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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3677

02/24/2020 Authored by Bahner, Kiel, Edelson and Heinrich
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; occupational therapy; making clarifying, technical, and
1.3 conforming changes; amending Minnesota Statutes 2018, sections 148.6402,
1.4 subdivisions 5, 21; 148.6403, subdivisions 1, 5, 6; 148.6404; 148.6405; 148.6412,
1.5 subdivision 2; 148.6415; 148.6418, subdivision 4; 148.6420, subdivisions 4, 5;
1.6 148.6423; 148.6425, subdivision 2; 148.6428; 148.6430; 148.6432, subdivision
1.7 3; 148.6435; 148.6443, as amended; 148.6445, subdivision 11; 148.6448,
1.8 subdivision 2; 148.6449, subdivision 2; Minnesota Statutes 2019 Supplement,
1.9 sections 148.6420, subdivision 1; 148.6448, subdivision 1; repealing Minnesota
1.10 Statutes 2018, sections 148.6402, subdivisions 10, 15; 148.6412, subdivision 1;
1.11 Minnesota Rules, part 4664.0003, subpart 28.

1.12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.13 Section 1. Minnesota Statutes 2018, section 148.6402, subdivision 5, is amended to read:

1.14 Subd. 5. Contact hour. "Contact hour" means an instructional session of 60 consecutive
1.15 minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

1.16 Sec. 2. Minnesota Statutes 2018, section 148.6402, subdivision 21, is amended to read:

1.17 Subd. 21. Licensure by equivalency. "Licensure by equivalency" means a method of
1.18 licensure described in section 148.6412 by which an individual who possesses a current
1.19 credential from the National Board for Certification in Occupational Therapy may qualify
1.20 for licensure.

1.21 Sec. 3. Minnesota Statutes 2018, section 148.6403, subdivision 1, is amended to read:

1.22 Subdivision 1. Unlicensed practice prohibited. No A person shall must not engage in
1.23 the practice of occupational therapy unless the person is licensed as an occupational therapist

2.1 ~~or an occupational therapist assistant~~ therapy practitioner in accordance with sections  
2.2 148.6401 to 148.6449.

2.3 Sec. 4. Minnesota Statutes 2018, section 148.6403, subdivision 5, is amended to read:

2.4 Subd. 5. **Exempt persons.** This section does not apply to:

2.5 (1) a person employed as an ~~occupational therapist or occupational therapy assistant~~  
2.6 practitioner by the government of the United States or any agency of it. However, use of  
2.7 the protected titles under those circumstances is allowed only in connection with performance  
2.8 of official duties for the federal government;

2.9 (2) a student participating in supervised fieldwork or supervised coursework that is  
2.10 necessary to meet the requirements of section 148.6408, subdivision 1, or 148.6410,  
2.11 subdivision 1, if the person is designated by a title which clearly indicates the person's status  
2.12 as a student trainee. Any use of the protected titles under these circumstances is allowed  
2.13 only while the person is performing the duties of the supervised fieldwork or supervised  
2.14 coursework; or

2.15 (3) a person visiting and then leaving the state and performing occupational therapy  
2.16 services while in the state, if the services are performed no more than 30 days in a calendar  
2.17 year as part of a professional activity that is limited in scope and duration and is in association  
2.18 with an occupational therapist licensed under sections 148.6401 to 148.6449, and

2.19 (i) the person is credentialed under the law of another state which has credentialing  
2.20 requirements at least as stringent as the requirements of sections 148.6401 to 148.6449; or

2.21 (ii) the person meets the requirements for certification as an occupational therapist  
2.22 registered (OTR) or a certified occupational therapy assistant (COTA), established by the  
2.23 National Board for Certification in Occupational Therapy.

2.24 Sec. 5. Minnesota Statutes 2018, section 148.6403, subdivision 6, is amended to read:

2.25 Subd. 6. **Sanctions.** A person who practices occupational therapy or holds out as an  
2.26 ~~occupational therapist or occupational therapy assistant~~ practitioner by or through the use  
2.27 of any title described in subdivision 2 without prior licensure according to sections 148.6401  
2.28 to 148.6449 is subject to sanctions or action against continuing the activity according to  
2.29 section 148.6448, chapter 214, or other statutory authority.

