number of complaints filed against the licensee;
- (f) the length of time the licensee has practiced;
- (g) the actual damage, physical or otherwise, to the patient;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty, upon the licensee's livelihood;
- (j) any efforts of rehabilitation; and
- (k) any other mitigating or aggravating circumstances.

Author: Alabama State Board of Occupational Therapy

Statutory Authority: Code of Alabama 1975, §34-39-7, 34-39-16

History: Filed January 7, 1992.

625-X-11-.03 Costs.

(1) The following costs may in the Board's discretion be taxed against any person who is subject to the regulatory authority of the Board pursuant to statute or rule or regulation:

- (a) Preparation of Complaint
  - (b) Service of Complaint
  - (c) Witness Subpoena Fee, for each subpoena for a witness or production of a document.
- Additional charges will be made for any actual expense incurred for any actual subpoena.

- (d) Discovery Costs. Actual expense incurred by Board in pre-hearing discover.
- (e) Attendance Fee. Per diem charge for each Board member in attendance at a hearing (one day minimum).
- (f) Expert Witness Fees. All fees and expenses charged by any expert witness whose services are reasonably necessary in the opinion of the Board for the prosecution of the case who appears at a hearing or whose deposition is taken or whose services are otherwise utilized.
- (g) Travel Costs. Aggregate mileage incurred by all Board members in attending hearing at state approved reimbursement rates.
- (h) Reporter Appearance Fees. Actual cost.
- (i) Hearing Room Fee. Actual cost, if any, incurred for hearing room.
- (j) Appeal Transmission. Actual fee plus per page copying charge.
- (k) Cancellation of Revoked License.

(2) As used in this rule, the term "Board Member" shall mean any employee or agent of the State of Alabama who appears at a hearing, including but not limited to Board Members, the Executive Director, attorneys for the Board, investigators and security officers.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7, 34-39-16  
History: Filed January 7, 1992.

625-X-11 -.04 Reinstatement Of License.

(1) Application for Reinstatement. Any person whose license or permit of any kind has been revoked may apply to the Board for reinstatement of the license or permit at any time after one year of the revocation. In his/her application for reinstatement, the applicant should state why he/she feels the license or permit should be reinstated and should specifically set forth any changed circumstances which would justify reinstatement. Applicant must include in his/her application evidence that he/she meets the current requirements for licensure or for a permit.

(2) Board Action. Upon receipt of such application the Commission may grant applicant a hearing on reinstatement, at which time applicant may appeal to the Board to reinstate his/her license.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7, 34-39-16  
History: Filed January 7, 1992.

625-X-11 -.05 Conflict And Bias.

(1) No Board Member shall be entitled to vote in any disciplinary matter if the Board Member is personally biased against the Respondent or when such voting would violate the provisions of the Alabama Procedure Act 18(1), (Code of Alabama 1975, §41-22-18).

(2) Any respondent in a disciplinary action who wishes to assert bias or conflict may do so by filing with the Board at least three days before the scheduled disciplinary hearing an affidavit asserting the disqualification together with the underlying factual bias for the assertion.

(3) The Board shall consider the assertion of disqualification on the record as a preliminary matter at the hearing before any other question is decided.

Author: Alabama State Board of Occupational Therapy  
Statutory Authority: Code of Alabama 1975, §34-39-7, 34-39-16  
History: Filed January 7, 1992.

