

REPORT ON PENDING REGULATIONS.

REGULATIONS UPDATE REPORT

Pending Rulemaking files: In-Process

Rulemaking File Subject	Section(s)	Status	Close of public comment period	Date Pkg Sent to DCA	Date Pkg Rtn'd from DCA	Final Pkg Due to OAL	Actual Submit Date To OAL	Date language goes into effect
Retired Status and Fees	4128, 4130	Language published August 24, 2012; adopted at October 2012 meeting. Modified text adopted at May 2013 meeting.	10/08/2012	12/27/2012 <i>Resubmit</i> 06/03/2013		08/24/2013 *		
Ethical Standards of Practice	4170	Language published August 24, 2012. Second modified text adopted at June 2013 meeting.	10/08/2012	08/21/2013		08/24/2013 *		
Standards of Practice for Telehealth	4172	Language published August 24, 2012. Second modified text adopted at June 2013 meeting.	10/08/2012	08/22/2013		08/24/2013 *		
Disciplinary Guidelines & Uniform Standards	4101, 4146.5, 4147, 4147.5	Language published March 2013; adopted by Board at May 2013 meeting.	05/06/2013	9/24/2013		03/22/2014		
Application Review of Appl. License renewal License renewal Limited Permit Inactive Status <i>*(renumbered from section 4122)</i>	4110, 4112, 4120, 4121, 4123, 4127*	Language published May 31, 2013; to be considered by Board at November 2013 meeting.	07/29/2013			06/14/2014		

* Director to issue 90-day extension if rulemaking file approved.

REGULATIONS UPDATE REPORT

Pending Regulatory Amendments: Process Not Yet Started

Rulemaking File Subject	Section	Priority	Status	Comments
Continuing Competency	4161	1	Language previously approved by Board. Language publication date to be coordinated with Spring 2014 meeting date.	
Notification to Consumers	4171	2	Language previously approved by Board. Language publication date to be coordinated with Spring 2014 meeting date.	
Accept CHT designation for applicants to qualify for advanced practice approval in hand therapy	4151 4152	3	Language approved by Board at September 2013 meeting. Language publication date to be coordinated with Spring 2014 meeting date.	
Language for OT to request to supervise more than 2 OTAs	tbd		Implement BPC 2570.3(j)(2). Practice Committee to prepare/review language; draft language to be presented to the Board at Spring 2014 meeting.	
Patient record retention requirements when a business is closed/sold or if practitioner is no longer in private practice	tbd		Implement BPC 2570.185. Practice Committee to prepare/review language; draft language to be presented to the Board at Spring or Summer 2014 meeting.	

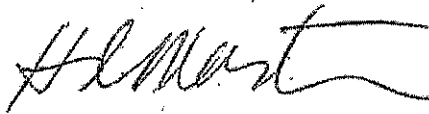
AVAILABILITY OF FOURTH MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Occupational Therapy has proposed modifications to the proposed text of CCR Section 4170 in Division 39, Title 16. A copy of the modified text is enclosed.

Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before 5:00 PM on November 18, 2013, to the following:

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CA Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
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DATED: November 1, 2013



HEATHER MARTIN
Executive Officer
CA Board of Occupational Therapy

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

Specific Language

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

Modified text is shown by ~~double strikeout~~ for deleted text and double underline for new text.

Second Modified text is shown by ~~double strikeout with highlight~~ for deleted text and double underline with highlight for new text.

Third Modified text is shown by ~~**bold italic strikeout**~~ for deleted text and **bold italic underline** for new text.

Fourth Modified text is shown by ~~**bold italic strikeout with highlight**~~ for deleted text and **bold italic underline with highlight** for new text.

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

§ 4170. Ethical Standards of Practice

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

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

(1) ~~An Occupational therapy practitioner's services shall be provided services that reflect an understanding of how services can be affected by~~ **consistent with reflect an understanding of how those services can be affected by** socio-economic factors such as economic status, age, ethnicity, race, disability, marital status, sexual orientation, gender, gender identity, religion, residence, culture and political affiliation and insurance coverage.

(2) An occupational therapy practitioner offering ~~pro bono ("for the good") free or reduced-fee occupational therapy services shall exercise the same standard of care when providing those services~~ **as for full fee services.**

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

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

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

(A) Any sexual relationship, whether consensual or nonconsensual, with any recipient of service, including family or significant other, student, research participant, or employee, while a relationship exists as an occupational therapy practitioner, educator, researcher, supervisor, or employer, and

(B) Bartering for services or any relationship established as an occupational therapist or occupational therapy assistant to further one's own physical, emotional, financial, political, or business interests at the expense of the best interests of recipients of services, or the potential for exploitation and conflict of interest.

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

(1) Occupational therapy practitioners shall fully inform the client of the nature, risks, and potential outcomes of any interventions.

(2) Occupational therapy practitioners shall obtain informed consent from clients involved in research activities and indicate in the medical record that they have fully informed the client of potential risks and outcomes.

(3) Occupational therapy practitioners shall respect the client's right to refuse professional services, ~~including to receive services delivered via telehealth, or involvement in research or educational activities.~~

(4) Occupational therapy practitioners shall maintain patient confidentiality unless otherwise mandated by local, state or federal regulations.

(d) Occupational therapy practitioners shall perform occupational therapy services only when they are qualified by education, training, and experience to do so.

~~(1) Occupational therapy practitioners shall hold the appropriate credentials for the services they provide.~~

~~(2) Occupational therapy practitioners and~~ shall refer to or consult with other service providers whenever such a referral or consultation is necessary for the care of the client. Such referral or consultation ~~should~~ shall be done in collaboration with the client.

(e) Occupational therapy practitioners shall, through professional development units required for license renewal or in other ways assure continued competence with respect to their own current practice and technology.

(f) Occupational therapy practitioners shall report to the appropriate authorities Board any acts committed by another occupational therapy practitioner that they have reason to believe are unethical or illegal in practice, education, research, billing, and or documentation, and shall cooperate with the Board by providing information, documentation, declarations, or assistance as may be required allowed by law.

(g) Occupational therapy practitioners shall make all other mandatory reporting to the appropriate authorities as required by law.

~~(e)~~ (g) (h) Occupational therapy practitioners shall comply with the Occupational Therapy Practice Act, the California Code of Regulations, and all other related local, state, and federal laws, and shall comply with the following:

(1) Practice occupational therapy only when holding a current and valid license issued by the Board, and appropriate national, state, or other requisite credentials for the services they provide; and

(2) Practice occupational therapy within his or her own level of competence and scope of practice.

~~(f)~~ (h) (i) Occupational therapy practitioners shall provide accurate information about occupational therapy services.

~~(1)~~ Occupational therapy practitioners and shall accurately represent their credentials, qualifications, education, experience, training, and competence.

(2) ~~(j)~~ (i) Occupational therapy practitioners shall disclose any professional, personal, financial, business, or volunteer affiliations that may pose a conflict of interest to those with whom they may establish a professional, contractual, or other working relationship.

(3) ~~(j)~~ (k) Occupational therapy practitioners shall ~~refrain from using~~ not use or participate in the use of any form of communication that contains false, fraudulent, deceptive statements or claims.

~~(g)~~ (k) (l) Occupational therapy practitioners shall report to the Board acts constituting grounds for discipline as defined in Section 2570.28 of the Occupational Therapy Practice Act.

~~(h) Occupational Therapy practitioners shall abide by the standards set forth in the American Occupational Therapy Association's "Occupational Therapy Code of Ethics and Ethics Standards" (2010), incorporated herein by reference.~~

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