

**TITLE 4. PROFESSIONS AND OCCUPATIONS****CHAPTER 43. BOARD OF OCCUPATIONAL THERAPY EXAMINERS**

(Authority: A.R.S. § 32-3401 et seq.)

**ARTICLE 1. GENERAL PROVISIONS**

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted effective October 14, 1992 (Supp. 92-4).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted again by emergency action effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-3).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted again by emergency action effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted again by emergency action effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1).

Article 1, consisting of Sections R4-43-101 through R4-43-103, adopted by emergency action effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4).

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Article 2, consisting of Sections R4-43-201 through R4-43-205, adopted effective October 14, 1992 (Supp. 92-4).

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## Section

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**ARTICLE 3. HEARINGS**

Article 3, consisting of Sections R4-43-301 and R4-43-302, adopted effective October 14, 1992 (Supp. 92-4).

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## Section

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**ARTICLE 4. REGULATORY PROVISIONS**

Article 4, consisting of Sections R4-43-401 through R4-43-406, adopted effective October 14, 1992 (Supp. 92-4).

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## Section

R4-43-401.	Supervision of Occupational Therapy Assistants
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**ARTICLE 1. GENERAL PROVISIONS****R4-43-101. Definitions**

In addition to the definitions at A.R.S. § 32-3401, in this Chapter:

1. "Facility of Practice" means the principal location of an agency or organization where an occupational therapist or occupational therapy assistant practices occupational therapy.
2. "Good Moral Character" means an applicant has not been convicted of a felony or a misdemeanor within 5 years before application and never been convicted of a felony or misdemeanor involving moral turpitude.
3. "Health Care Professional" means a person certified as an Occupational Therapist or an Occupational Therapy Assistant by the American Occupational Therapy Certification Board or the National Board for Certification in Occupational Therapy, Inc. or any medical professional licensed by A.R.S. Title 32 or the equivalent if licensed outside of Arizona.
4. "Immediate area" means an occupational therapist is on the same floor and within 80 feet of an occupational therapy aide providing services to an occupational therapy patient.
5. "Immorality or misconduct that tends to discredit the occupational therapy profession" means:
  - a. Engaging in false advertising of occupational therapy services.

- b. Engaging in assault and battery of a patient, client, or other person with whom the licensee has a professional relationship.
  - c. Falsifying patient or client documentation or reports.
  - d. Failing to provide appropriate supervision of an occupational therapy assistant or unlicensed personnel performing occupational therapy.
  - e. Failing to provide a comprehensive occupational therapy service compatible with current research within ethical and professional standards, or failing to provide services based upon an evaluation of the patient or client needs and appropriate treatment procedures.
  - f. Failing to document or maintain patient treatment records, or failing to prepare patient or client reports within 30 days of service or treatment.
  - g. Failing to renew a license while continuing to practice occupational therapy.
  - h. Falsely claiming to have performed a professional service, charging for a service not rendered, or representing a service as the licensee's own when the licensee has not rendered the service or assumed supervisory responsibility for the service.
  - i. Obtaining a fee, a referral fee, or other compensation by fraud or misrepresentation.
  - j. Sexually inappropriate conduct with a client or patient, or with a former client or patient within 6 months after the termination of treatment.
  - k. Signing a blank, undated, or unprepared prescription form.
  - l. Using fraud, misrepresentation, or deception in assisting another person to obtain or attempt to obtain an occupational therapist or occupational therapy assistant license.
  - m. Violating any federal law, state law, administrative rules, or regulations concerning the practice of occupational therapy.
  - n. Violating rules or statutes concerning the training of unlicensed occupational therapy personnel or requiring an unlicensed person to provide occupational therapy services without proper training.
6. "Licensee" means a person licensed in Arizona as an occupational therapist or an occupational therapy assistant.
7. "Occupational therapy aide," "unlicensed personnel," and "occupational therapy technician" mean a person who is not licensed as an occupational therapist or occupational therapy assistant, working under the continuous supervision of a licensed occupational therapist.
8. "Physically present" means a supervising occupational therapist is present to observe the practice of occupational therapy.
9. "Premises" means the building and the surrounding property in which the occupational therapy is practiced.
10. "Person" means the same as in A.R.S. § 41-1001.
11. "Supervision" means a collaborative process for the responsible periodic review and inspection of all aspects of occupational therapy services. The following levels of supervision are minimal. An occupational therapist may assign an increased level of supervision if necessary for the safety of a patient or client. The levels of supervision are:
- a. "Close supervision" means the supervising occupational therapist provides initial direction to the occupational therapy assistant and daily contact while on the premises.
  - b. "Continuous supervision" means the supervising occupational therapist is in the immediate area of the occupational therapy aide performing supportive services.
  - c. "General supervision" means the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 30-calendar days on a per patient or client basis while on the premises, with the supervising occupational therapist available by telephone or by written communication.
  - d. "Minimal supervision" means the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 30-calendar days while on the premises.
  - e. "Routine supervision" means the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 15-calendar days on a per patient or client basis while on the premises, with the supervising occupational therapist available by telephone or by written communication.
12. "Supportive Services" means clerical and maintenance activities, preparation of work area or equipment, and delegated, routine aspects of an intervention session with a patient or client that require no adaptations by an occupational therapy aide.

#### Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended effective November 6, 1997 (Supp. 97-4). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2). Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).

#### R4-43-102. Fees

- A.** The Board shall charge the following fees:
- 1. An applicant for licensure:
    - a. Application fee: \$100. This fee is in addition to the initial license fee.
    - b. Limited permit fee: \$35. Upon full licensure, the Board shall subtract \$35 from the initial licensure fee.
  - 2. A licensee:
    - a. Reinstatement fee: \$75. This reinstatement fee is in addition to the appropriate license renewal fee.
    - b. Duplicate license fee: \$10.
  - 3. An occupational therapist:
    - a. Initial license fee: \$135.
    - b. Renewal license fee: \$135.
    - c. Inactive status renewal fee: \$25.
  - 4. An occupational therapy assistant:
    - a. Initial license fee: \$70.
    - b. Renewal license fee: \$70.
    - c. Inactive status renewal fee: \$15.
- B.** All fees set forth in subsection (A) are nonrefundable except as provided in A.R.S. § 41-1077.

1. Initial application, initial licensure, limited permit, and returned or insufficient fund replacement checks shall be remitted in cash, cashier's check, or money order.
2. Renewal, duplicate license, and reinstatement fees shall be remitted in cash, cashier's check, money order, or personal check.

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#### R4-43-103. Service by the Board

Pursuant to A.R.S. § 41-1063(A), service may be made by, for and on behalf of the Board of any decision, order, subpoena, notice or other process by personal service or by mailing a copy by certified mail. Service by certified mail shall be made to the last address of record filed with the Board. Service upon an attorney who has appeared on behalf of a party constitutes service upon the party. If service is by certified mail, service is complete upon deposit in the United States mail.

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Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4).

### ARTICLE 2. LICENSURE

#### R4-43-201. Initial Application

- A. An applicant for an initial license to practice as an occupational therapist or an occupational therapy assistant shall submit an application form provided by the Board to the Board's office. The application and all supporting documentation shall be received by the Board at least 7 days before a Board meeting to be considered at that Board meeting.
- B. The initial application form shall be signed by an applicant and include the following information on the applicant:
  1. Applicant's last name, 1st name, and middle name;
  2. How applicant's name is to be shown on the licensure certificate;
  3. Other names used;
  4. Social security number;
  5. Residence address;
  6. Alternate mailing address if the residential address is to remain confidential;
  7. The type of license for which applying;
  8. The amount of the application and license fee to be submitted;
  9. Applicant's American Occupational Therapy Certifica-

tion Board or National Board for Certification in Occupational Therapy, Inc. certification number, date of certification, and the number of times the applicant has taken the national examination;