3.1 Sec. 6. Minnesota Statutes 2018, section 148.6404, is amended to read:

3.2 **148.6404 SCOPE OF PRACTICE.**

3.3 ~~(a) The practice of occupational therapy by an occupational therapist or occupational~~  
 3.4 ~~therapy assistant includes, but is not limited to, intervention directed toward~~ means the  
 3.5 therapeutic use of everyday activities with individuals or groups for the purpose of enhancing  
 3.6 or enabling participation. It is the promotion of health and well-being through the use of  
 3.7 occupational therapy services that includes screening, evaluation, intervention, and  
 3.8 consultation to develop, recover, and maintain a client's:

3.9 ~~(1) assessment and evaluation, including the use of skilled observation or the~~  
 3.10 ~~administration and interpretation of standardized or nonstandardized tests and measurements,~~  
 3.11 ~~to identify areas for occupational therapy services;~~

3.12 ~~(2) providing for the development of (1) sensory integrative, neuromuscular, or motor,~~  
 3.13 emotional, motivational, cognitive, or psychosocial components of performance;

3.14 ~~(3) providing for the development of emotional, motivational, cognitive, or psychosocial~~  
 3.15 ~~components of performance;~~

3.16 ~~(4) developing (2) daily living skills;~~

3.17 ~~(5) developing (3) feeding and swallowing skills;~~

3.18 ~~(6) developing (4) play skills and leisure capacities~~ skills;

3.19 ~~(7) enhancing (5) educational performance~~ participation skills;

3.20 ~~(8) enhancing (6) functional performance and work readiness through exercise, range~~  
 3.21 ~~of motion, and use of ergonomic principles~~ participation skills;

3.22 (7) community mobility; and

3.23 (8) health and wellness.

3.24 Occupational therapy services include but are not limited to:

3.25 ~~(9) (1) designing, fabricating, or applying rehabilitative technology, such as selected~~  
 3.26 ~~orthotic and prosthetic devices, and providing training in the functional use of these devices;~~

3.27 ~~(10) (2) designing, fabricating, or adapting assistive technology and providing training~~  
 3.28 ~~in the functional use of assistive devices;~~

3.29 ~~(11) (3) adapting environments using assistive technology such as environmental controls,~~  
 3.30 ~~wheelchair modifications, and positioning; and~~

4.1 ~~(12)~~ (4) employing physical agent modalities, in preparation for or as an adjunct to  
4.2 purposeful activity, ~~within the same treatment session or~~ to meet established functional  
4.3 occupational therapy goals; ~~and,~~

4.4 ~~(13) promoting health and wellness.~~

4.5 (b) Occupational therapy services must be based on nationally established standards of  
4.6 practice.

4.7 Sec. 7. Minnesota Statutes 2018, section 148.6405, is amended to read:

4.8 **148.6405 LICENSURE APPLICATION REQUIREMENTS: PROCEDURES AND**  
4.9 **QUALIFICATIONS.**

4.10 (a) An applicant for licensure must comply with the application requirements in section  
4.11 148.6420. To qualify for licensure, an applicant must satisfy one of the requirements in  
4.12 paragraphs (b) to (f) and not be subject to denial of licensure under section 148.6448.

4.13 (b) A person who applies for licensure as an occupational therapist and who has not  
4.14 been credentialed by the National Board for Certification in Occupational Therapy or another  
4.15 jurisdiction must meet the requirements in section 148.6408.

4.16 (c) A person who applies for licensure as an occupational therapy assistant and who has  
4.17 not been credentialed by the National Board for Certification in Occupational Therapy or  
4.18 another jurisdiction must meet the requirements in section 148.6410.

4.19 (d) A person who is certified by the National Board for Certification in Occupational  
4.20 Therapy may apply for licensure by equivalency and must meet the requirements in section  
4.21 148.6412.

4.22 (e) A person who is credentialed in another jurisdiction and who was previously certified  
4.23 by the National Board for Certification in Occupational Therapy may apply for licensure  
4.24 by reciprocity and must meet the requirements in section 148.6415.

4.25 (f) A person who applies for temporary licensure must meet the requirements in section  
4.26 148.6418.

