

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Occupational Therapy

RULE CITATION: 21 NCAC 38 .0801

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In Item (1), change “refers” to “means” to be consistent with the rest of this Rule.*

*In Item (2), please review the definition of “contact hour” in light of .0805. It appears based upon .0805, that contact hour may be different depending on what kind of activity is being used for CE.*

*In Item (4), what is meant by “entry-level”, “advanced”, and “enhanced”? Here, do you mean something like “Continuing Education’ means educational experiences beyond those required by G.S. 90-270.70(a)”?*

*In Item (8), consider changing “as defined in” to “as set forth in.” I don’t read .0805 to provide a definition for this.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 21 NCAC 38.0801 is amended as published in 34:04 NCR 305 as follows:

2

3 **21 NCAC 38 .0801 CONTINUING COMPETENCE DEFINITIONS**

4 As used in this Section:

5 (1) "AOTA Approved Provider Program" refers to a voluntary process of review and approval of  
6 continuing education (CE) providers by the American Occupational Therapy Association (AOTA)  
7 based on criteria and guidelines that assess a provider's ability to develop and implement CE activities  
8 that are relevant to the practice of occupational therapy.

9 (2) "Contact Hour" means a unit of measure for a continuing education activity. One contact hour equals  
10 60 minutes in a learning activity, excluding meals and breaks. One contact hour equals one point.

11 (3) "Continuing Competence" means a process in which an occupational therapist or an occupational  
12 therapy assistant develops and maintains the knowledge, performance skills, interpersonal abilities,  
13 critical reasoning skills, and ethical practice reasoning skills necessary to perform his or her  
14 occupational therapy professional responsibilities.

15 (4) "Continuing Education" means structured educational experiences beyond entry-level academic  
16 degree work that are intended to provide advanced or enhanced knowledge in a particular area.

17 (5) "Continuing Education Credit" means credit given for a formalized activity in the form of contact  
18 hours or continuing education units.

19 (6) "Continuing Education Unit (CEU)" means a unit of measure for continuing education. One CEU is  
20 defined as 10 contact hours of participation in a learning activity excluding meals and breaks.

21 (7) "Peer Reviewed" means any written work that is blind reviewed by more than one person.

22 (8) "Points" means an assigned unit of measure for each continuing competence activity as defined in  
23 Rule .0805 of this Section.

24

25 *History Note: Authority G.S. 90-270.69; 90-270.75(a);*

26 *Eff. July 1, 2007;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;*

28 *Amended Eff. January 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Occupational Therapy

RULE CITATION: 21 NCAC 38 .0804

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, how does this Rule go with .0805? I think that .0805 give the kinds of activities that may be approved if they apply to one of the subject matters in (b), are related to responsibilities, and serve to protect the public, but I think that this could be much more clear (if that's correct.)*

*In (a), to be approved for what? Activities for what? Continuing education? Please make it clear within the body of the text of the Rule as to what this is applying.*

*In (a), how will the Board make the decision as to whether activities "serve to protect the public by enhancing the licensee's continuing competence"?*

*Would it help to somehow combine (a) and (b) for purposes of clarity? It's a bit unclear to me as to whether the activities have to apply to one of these subject matters.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 21 NCAC 38 .0804 is amended as published in 34:04 NCR 305-306 as follows:

2

3 **21 NCAC 38 .0804**            **SCOPE OF QUALIFIED ACTIVITIES FOR MAINTAINING CONTINUING**  
4    **COMPETENCE**

5 (a) To be approved by the Board, activities must be related to the licensee's current or anticipated roles and  
6 responsibilities in occupational therapy and must serve to protect the public by enhancing the licensee's continuing  
7 competence.

8 (b) Subject matter for approved activities include research; theoretical or practical content related to the practice of  
9 occupational therapy; or the development, administration, supervision, and teaching of clinical practice or service  
10 delivery programs by occupational therapists or occupational therapy assistants.

11

12 *History Note:*     *Authority G.S. 90-270.69; 90-270.75(a);*

13                                    *Eff. July 1, 2007;*

14                                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;*

15                                    *Amended Eff. January 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Board of Occupational Therapy

RULE CITATION: 21 NCAC 38 .0805

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Overall, how does this Rule go with .0804? Do all of these activities have to be approved in accordance with .0804? Please review and clarify.*

*On line 4, by "are", do you mean "may include the following" or "shall include the following"?*

*In each item, it looks like you are essentially defining what each type of activity is. Please consider making this more clear.*

*In (1)(a), please make the second sentence of this Subparagraph a complete sentence.*

*In (1)(a), what is a "formal assessment"? Please delete "formal" or provide some examples (but see my question below.)*

*In (1)(a), are these examples of continuing education or of the formal assessments? Please review and clarify. I think it's of continuing education.*

*In (1)(b), should "may earn" be "shall earn"? Are there any circumstances in which a person would not get a contact hour for this (assuming it's been approved in accordance with .0804)? Please note that this language is in every Item.*

*In (1)(b) what is "an equivalent unit"? Since a contact hours is defined as 60 minutes of a learning activity, how would they come up with an equivalent unit? Please note that this is a question for other Items in this Rule and came up in the contact hour definition in .0801.*