10. Education;
  11. Professional experience, field work, or both within the last 5 years;
  12. Employer's name, address, and telephone number;
  13. Current and previous occupational therapy or other professional license or certification numbers from other states and foreign countries and the status of the license or certification;
  14. Current and previous disciplinary actions;
  15. Affidavit of applicant.
- C. An applicant shall submit or cause to be submitted on the applicant's behalf the following:
    1. Application fee;
    2. Written verification received from:
      - a. The National Board For Certification In Occupational Therapy, Incorporated or the American Occupational Therapy Certification Board of a passing score on the examination administered by these entities; or
      - b. Certified letters of good standing issued by each state that has previously issued the applicant an occupational therapy license, provided at least 1 of the states requires standards for licensure equivalent to the requirements for licensure in this Chapter and A.R.S. §§ 32-3401 et seq.
  3. Recommendation of good moral character from 2 health care professionals on a form that shall include the following:
    - a. Applicant's last name, 1st name, and middle initial, and other names used by applicant;
    - b. Applicant's mailing address;
    - c. Applicant's American Occupational Therapy Certification Board or the National Board For Certification In Occupational Therapy certification number;
    - d. Period of time the health care professional has known the applicant;
    - e. Period of time the health care professional has worked with the applicant;
    - f. A statement that the health care professional considers the applicant to be of good moral character;
    - g. Address, city, state, and zip code where the health care professional worked with the applicant;
    - h. A description of the professional relationship or professional experience with the applicant and why the health care professional recommends the applicant for an occupational therapy license;
    - i. Name, address, and telephone number of the health care professional;
    - j. The professional license or certification number and issuing agency of the health care professional;
    - k. The health care professional's signature and date.
  - D. An applicant applying for a limited permit shall submit the application and information listed in subsections (B), (C), and this subsection. An Arizona licensed occupational therapist assuming the professional and legal responsibility for supervision of a limited permit applicant shall complete and sign a Direct Supervision Agreement for a Limited Permit form with the Board. The occupational therapist shall file the Direct Supervision Agreement for a Limited Permit form with the Board before the Board shall issue a limited permit. The Direct Supervision Agreement for a Limited Permit form shall contain the following:

1. Applicant's last name, 1st name, middle name, and other names used by the applicant;
  2. Date the form is completed and signed by the supervising occupational therapist;
  3. Name of the supervising occupational therapist;
  4. Arizona license number of the supervising occupational therapist;
  5. Limited permittee's employment address;
  6. Supervisor's mailing address;
  7. Supervisor's employment address and employment telephone number;
  8. Description of supervision;
  9. Signature of the supervising occupational therapist.
- E.** The Board shall retain the application and documents filed in support of the application.
- F.** If the Board denies an application, the applicant may, within 30 days of service of the notice of denial, make a written request for a hearing to review the Board's decision. The hearing shall be conducted under A.R.S. Title 41, Chapter 6, Article 10.
- G.** In a hearing conducted on a denial of a license, the applicant has the burden of proof.

#### Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

#### R4-43-202. Renewal of License

- A.** A licensee shall renew a license by submitting to the Board a renewal application, proof of completion of the continuing education requirements in R4-43-203, and paying the renewal fee within 2 years of initial licensure or last license renewal date.
- B.** The renewal application form provided by the Board shall include the following:
1. Applicant's last name, first name, middle initial, and other names used by the applicant;
  2. How applicant's name is to be shown on the renewal license;
  3. Residence address;
  4. Alternate mailing address if the residential address is to remain confidential;
  5. Current Arizona Board of Occupational Therapy Examiners license number;
  6. Type of renewal license for which applying;
  7. The amount of the renewal fee;
  8. Disciplinary actions since initial licensure;
  9. Hours and titles of continuing education completed;
  10. Total hours of continuing education completed;
  11. Social security number;
  12. Employer's name, address, and telephone number;
  13. Signature and date.
- C.** Unless otherwise required by A.R.S. § 32-3202, a license that is not renewed within 2 years of the date of issuance expires by operation of law. A licensee may reinstate within 180 calendar days of the expiration date upon payment of the required

renewal fee, a reinstatement fee under R4-43-102(A)(2)(a) and submittal of proof of completion of the continuing education requirements in R4-43-203.

#### Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Former Section R4-43-202 repealed; new Section R4-43-202 renumbered from R4-43-203 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

#### R4-43-203. Continuing Education for Renewal of License

- A.** A licensee shall complete continuing education for renewal of a license as follows:
1. Occupational Therapist, 20 clock-hours for renewal of a 2-year license; and
  2. Occupational Therapy Assistant, 12 clock-hours for renewal of a 2-year license.
- B.** A licensee shall complete the continuing education clock hours in subsection (A) within the 2-year period before the date the licensee's license expires, or if requesting a return to active status license, within the 2-year period before the date the licensee submits the return to active status request to the Board.
- C.** Continuing education shall contribute to professional competency and the practice of occupational therapy. The Board shall determine if continuing education hours contribute directly to the professional competency and if the continued education hours relate to the clinical practice of occupational therapy.
- D.** A licensee may fulfill the licensee's continuing education requirement by completing any of the following:
1. A professional workshop, seminar, or conference and submitting proof of attendance as follows:
    - a. The American and Arizona Occupational Therapy Association's original check-in sheet displaying the organization's name, official stamp, hours, and licensee's name; or
    - b. Photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock-hours, date of attendance, name of the workshop, seminar, or conference, licensee's name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
  2. Self-study or formal study through course work and submitting a photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock hours, dates of attendance, name of the study or course work, licensee's name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;
  3. Viewing a taped video presentation and submitting a photocopy of a signed certificate or letter issued by the sponsoring organization or instructor displaying the clock-hours, dates of attendance, name of the study or course work, licensee's name, and information necessary to contact the sponsoring organization or instructor for verification of attendance;

