



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Health- Occupational Therapy Practice Board

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) 02/15/2014 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain: Beginning January 1, 2014, RCW 43.70.442 requires licensed occupational therapists and occupational therapy assistants to complete training adopted in these rules.

Purpose: WAC 246-847-010 (amended), WAC 246-847-065 (amended) and WAC 246-847-066 (new). The rules implement ESHB 2366 (Chapter 181, Laws of 2012) and SHB 1376 (Chapter 78, Laws of 2013), both codified as RCW 43.70.442. The rules create new continuing education requirements for occupational therapists and occupational therapy assistants in suicide assessment, including screening and referral.

Citation of existing rules affected by this order:

Repealed: None
Amended: WAC 246-847-010, WAC 246-847-065
Suspended: None

Statutory authority for adoption: RCW 43.70.442, RCW 18.59.130

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 13-22-085 on 11/06/2013 (date).
Describe any changes other than editing from proposed to adopted version: No changes were made.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Janette Benham phone 360-236-4857
Address: Department of Health PO Box fax 360-236-2901
47852 Olympia, WA 98504 e-mail janette.benham@doh.wa.gov

Date adopted: 12/16/2013

NAME (TYPE OR PRINT)
Karin Schulze, OT

SIGNATURE

TITLE
Chair

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 10, 2014
TIME: 7:13 AM

WSR 14-05-016

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>1</u>	Amended	<u>2</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>2</u>	Repealed	<u>0</u>

WAC 246-847-010 Definitions. The ~~((following terms))~~ definitions in this section apply throughout this chapter ~~((and have the following meanings:))~~ unless the context clearly requires otherwise.

(1) "Adapting environments for individuals with disabilities" includes assessing needs, identifying strategies, implementing and training in the use of strategies, and evaluating outcomes. Occupational therapy focuses on the interaction of an individual's skills and abilities, the features of the environment, and the demands and purposes of activities.

(2) "Board" means the board of occupational therapy practice.

(3) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

~~((3))~~ (4) "Client-related tasks" are routine tasks during which the aide may interact with the client but does not act as a primary service provider of occupational therapy services. The following factors must be present when an occupational therapist or occupational therapy assistant delegates a selected client-related task to the aide:

(a) The outcome anticipated for the delegated task is predictable;

(b) The situation of the client and the environment is stable and will not require that judgment, interpretations, or adaptations be made by the aide;

(c) The client has demonstrated some previous performance ability in executing the task; and

(d) The task routine and process have been clearly established.

~~((4))~~ (5) "Commonly accepted standards for the profession" in RCW 18.59.040 (5)(b) and 18.59.070 shall mean having passed the National Board for Certification in Occupational Therapy or its successor/predecessor organization, not having engaged in unprofessional conduct or gross incompetency as established by the board in WAC 246-847-160 for conduct occurring prior to June 11, 1986, and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986.

~~((5))~~ (6) "Consultation" means that practitioners are expected to function as consultants within the scope of practice appropriate to their level of competence.

~~((6))~~ (7) "Developing prevocational skills and play and avocational capabilities" also involves the scientifically based use of purposeful activity.

~~((7))~~ (8) "Direct supervision" as described in RCW 18.59.040(7) means daily, in-person contact at the site where services are provided by an occupational therapist licensed in the state of Washington.

~~((8))~~ (9) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

~~((9))~~ (10) "In association" as described in RCW 18.59.040(7) means practicing in a setting in which an occupational therapist li-

censed in the state of Washington is available on the premises for supervision, consultation, and assistance as needed to provide protection for the client's health, safety and welfare.

((+10)) (11) "Occupational therapy aide" means a person who is trained by an occupational therapist or occupational therapy assistant to perform client and nonclient related tasks. Occupational therapy aides are not primary service providers of occupational therapy in any practice setting. Occupational therapy aides do not provide skilled occupational therapy services.

((+11)) (12) "Professional supervision" of an occupational therapy aide as described in RCW 18.59.020(5) means in-person contact at the treatment site by an occupational therapist or occupational therapy assistant licensed in the state of Washington. When client related tasks are provided by an occupational therapy aide more than once a week, professional supervision must occur at least weekly. When client related tasks are provided by an occupational therapy aide once a week or less, professional supervision must occur at least once every two weeks.

((+12)) (13) "Regular consultation" as described in RCW 18.59.020(4) means in-person contact at least monthly by an occupational therapist licensed in the state of Washington with supervision available as needed by other methods which include but are not limited to phone and e-mail.

((+13)) (14) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. "Occupations" are activities having unique meaning and purpose in an individual's life.