*Do you need all of (1)(b) since you've included "one contact hours equals one point" in .0801(2)?*

*Why would one need the documentation referenced in (1)(c), (2)(d), and otherwise throughout this Rule? Is this for the therapist's records? Is this to make it clear*

Amber May  
Commission Counsel  
Date submitted to agency: December 2, 2019

*to the sponsor that they have to provide some documentation to the therapist? Is this the documentation necessary for approval in accordance with .0804? Please make this more clear.*

*In (1)(c), rather than “documentation shall include a certificate of completion or similar documentation including...” could you just say “documentation shall include...” My concern here is the “similar documentation.”*

*Can you combine (2)(b) and (c) and say “... maximum of six points, except that...”*

*In (2)(d), delete or define “successful” in “successful completion.”*

*Since you’ve said “one contact hour equals 60 minutes in a learning activity”, (3)(b) appears to conflict with that since you’ve said that three contact hours will only equal one point. Please review and revise.*

*In (3)(c), is this form something they have to submit in order to be approved? What is the purposes of the documentation?*

*Please provide some sort of introductory language to (4)(a) and (b).*

*Would it help to provide some reference to “an occupational therapy practitioner or post Level II fieldwork student” in (4)?*

*Change the semi-colon at the end of (4)(a) to a colon.*

*In (4)(a)(ii), just to be clear, a “Level II fieldwork student” is a licensee as referenced in (4)(b)(i)?*

*I note that in (4)(b)(i), you’ve said “level II fieldwork student” and in (5)(a), you’ve said “Level II OT or OTA fieldwork student.” Are these the same?*

*In (5)(b), did you intend to delete “points;” on line 65?*

*In (6)(a), add a comma after “article” and after “edited” in (6)(b).*

*Change the semi-colon at the end of (6)(b) to a colon.*

*Why have you referenced .0804 in (8) when you haven’t done it elsewhere? Is this Item the only one subject to approval in accordance with .0804?*

*Is the intent of (8)(a) to define what “professional meeting and activities” are? Please review and clarify.*

*The format of (8)(b) is different than the rest of the Items in this Rule. Is the intent here that a person can earn 1 point for each 5 hours of meetings, not to exceed 2 points?*

*In (8)(c), what is meant by “participation must be validated”?*

Amber May  
Commission Counsel  
Date submitted to agency: December 2, 2019

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 21 NCAC 38 .0805 is amended as published in 34:04 NCR 306-308 as follows:

2  
3 **21 NCAC 38 .0805 QUALIFIED ACTIVITIES FOR MAINTAINING CONTINUING COMPETENCE**

4 Activities that qualify for maintaining continuing competence are:

5 (1) Continuing Education:

- 6 (a) Includes attendance and participation at a live presentation such as a workshop, seminar,  
7 conference, or in-service educational program. May also include participation in other  
8 continuing education activities that require a formal assessment of learning. Examples  
9 include electronic or Web-based courses, AOTA Self-Paced Clinical Courses or other  
10 formalized self-study courses, or AOTA Continuing Education Articles;
- 11 (b) A licensee may earn one point for each contact hour or equivalent unit that is awarded by the  
12 provider. There are no maximum points in this category; and
- 13 (c) Documentation shall include a certificate of completion or similar documentation including  
14 name of course, date, author/instructor, sponsoring organization, location, and number of  
15 hours attended.

16 (2) Academic Coursework:

- 17 (a) Includes participation in on-site or distance learning academic courses from a university,  
18 college, or vocational technical adult education course related to the practice of occupational  
19 therapy;
- 20 (b) A licensee may earn one point for each contact hour, up to a maximum of six points;
- 21 (c) A licensee enrolled in a graduate or post-graduate OT curriculum has no maximum points in  
22 this category; and
- 23 (d) Documentation shall include an original official transcript indicating successful completion  
24 of the course, date, and a description of the course from the school catalogue or course  
25 syllabus.

26 (3) Small Group Study:

- 27 (a) Includes review and discussion of journal articles, clinical videotapes or audiotapes by at  
28 least two licensed practitioners;
- 29 (b) A licensee may earn one point for ~~one hour~~ three contact hours spent in an independent study  
30 activity, up to a maximum of three points; and
- 31 (c) Documentation shall include title, author, publisher, time spent, and date of completion.  
32 Licensee must complete the Small Group Study Form provided by the NCBOT and include a  
33 statement that describes how the activity relates to a licensee's current or anticipated roles  
34 and responsibilities.