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- tion of attendance;
4. Undergraduate, graduate college, or university course work of a grade "C" or better and submitting a course completion notification sheet and a statement describing how the course extends the licensee's professional skill and knowledge;
  5. Publishing:
    - a. A book, for a maximum credit of 10 clock-hours, and submitting a copy of the book;
    - b. An article, for a maximum credit of 4 clock-hours, and submitting a copy of the article;
    - c. A chapter of a book, for a maximum of 5 clock-hours, and submitting a copy of the chapter or book;
    - d. A film, for a maximum of 6 clock-hours, and submitting a copy of the film; or
    - e. A videotape, for a maximum of 6 clock-hours, and submitting a copy of videotape;
  6. Presenting a program, workshop, seminar, or conference of not less than 1.5 hours in duration for a maximum of 4 clock-hours and submitting a brochure, agenda, or similar printed material describing:
    - a. The content of the presentation, workshop, seminar, or conference;
    - b. The date, duration, and location of the presentation conference, workshop, or seminar; and
    - c. The name of the presenting licensee or a signed certificate or letter from the program organizer if other than the presenting licensee; or
  7. In-service training related to clinical occupational therapy services excluding safety, fire evacuation, and cardiopulmonary resuscitation (CPR), for a maximum of 4 clock-hours and submitting:
    - a. A letter from the supervising occupational therapist or other immediate supervisor; and
    - b. A licensee's statement consisting of:
      - i. Specific topics,
      - ii. Presenters,
      - iii. Dates,
      - iv. Times,
      - v. Location, and
      - vi. How the training or in-service relates to the clinical practice of occupational therapy or contributes to professional competency.
- C. A licensee may renew or reactivate an inactive license by:
1. Submitting a renewal application under R4-43-202;
  2. Paying the licensure renewal fee under R4-43-102 or, if reactivating an inactive license, paying the renewal fee less the last inactive status fee paid by the applicant; and
  3. Meeting the continuing education requirements under R4-43-203.

**Historical Note**

R4-43-204 adopted by emergency effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Section R4-43-204 adopted by emergency action permanently adopted as R4-43-205, new Section R4-43-204 adopted effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended effective December 5, 1997 (Supp. 97-4). Former Section R4-43-204 renumbered to R4-43-203; new Section R4-43-204 renumbered from R4-43-205 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

**R4-43-205. Procedures for Processing License Applications**

- A. Initial application for a license or permit.
1. Within 60 calendar days after receipt of an initial application for a license or permit, the Board shall perform an administrative completeness review and notify the applicant in writing that the application is either complete or incomplete. If the application is incomplete, the notice shall specify what documentation or information is missing.
  2. If the Board has notified an applicant that an application is incomplete within the 60-day administrative completeness review timeframe, the timeframe is suspended from the date of the notice.
  3. An applicant with an incomplete application shall submit all missing documentation and information within 60 days from the date of the notice. If the applicant fails to do so for an initial license or permit, the Board may close the applicant's file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
  4. Except for a limited permit application, an application is not complete until the applicant has fully complied with the application requirements of A.R.S. Title 32, Chapter 34 and this Article. A limited permit application is complete when the Board receives all of the information required in R4-43-201(D) except for the exam score in R4-43-201(C)(2)(a).
  5. If an applicant for an initial license or permit cannot submit all missing documentation or information within 60 days from the date of the notice, the applicant may request an extension by submitting a written request to the Board post marked or delivered not later than 60 days from the date of the notice. The written request for an extension shall explain the reasons for the applicant's inability to meet the 60-day deadline.
  6. Under A.R.S. § 32-3403(A), the Executive Director's duties shall include review of requests for an extension. The Executive Director shall grant an extension request, if the extension will enable the applicant to submit the

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**R4-43-204. Inactive License**

- A. A licensee may transfer an active license into inactive status if the licensee's license is current and in good standing.
- B. The licensee shall not practice during the time the license is inactive.

missing documentation or information, but shall not grant an extension of more than 60 days. The Executive Director shall notify the applicant in writing of the decision to grant or deny the request for an extension.