4.27 (g) A person who applies for licensure under paragraph (b), (c), or (f) more than two  
4.28 and less than four years after meeting the examination requirements in section 148.6408,  
4.29 subdivision 2, or 148.6410, subdivision 2, must submit the following:

4.30 (1) a completed and signed application for licensure on forms provided by the board;

4.31 (2) the license application fee required under section 148.6445;

5.1 (3) if applying for occupational therapist licensure, proof of having met a minimum of  
 5.2 24 contact hours of continuing education in the two years preceding licensure application,  
 5.3 or if applying for occupational therapy assistant licensure, proof of having met a minimum  
 5.4 of 18 contact hours of continuing education in the two years preceding licensure application;

5.5 (4) verified documentation of successful completion of 160 hours of supervised practice  
 5.6 approved by the board under a limited license specified in section 148.6425, subdivision 3,  
 5.7 paragraph (c); and

5.8 (5) additional information as requested by the board to clarify information in the  
 5.9 application, including information to determine whether the individual has engaged in  
 5.10 conduct warranting disciplinary action under section 148.6448. The information must be  
 5.11 submitted within 30 calendar days after from the date of the board's request.

5.12 (h) A person who ~~applied~~ applies for licensure under paragraph (b), (c), or (f) four years  
 5.13 or more after meeting the examination requirements in section 148.6408, subdivision 2, or  
 5.14 148.6410, subdivision 2, must:

5.15 (1) meet all the requirements in paragraph (g) except clauses (3) and (4);

5.16 (2) submit documentation of having retaken and ~~passed~~ achieved a qualifying score on  
 5.17 the credentialing examination for occupational ~~therapist~~ therapists or occupational therapy  
 5.18 ~~assistant~~ assistants, or of having completed an occupational therapy refresher program that  
 5.19 contains both a theoretical and clinical component approved by the board; and

5.20 (3) submit verified documentation of successful completion of 480 hours of supervised  
 5.21 practice approved by the board under a limited license specified in section 148.6425,  
 5.22 subdivision 3, paragraph (c). The 480 hours of supervised practice must be completed in  
 5.23 six months and may be completed at the applicant's place of work. Only refresher courses  
 5.24 completed within one year prior to the date of application qualify for approval.

5.25 Sec. 8. Minnesota Statutes 2018, section 148.6412, subdivision 2, is amended to read:

5.26 Subd. 2. **Persons certified by National Board for Certification in Occupational**  
 5.27 **Therapy ~~after June 17, 1996.~~** The board may license any person certified by the National  
 5.28 Board for Certification in Occupational Therapy as an occupational therapist ~~after June 17,~~  
 5.29 ~~1996,~~ if the board determines the requirements for certification are equivalent to or exceed  
 5.30 the requirements for licensure as an occupational therapist under section 148.6408. The  
 5.31 board may license any person certified by the National Board for Certification in  
 5.32 Occupational Therapy as an occupational therapy assistant ~~after June 17, 1996,~~ if the board  
 5.33 determines the requirements for certification are equivalent to or exceed the requirements

6.1 for licensure as an occupational therapy assistant under section 148.6410. Nothing in this  
6.2 section limits the board's authority to deny licensure based upon the grounds for discipline  
6.3 in sections 148.6401 to 148.6449.

6.4 Sec. 9. Minnesota Statutes 2018, section 148.6415, is amended to read:

6.5 **148.6415 LICENSURE BY RECIPROCITY.**

6.6 A person who is not certified by the National Board for Certification in Occupational  
6.7 Therapy but who holds a current credential as an occupational therapist in the District of  
6.8 Columbia or a state or territory of the United States whose standards for credentialing are  
6.9 determined by the board to be equivalent to or exceed the requirements for licensure under  
6.10 section 148.6408 may be eligible for licensure by reciprocity as an occupational therapist.