35 (4) Mentorship Agreement:

- 36 (a) Participation as a Mentee;

- 37 (i) Participation in a formalized mentorship agreement with a mentor as defined by a  
38 signed contract between the mentor and mentee that outlines specific goals and  
39 objectives and designates the plan of activities that are to be met by the mentee.  
40 These activities must be related to the development of new occupational therapy  
41 skills outside current required job performance;
- 42 (ii) A licensee may earn one point for each ~~four~~ 10 contact hours spent in activities  
43 directly related to achievement of goals and objectives up to a maximum of ~~five~~  
44 two points; and
- 45 (iii) Documentation shall include name of mentor and mentee, copy of signed contract,  
46 dates, hours spent and focus of mentorship activities, and outcomes of mentorship  
47 agreement.
- 48 (b) Participation as Mentor:
- 49 (i) Participation in a formalized mentorship agreement with ~~a~~ an occupational therapy  
50 practitioner or post Level II fieldwork student mentee as defined by a signed  
51 contract between the mentor and mentee that designates the responsibilities of the  
52 mentor and specific goals and objectives that are to be met by the mentee. These  
53 activities must be related to the development of ~~new~~ occupational therapy skills for  
54 the ~~mentee~~ mentee. The mentorship must not be part of the mentor's that are  
55 outside current required job performance; responsibilities;
- 56 (ii) A licensee may earn one point for each four hours spent in mentorship activities as  
57 a mentor up to a maximum of five points; and
- 58 (iii) Documentation shall include name of mentor and mentee, copy of signed contract,  
59 dates, hours spent and focus of mentorship activities, and outcomes of mentorship  
60 agreement.
- 61 (5) Fieldwork Supervision:
- 62 (a) Participation as the primary clinical fieldwork educator for Level I or Level II OT or OTA  
63 fieldwork students;
- 64 (b) A licensee may earn one-half point for each ~~40~~ 20 hours of fieldwork, up to a maximum of  
65 ~~six~~ 12 points; points for Level I may not exceed six.
- 66 (c) Documentation shall include verification provided by the school to the fieldwork educator  
67 with the name of student, school, and dates of fieldwork or the signature page of the  
68 completed student evaluation form. Evaluation scores and comments shall be deleted or  
69 blocked out; and
- 70 (d) If fieldwork spans two licensure years, credit shall be given only for the year it is completed.
- 71 (6) Professional Writing:
- 72 (a) Publication of a peer-reviewed book, chapter, article or contracted review of occupational  
73 therapy resource material;

- 74 (b) During the year written, edited or reviewed a licensee may earn;
- 75 (i) 15 points as author of a book;
- 76 (ii) 10 points as author of a chapter;
- 77 (iii) Five points as author of a peer-reviewed article;
- 78 (iv) Five points as a contracted reviewer of a print or multimedia occupational therapy
- 79 resource; or
- 80 (v) 10 points as listed editor of a book.
- 81 (c) Documentation shall consist of full reference for publication including title, author, editor,
- 82 and date of publication; or copy of acceptance letter, if not yet published; and
- 83 (d) Credit for submitted items shall be given for one licensure period only.
- 84 (7) Presentation and Instruction:
- 85 (a) Presentation of an academic course or peer-reviewed or non peer-reviewed workshop,
- 86 seminar, in-service, electronic or Web-based course for the first time or for which more than
- 87 50% of the material has been ~~revised~~; revised related to occupational therapy;
- 88 (b) A licensee may earn two points for ~~each one~~ contact hour ~~of credit~~ that is awarded for an
- 89 activity, up to a maximum of six points; and
- 90 (c) Documentation shall include a copy of official program, schedule, or syllabus including
- 91 presentation title, date, hours of presentation, and type of audience or verification of such,
- 92 signed by the sponsor.
- 93 (8) Professional Meetings and Activities:
- 94 (a) Consistent with Rule .0804 of this Section, participation in board or committee work with
- 95 agencies or organizations to promote and enhance the practice of occupational therapy;
- 96 (b) A licensee may earn one point for five hours or two points for 10 or more hours for
- 97 participation on committees or boards; and
- 98 (c) Documentation must include name of committee or board, name of agency or organization,
- 99 purpose of service, and description of licensee's role. Participation and hours must be
- 100 validated by an officer or representative of the organization or committee.
- 101 (9) Board Certification or Specialty Certification:
- 102 (a) The Board shall recognize completion of activities that result in board certification or
- 103 specialty certification by AOTA during the current licensure period;
- 104 (b) A licensee may earn 15 points for each board certification or specialty certification credential
- 105 earned or re-certified during the current licensure period; and
- 106 (c) Documentation shall include certificate of completion or other documentation from the
- 107 recognized certifying body that identifies satisfactory completion of requirements for
- 108 obtaining board certification or specialty ~~certification~~. certification or recertification.
- 109 (10) Research and Grants:

- 110 (a) Development of or participation in a research project or grant ~~proposal~~; proposal relevant to  
111 occupational therapy;
- 112 (b) A licensee may earn one point for each three hours spent working on a research project or  
113 grant proposal, up to a maximum of five points; and
- 114 (c) Documentation includes verification from the primary investigator indicating the name of the  
115 research project, dates of participation, major hypotheses or objectives of the project, and  
116 licensee's role in the project or name of grant proposal, name of grant source, purpose and  
117 objectives of the project, and verification from the grant author regarding licensee's role in  
118 the development of the grant if not the author.

119

120 *History Note: Authority G.S. 90-270.69; 90-270.75(a);*  
121 *Eff. July 1, 2007;*  
122 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;*  
123 *Amended Eff. January 1, 2020.*