



Secretary Carol Aichele

PENNSYLVANIA STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE



www.dos.state.pa.us

February 2014

Disciplinary Actions

ATTENTION ALL ACTIVE OCCUPATIONAL THERAPISTS

Dear Occupational Therapy PA licensee,

There have been two significant changes to the rules and regulations for occupational therapy practitioners in recent months. Your licensure board has been working for several years to craft meaningful continued competency regulations. The work of many, many people and many hours has come to fruition and all licensed **occupational therapists** will need to document 24 hours or more of activities that promote continued competency when they renew their licenses 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 is posted on the board website at http://www.portal.state.pa.us/portal/server.pt/community/state_board_of_occupational_therapy/12518

The following insurance requirement came as result of changes to the OT Practice Act which was initiated and enacted by the PA legislature. This necessitated a change to the regulations to comply with the law. The professional liability insurance requirement was not initiated by the OT board.

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 does apply 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

“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, **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."**

The licensure board welcomes your questions as you work to implement these changes into your practice.

Board Administrator, State Board of Occupational Therapy Education and Licensure, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-1389. Or e-mail: ST-OCCUPATIONAL@pa.gov

Sincerely,

State Board of Occupational Therapy Education and Licensure

Continued Competency:

The Continued Competency regulations for occupational therapists became final in June of 2013, making them effective for the 2015 renewal. Therapists will need to document 24 contact hours prior to renewal in June of 2015!

Serving the Profession as a Licensure Board Member:

Ever wondered how the licensure board members are selected? As the chairperson, I am often asked how one gets on the board. The Pennsylvania Board of Occupational Therapy Licensure and Education is comprised of five professional members, two public members, a board administrator, and several board counsel (state lawyers) and the Commissioner for the State. The five professional members must be PA licensed occupational therapy practitioners (OT or OTA) and have an interest in serving. The two public members need to have primary residence in PA and have an interest in serving. The remaining members are employees of the State and are appointed to their positions. The process for nominating professional and public members is the same and is briefly described in the following.

Anyone may nominate a professional or public member, including an individual themselves. A person can be nominated by an organization, an employer, or independently.

The nominations are sent to the Governor's Office , typically a resume and letter of interest serves as a nomination. Once nominated, the individual's Pennsylvania State Senator must bring the nomination to the floor of the senate for confirmation. Many senators will request a meeting to meet a nominated individual. If more than one nomination is received at the same time, the senator's seniority may influence the confirmation process. The senator decides when and whether or not to proceed with the confirmation process.

Once confirmed, the individual serves a three year term. At the conclusion of the three year term, the individual may step down or be re-confirmed (same process as the 1st term) for another three year term. Individuals serve on the board until a replacement is confirmed. The nomination/confirmation process is not quick; it may take as long as six months or even a year. Often individuals serve on the board much longer than six years total due to the length of the process.

The board is currently working with four professional members and two public members. Interested individuals should contact the Governor's Office or POTA for assistance with the process.

Facebook: <https://www.facebook.com/PADepartmentofState>

Twitter: <https://twitter.com/pennidos>