6.11 A person who is not certified by the National Board for Certification in Occupational Therapy  
6.12 but who holds a current credential as an occupational therapy assistant in the District of  
6.13 Columbia or a state or territory of the United States whose standards for credentialing are  
6.14 determined by the board to be equivalent to or exceed the requirements for licensure under  
6.15 section 148.6410 may be eligible for licensure by reciprocity as an occupational therapy  
6.16 assistant. Nothing in this section limits the board's authority to deny licensure based upon  
6.17 the grounds for discipline in sections 148.6401 to 148.6449. An applicant must provide:

6.18 (1) the application materials as required by section 148.6420, subdivisions 1, 3, and 4;

6.19 (2) the fees required by section 148.6445;

6.20 (3) a copy of a current and unrestricted credential for the practice of occupational therapy  
6.21 as either an occupational therapist or occupational therapy assistant;

6.22 (4) a letter from the jurisdiction that issued the credential describing the applicant's  
6.23 qualifications that entitled the applicant to receive the credential; and

6.24 (5) other information necessary to determine whether the credentialing standards of the  
6.25 jurisdiction that issued the credential are equivalent to or exceed the requirements for  
6.26 licensure under sections 148.6401 to 148.6449.

6.27 Sec. 10. Minnesota Statutes 2018, section 148.6418, subdivision 4, is amended to read:

6.28 Subd. 4. **Supervision required.** An applicant who has graduated from an accredited  
6.29 occupational therapy program, as required by section 148.6408, subdivision 1, or 148.6410,  
6.30 subdivision 1, and who has not passed the examination required by section 148.6408,  
6.31 subdivision 2, or 148.6410, subdivision 2, must practice under the supervision of a licensed  
6.32 occupational therapist. The supervising therapist must, at a minimum, supervise the person

7.1 working under temporary licensure in the performance of the initial evaluation, determination  
7.2 of the appropriate ~~treatment~~ intervention plan, and periodic review and modification of the  
7.3 ~~treatment~~ intervention plan. The supervising therapist must observe the person working  
7.4 under temporary licensure in order to ~~assure~~ ensure service competency in carrying out  
7.5 evaluation, ~~treatment~~ intervention planning, and ~~treatment~~ intervention implementation.  
7.6 The frequency of face-to-face collaboration between the person working under temporary  
7.7 licensure and the supervising therapist must be based on the condition of each patient or  
7.8 client, the complexity of ~~treatment~~ intervention and evaluation procedures, and the  
7.9 proficiencies of the person practicing under temporary licensure. Following demonstrated  
7.10 service competency of the applicant, supervision must occur no less than every ten  
7.11 intervention days or every 30 calendar days, whichever occurs first. The occupational  
7.12 therapist or occupational therapy assistant working under temporary licensure must provide  
7.13 verification of supervision on the application form provided by the board.

7.14 Sec. 11. Minnesota Statutes 2019 Supplement, section 148.6420, subdivision 1, is amended  
7.15 to read:

7.16 Subdivision 1. **Applications for licensure.** An applicant for licensure must:

7.17 (1) submit a completed application for licensure on forms provided by the board and  
7.18 must supply the information requested on the application, including:

7.19 (i) the applicant's name, business address and business telephone number, business  
7.20 setting, primary e-mail address, and daytime telephone number;

7.21 (ii) the name and location of the occupational therapy program the applicant completed;

7.22 (iii) a description of the applicant's education and training, including a list of degrees  
7.23 received from educational institutions;

7.24 (iv) the applicant's work history for the six years preceding the application, ~~including~~  
7.25 ~~the number of hours worked~~;

7.26 (v) a list of all credentials currently and previously held in Minnesota and other  
7.27 jurisdictions;

7.28 (vi) a description of any jurisdiction's refusal to credential the applicant;

7.29 (vii) a description of all professional disciplinary actions initiated against the applicant  
7.30 in any jurisdiction;

8.1 (viii) information on any physical or mental condition or chemical dependency that  
 8.2 impairs the person's ability to engage in the practice of occupational therapy with reasonable  
 8.3 judgment or safety;

8.4 (ix) a description of any misdemeanor or felony conviction that relates to honesty or to  
 8.5 the practice of occupational therapy; and

8.6 (x) a description of any state or federal court order, including a conciliation court  
 8.7 judgment or a disciplinary order, related to the individual's occupational therapy practice;

8.8 (2) submit with the application all fees required by section 148.6445;

8.9 (3) sign a statement that the information in the application is true and correct to the best  
 8.10 of the applicant's knowledge and belief;

8.11 (4) sign a waiver authorizing the board to obtain access to the applicant's records in this  
 8.12 or any other state in which the applicant holds or previously held a credential for the practice  
 8.13 of an occupation, has completed an accredited occupational therapy education program, or  
 8.14 engaged in the practice of occupational therapy;

8.15 (5) submit additional information as requested by the board; and

8.16 (6) submit the additional information required for licensure by equivalency, licensure  
 8.17 by reciprocity, and temporary licensure as specified in sections 148.6408 to 148.6418.