((+14)) (15) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation.

((+15)) (16) "Working days" in RCW 18.59.040(5) shall mean consecutive calendar days.

((+16)) (17) "Work site" in RCW 18.59.080 means the primary work location.

AMENDATORY SECTION (Amending WSR 05-24-105, filed 12/7/05, effective 1/7/06)

WAC 246-847-065 Continued competency. ((As required in chapter 246-12 WAC, Part 7,)) Licensed occupational therapists and licensed occupational therapy assistants must complete thirty hours of ((continuing education)) continued competency every two years.

(1) A minimum of twenty hours must be directly related to the practice of occupational therapy as defined in RCW 18.59.020 and WAC 246-847-010.

((The)) (2) Any remaining ((ten)) hours may be in professional development activities that enhance the practice of the licensed occupational therapist or licensed occupational therapy assistant.

(3) Beginning January 1, 2014, as part of their continued competency, occupational therapists and occupational therapy assistants are required to obtain at least three hours of training every six years in suicide assessment as specified in WAC 246-847-066.

(a) Except as provided in (b) of this subsection, an occupational therapist or occupational therapy assistant must complete the first training required by this section during the first full continued competency reporting period after January 1, 2014, or the first full continued competency reporting period after initial licensure, whichever occurs later.

(b) An occupational therapist or occupational therapy assistant applying for initial licensure on or after January 1, 2014, may delay completion of the first training required by this section for six years after initial licensure if:

(i) He or she can demonstrate successful completion of a three-hour training program in suicide assessment that was completed no more than six years prior to the application for initial licensure; and

(ii) The training meets the qualifications listed in WAC 246-847-066.

(4) The thirty (~~contact~~) continued competency hours must be obtained through two or more of the activities listed (~~below~~) in this subsection. Documentation for all activities must include licensee's name, date of activity, and number of hours. Additional specific documentation is defined below:

(~~(1)~~) (a) Continuing education course work. The required documentation for this activity is a certificate or documentation of attendance.

(~~(2)~~) (b) In-service training. The required documentation for this activity is a certificate or documentation of attendance.

(~~(3)~~) (c) Professional conference or workshop. The required documentation for this activity is a certificate or documentation of attendance.

(~~(4)~~) (d) Course work offered by an accredited college or university, provided that the course work is taken after the licensee has obtained a degree in occupational therapy, and the course work provides skills and knowledge beyond entry-level skills or knowledge. The required documentation for this activity is a transcript.

(~~(5)~~) (e) Publications. The required documentation for this activity is a copy of the publication.

(~~(6)~~) (f) Presentations. The required documentation for this activity is a copy of the presentation or program listing. Any particular presentation may be reported only once per reporting period.

(~~(7)~~) (g) Interactive online courses. The required documentation for this activity is a certificate or documentation of completion.

(~~(8)~~) (h) Development of instructional materials incorporating alternative media such as: Video, audio and/or software programs to advance professional skills of others. The required documentation for this activity is a program description. The media/software materials must be available if requested during audit process.

(~~(9)~~) (i) Professional manuscript review. The required documentation for this activity is a letter from publishing organization verifying review of manuscript. A maximum of ten hours is allowed per reporting period for this category.

(~~(10)~~) (j) Guest lecturer for occupational therapy related academic course work (academia not primary role). The required documenta-

tion for this activity is a letter or other documentation from instructor.

~~((11))~~ (k) Serving on a professional board, committee, disciplinary panel, or association. The required documentation for this activity is a letter or other documentation from the organization. A maximum of ten hours is allowed per reporting period for this category.

~~((12))~~ (l) Self-study of cassette, tape, video tape, or other multimedia device, or book. The required documentation for this activity is a two page synopsis of each item written by the licensee. A maximum of ten hours is allowed per reporting period for this category.

~~((13))~~ (m) Level II fieldwork direct supervision of an occupational therapy student or occupational therapy assistant student by site designated supervisor(s). The required documentation for this activity is a name of student(s), letter of verification from school, and dates of fieldwork. A maximum of ten hours per supervisor is allowed per reporting period for this category.

NEW SECTION

WAC 246-847-066 Suicide assessment training standards. (1) A qualifying training in suicide assessment must:

(a) Be an empirically supported training in suicide assessment that includes risk assessment, screening, and referral;

(b) Be provided by a single provider and must be at least three hours in length which may be provided in one or more sessions.

(2) The hours spent completing a training program in suicide assessment under this section count toward meeting any applicable continued competency requirements.

(3) Nothing in this section is intended to expand or limit the occupational therapist or occupational therapy assistant scope of practice.