7. If the applicant fails to submit all missing documentation and information within the extension period, the Board may close the applicant's file. An applicant whose file has been closed and who later wishes to become licensed, shall apply anew.
  8. After receipt of all missing documentation or information within the administrative completeness timeframe specified in this Section, the Board shall notify the applicant in writing that the application is complete.
  9. The Board shall perform the substantive review and issue or deny the license or permit no later than 60 days after receipt of a complete application. For this subsection, the date of receipt is the date of the notice advising the applicant that the application is complete.
- B.** Renewal license application, request to transfer into inactive status, or application to return to active status.
1. Within 60 calendar days after receipt of an application described in subsection (B)(2), the Board shall perform an administrative completeness review and notify the applicant in writing that the application is complete or incomplete.
  2. The following applications are governed by this subsection:
    - a. A renewal license application;
    - b. A request to transfer into inactive status by a licensee with an unexpired license; and
    - c. A renewal application to return to active status.
  3. If the Board has notified an applicant that an application is incomplete within the 60-day administrative completeness review timeframe, the timeframe is suspended from the date of the notice.
  4. An application is not complete until the applicant has fully complied with all of the application requirements of A.R.S. Title 32, Chapter 34 and this Article.
  5. After receipt of all missing documentation and information within the administrative completeness timeframe specified in this Section, the Board shall notify the applicant that the application is complete.
  6. The substantive review timeframe runs from the date of the Board's notice advising the applicant that the application is complete until the Board grants or denies the renewal or transfer. The substantive review timeframe is 60 days.
  7. A timely submittal renewal application causes the license to remain in effect until further notice by the Board.
  8. If a licensee fails to submit a renewal application before the expiration date, the applicant may seek reinstatement under R4-43-202(C) if applicable or reapply under R4-43-201.
- C.** For the purposes of A.R.S. § 41-1073, the Board establishes the following timeframes for any license or permit it issues:
1. Administrative completeness review timeframe: 60 days.
  2. Substantive review timeframe: 60 days.
  3. Overall timeframe: 120 days.

#### Historical Note

R4-43-204 adopted by emergency effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency

expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Former R4-43-204 now adopted as R4-43-205 effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Former Section R4-43-205 renumbered to R4-43-204; new Section R4-43-205 renumbered from R4-43-206 and amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

#### R4-43-206. Renumbered

##### Historical Note

Adopted effective October 21, 1997 (Supp. 97-4). Section R4-43-206 renumbered to R4-43-205 by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

### ARTICLE 3. HEARINGS

#### R4-43-301. Hearing Procedures

The Board shall conduct all hearings held under A.R.S. § 32-3442 et seq. in accordance with A.R.S. Title 41, Chapter 6, Article 10 and rules issued by the Office of Administrative Hearings.

##### Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted without change effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

#### R4-43-302. Rehearing or Review of Decision

- A.** The Board shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and rules established by the Office of Administrative Hearings.
- B.** A party is required to file a motion for rehearing or review of a decision of the Board to exhaust the party's administrative remedies.
- C.** A party may amend a motion for rehearing or review at any time before the Board rules on the motion.
- D.** The Board may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
  1. Irregularity in the proceedings of the Board, or any order or abuse of discretion, that deprived the moving party of a fair hearing;
  2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;
  3. Accident or surprise that could not have been prevented by ordinary prudence;
  4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
  5. Excessive penalty;
  6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
  7. That the Board's decision is a result of passion or prejudice; or
  8. That the findings of fact or decision is not justified by the evidence or is contrary to law.

- E. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.
- F. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days, for good cause as described in subsection (I).
- G. Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- H. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.
- I. The Board may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that the grounds for the party's motion or other action could not have been known in time, using reasonable diligence, and:
  1. A ruling on the motion will further administrative convenience, expedition, or economy; or
  2. A ruling on the motion will avoid undue prejudice to any party.

#### Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 5 A.A.R. 1614, effective May 6, 1999 (Supp. 99-2).