8.18 Sec. 12. Minnesota Statutes 2018, section 148.6420, subdivision 4, is amended to read:

8.19 Subd. 4. **Applicants credentialed in another jurisdiction.** In addition to providing the  
 8.20 materials required in subdivision 1, an applicant credentialed in another jurisdiction must  
 8.21 request that the appropriate government body in each jurisdiction in which the applicant  
 8.22 holds or held an occupational therapy credential ~~send a letter to the commissioner~~ provide  
 8.23 documentation to the board that verifies the applicant's credentials. Except as provided in  
 8.24 section 148.6418, a license ~~shall~~ must not be issued until the ~~commissioner~~ board receives  
 8.25 ~~letters verifying~~ verification of each of the applicant's credentials. Each ~~letter~~ verification  
 8.26 must include the applicant's name and date of birth, credential number and date of issuance,  
 8.27 a statement regarding investigations pending and disciplinary actions taken or pending  
 8.28 against the applicant, current status of the credential, and the terms under which the credential  
 8.29 was issued.



9.1 Sec. 13. Minnesota Statutes 2018, section 148.6420, subdivision 5, is amended to read:

9.2 Subd. 5. **Action on applications for licensure.** (a) The board shall approve, approve  
9.3 with conditions, or deny licensure. The board shall act on an application for licensure  
9.4 according to paragraphs (b) to (d).

9.5 (b) The board shall determine if the applicant meets the requirements for licensure. The  
9.6 board, ~~or the advisory council at the board's request,~~ may investigate information provided  
9.7 by an applicant to determine whether the information is accurate and complete.

9.8 (c) The board shall notify an applicant of action taken on the application and, if licensure  
9.9 is denied or approved with conditions, the grounds for the board's determination.

9.10 (d) An applicant denied licensure or granted licensure with conditions may make a  
9.11 written request to the board, within 30 days of the date of the board's determination, for  
9.12 reconsideration of the board's determination. Individuals requesting reconsideration may  
9.13 submit information which the applicant wants considered in the reconsideration. After  
9.14 reconsideration of the board's determination to deny licensure or grant licensure with  
9.15 conditions, the board shall determine whether the original determination should be affirmed  
9.16 or modified. An applicant is allowed no more than one request in any one biennial licensure  
9.17 period for reconsideration of the board's determination to deny licensure or approve licensure  
9.18 with conditions.

9.19 Sec. 14. Minnesota Statutes 2018, section 148.6423, is amended to read:

9.20 **148.6423 LICENSURE RENEWAL.**

9.21 Subdivision 1. **Renewal requirements.** To be eligible for licensure renewal, a licensee  
9.22 must:

9.23 (1) submit a completed and signed application for licensure renewal ~~on forms provided~~  
9.24 ~~by the board;~~

9.25 (2) submit the renewal fee required under section 148.6445;

9.26 (3) submit proof of having met the continuing education requirement of section 148.6443  
9.27 ~~on forms provided by the board;~~ and

9.28 (4) submit additional information as requested by the board to clarify information  
9.29 presented in the renewal application. The information must be submitted within 30 calendar  
9.30 days after of the board's request.

10.1 Subd. 2. **Renewal deadline.** (a) Except as provided in paragraph (c), licenses must be  
 10.2 renewed every two years. Licensees must comply with the following procedures in paragraphs  
 10.3 (b) to (e).

10.4 (b) Each license must state an expiration date. An application for licensure renewal must  
 10.5 be received by the board ~~or postmarked~~ at least 30 calendar days before the expiration date.  
 10.6 ~~If the postmark is illegible, the application shall be considered timely if received at least 21~~  
 10.7 ~~calendar days before the expiration date.~~

10.8 (c) If the board changes the renewal schedule and the expiration date is less than two  
 10.9 years, the fee and the continuing education contact hours to be reported at the next renewal  
 10.10 must be prorated.

