



Secretary Carol Aichele

# PENNSYLVANIA STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE



[www.dos.state.pa.us](http://www.dos.state.pa.us)

July 2013

[Disciplinary Actions](#)

## Professional Liability (Malpractice) Insurance

### Professional Liability (Malpractice) Insurance:

Act 138 of 2012 took effect on September 10, 2012 and requires that ALL occupational therapists in Pennsylvania obtain and maintain professional liability insurance as a condition of licensure effective July 1, 2013. Currently, this requirement does not apply to occupational therapy assistants. The requirement applies to ALL licensed OTs, regardless of the number of hours spent in direct patient care.

The italicized text below is verbatim from the application for licensure. The Practice Act (Law) can be found on the website for the licensure board at

[http://www.portal.state.pa.us/portal/server.pt/community/state\\_board\\_of\\_occupational\\_therapy](http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_occupational_therapy)

*“Under the Occupational Therapy Law, in order to hold an occupational therapy license in the Commonwealth of Pennsylvania, you are required to have professional liability insurance in the minimum of one million dollars (\$1,000,000) per occurrence or claims made.”*

Therapists renewing their licenses will need to attest to having insurance by checking the box when they renew. Proof of malpractice insurance **does not need** to be sent to the State Board by those renewing their licenses. The State Board of Occupational Therapy Education and Licensure will **randomly audit** renewed licensees and request they submit insurance documentation. Failure to provide verification when audited will result in automatic suspension of the license by law.

Therapists applying for new licenses (temporary or permanent) and those re-activating a license will need to obtain coverage as part of the application process:

*Acceptable coverage shall include:*

- 1) *Personally purchased medical professional liability insurance;*
- 2) *Self-insurance;*
- 3) *Medical professional liability insurance coverage provided by the occupational therapist’s employer.*

For new licensees and those re-activating a license, **you have 30 days from the date your license is issued to provide proof of acceptable coverage** which may include a certificate of insurance issued by the insurer or a copy of the declarations page of the professional liability insurance policy or a letter from the applicant’s professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant’s license to practice occupational therapy in this Commonwealth. For professional liability insurance coverage through the occupational therapist’s employer, documentation must reflect you as a named insured.

**Failure to do so shall result in automatic suspension of your professional license.** For questions about professional liability requirements contact the board at [ST-OCCUPATIONAL@pa.gov](mailto:ST-OCCUPATIONAL@pa.gov).

Board members – Denise Chisholm, PhD, OTR/L, FAOTA and Christine L. Hischmann, MS, OTR/L, FAOTA – joined over 6,000 attendees at the AOTA’s 93<sup>rd</sup> Annual Conference and Expo in San Diego, Calif., April 25-28. As representatives of the Pennsylvania State Occupational Therapy Education and Licensure Board, Dr. Chisholm and Ms. Hischmann attended education sessions and viewed posters on professional development plans; predictive factors for the National Board for Certification of Occupational Therapy (NBCOT) exam; professional practice preparation; ethical and legal issues in occupational therapy practice; federal legislative updates; advocacy for the profession in today’s competitive healthcare marketplace; quality of care in the era of Health Care Reform; the Occupational Therapy Mental Health Act; update on ACOTE standards and accreditation trends; and patient-centered medical homes.

Professional conferences offer occupational therapy professionals opportunities to attend focused educational sessions, make valuable mentoring connections, and learn about state of the art products and services . . . all of which contributes to YOUR continued competency as a licensed occupational therapist or occupational therapy assistant in Pennsylvania.

By attending state and national conferences you gain valuable benefits through professional learning while earning contact hours for licensure renewal and NBCOT re-certification. The Pennsylvania State Occupational Therapy Education and Licensure Board encourages all licensees to participate in professional development opportunities – doing so advances YOUR knowledge and skills that contribute to the quality of occupational therapy services YOU provide.

**Continued Competency Regulations are EFFECTIVE as of June 22, 2013**

All licensed **occupational therapists** will need to verify completion of a minimum of 24 contact hours of acceptable continued competency activities when the license is renewed in 2015! While all 24 hours may be completed using approved continuing education activities, licensees are reminded that continued competence is different than continuing education. For a complete explanation of methods for documenting 24 hours, licensees are encouraged to read the complete regulation via the following official link:

<http://www.pabulletin.com/secure/data/vol43/43-25/1117.html>

At this time the regulation pertains to occupational therapists, not occupational therapy assistants. Further information will be posted on the board website: [http://www.portal.state.pa.us/portal/server.pt/community/state\\_board\\_of\\_occupational\\_therapy/12518](http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_occupational_therapy/12518)

More information will also be shared at the Pennsylvania Occupational Therapy Association conference in November of 2013. All questions should be directed to the licensure board via their website or phone, (717) 783-1389.