### ARTICLE 4. REGULATORY PROVISIONS

#### R4-43-401. Supervision of Occupational Therapy Assistants

- A. Only a licensed occupational therapist shall:
  1. Prepare an initial treatment plan, initiate or re-evaluate a client or patient's treatment plan, or authorize in writing a change of a treatment plan;
  2. Delegate duties to a licensed occupational therapy assistant, designate an assistant's duties, and assign a level of supervision; and
  3. Authorize a patient discharge.
- B. A licensed occupational therapy assistant shall not:
  1. Evaluate or develop a treatment plan independently;
  2. Initiate a treatment plan before a client or patient is evaluated and a treatment plan is prepared by an occupational therapist;
  3. Continue a treatment procedure appearing harmful to a patient or client until the procedure is reevaluated by an occupational therapist; or
  4. Continue or discontinue occupational therapy services unless the treatment plan is approved or re-approved by a supervising occupational therapist.
- C. A supervising occupational therapist shall supervise a licensed occupational therapy assistant as follows:
  1. Not less than routine supervision if the occupational ther-

- apy assistant has less than 12 months work experience in a particular practice setting or with a particular skill.
- 2. Not less than general supervision if the occupational therapy assistant has more than 12 months but less than 24 months of experience in a particular practice setting or with a particular skill.
- 3. Not less than minimal supervision if an occupational therapy assistant has more than 24 months of experience in a particular practice setting or with a particular skill.
- 4. Increased level of supervision, if necessary, for the safety of a patient or client.

#### Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).

#### R4-43-402. Supervision of Occupational Therapy Aides and Other Unlicensed Personnel

- A. An occupational therapy aide shall not provide occupational therapy services in any setting. However, an occupational therapy aide may provide supportive services assigned by an occupational therapist or occupational therapy assistant after the aide is specifically trained to provide the supportive services by an occupational therapist.
- B. An occupational therapy aide shall receive continuous supervision.
- C. An occupational therapy aide shall not act independently.
- D. An occupational therapy aide shall not perform the following tasks:
  1. Evaluate a client or patient;
  2. Prepare a treatment plan;
  3. Make entries in client or patient record regarding client or patient status;
  4. Develop, plan, adjust, or modify treatment procedures;
  5. Interpret referrals or prescriptions for occupational therapy services;
  6. Continue a task if there is a change in the client's or patient's condition;
  7. Perform any task without adequate training or skills; and
  8. Perform any task requiring licensure under A.R.S. § 32-3401-3445.

#### Historical Note

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).

#### R4-43-403. Designation of Title

An unlicensed person who works in a facility of practice shall use 1

of the following titles:

1. A person practicing under a limited permit shall use the term "Limited Permit" following the person's name.
2. An occupational therapy aide shall use the term "OT Aide" following the occupational therapy aide's name.
3. An occupational therapy student enrolled in an accredited program in occupational therapy shall use the term "OT Student" following the student's name.

**Historical Note**

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted without change effective October 14, 1992 (Supp. 92-4). Amended by final rulemaking at 6 A.A.R. 707, effective January 25, 2000 (Supp. 00-1).

**R4-43-404. Limited Permit Practice**

- A. Any change or addition of a supervising occupational therapist requires the filing of a new Direct Supervision Agreement for a Limited Permit form by the supervisor under R4-43-201(D). The supervisor shall submit the Direct Supervision Agreement for a Limited Permit form within 7 days of any change or addition of a supervising occupational therapist.
- B. The supervising occupational therapist shall co-sign all patient records documenting patient treatment and progress.

**Historical Note**

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective Octo-

ber 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

**R4-43-405. Display of License Certificate**

Each licensee shall display a current license certificate issued by the Board in a prominent place in each facility of practice. A licensee may use a copy of the license certificate to satisfy this requirement.

**Historical Note**

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September 8, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted with changes effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).

**R4-43-406. Change of Name or Address**

- A. A licensee shall notify the Board in writing within 30 days of a legal name change. A copy of the official document evidencing the name change shall be included. The Board shall issue a duplicate license certificate reflecting the name change.
- B. A licensee shall notify the Board in writing within 30 days of a change in mailing address.

**Historical Note**

Emergency rule adopted effective December 12, 1991, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 91-4). Emergency rule adopted again effective March 11, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-1). Emergency rule adopted again effective June 5, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Emergency expired. Emergency rule adopted again effective September, 1992, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 92-2). Adopted without change effective October 14, 1992 (Supp. 92-4). Amended effective September 15, 1994 (Supp. 94-3). Amended by final rulemaking at 5 A.A.R. 1427, effective April 22, 1999 (Supp. 99-2).