10.11 (d) An application for licensure renewal not received within the time required under  
 10.12 paragraph (b), but received on or before the expiration date, must be accompanied by a late  
 10.13 fee in addition to the renewal fee specified by section 148.6445.

10.14 (e) Licensure renewals received after the expiration date ~~shall not be accepted and persons~~  
 10.15 ~~seeking licensed status~~ must comply with the requirements of section 148.6425.

10.16 Subd. 3. **Licensure renewal notice.** At least 60 ~~calendar~~ days before the expiration date  
 10.17 in subdivision 2, the board ~~shall mail~~ must send or transmit a renewal notice to the licensee's  
 10.18 ~~last known address on file with the board~~ licensee. The notice must include ~~an application~~  
 10.19 ~~for licensure renewal and notice of fees required for renewal~~ information about accessing  
 10.20 the license renewal and fee schedule. The licensee's failure to receive notice does not relieve  
 10.21 the licensee of the obligation to meet the renewal deadline and other requirements for  
 10.22 licensure renewal.

10.23 Subd. 4. License renewal cycle conversion. The license renewal cycle for occupational  
 10.24 therapy licensees is converted to a two-year cycle where renewal is due on the last day of  
 10.25 the licensee's month of birth. Conversion pursuant to this section begins January 1, 2021.  
 10.26 This section governs license renewal procedures for licensees who were licensed before  
 10.27 December 31, 2020. The conversion renewal cycle is the renewal cycle following the first  
 10.28 license renewal after January 1, 2020. The conversion license period is the license period  
 10.29 for the conversion renewal cycle. The conversion license period is between 13 and 24 months  
 10.30 and ends on the last day of the licensee's month of birth in either 2022 or 2023, as described  
 10.31 in subdivision 5.

10.32 Subd. 5. Conversion of license renewal cycle for current licensees. For a licensee  
 10.33 whose license is current as of December 31, 2020, the licensee's conversion license period  
 10.34 begins on January 1, 2021, and ends on the last day of the licensee's month of birth in 2023,

11.1 except that for licensees whose month of birth is January, February, March, April, May, or  
11.2 June, the licensee's renewal cycle ends on the last day of the licensee's month of birth in  
11.3 2022.

11.4 Subd. 6. **Conversion of license renewal cycle for noncurrent licensees.** This subdivision  
11.5 applies to a licensee who was licensed before December 31, 2020, but whose license is not  
11.6 current as of December 31, 2020. When the licensee first renews the license after January  
11.7 1, 2021, the conversion renewal cycle begins on the date the licensee applies for renewal  
11.8 and ends on the last day of the licensee's month of birth in the next year, except that if the  
11.9 last day of the licensee's month of birth is less than six months after the date the licensee  
11.10 applies for renewal, then the renewal period ends on the last day of the licensee's month of  
11.11 birth two years after the date of renewal.

11.12 Subd. 7. **Subsequent renewal cycles.** After the licensee's conversion renewal cycle  
11.13 under subdivision 5 or 6, subsequent renewal cycles are biennial and begin on the first day  
11.14 of the month following the licensee's birth month.

11.15 Subd. 8. **Conversion period and fees.** (a) A licensee who holds a license issued before  
11.16 January 1, 2021, and who renews that license pursuant to subdivision 5 or 6, must pay a  
11.17 renewal fee as required in this subdivision.

11.18 (b) A licensee must be charged the biennial license fee listed in section 148.6445 for  
11.19 the conversion license period.

11.20 (c) For a licensee whose conversion license period is 13 to 24 months, the first biennial  
11.21 license fee charged after the conversion license period must be adjusted to credit the excess  
11.22 fee payment made during the conversion license period. The credit is calculated by:

11.23 (1) subtracting the number of months of the licensee's conversion license period from  
11.24 24; and

11.25 (2) multiplying the result of clause (1) by 1/24 of the biennial fee rounded up to the next  
11.26 dollar.

11.27 (d) For a licensee whose conversion license period is 24 months, the first biennial license  
11.28 fee charged after the conversion license period must not be adjusted.

11.29 (e) For the second and all subsequent license renewals made after the conversion license  
11.30 period, the licensee's biennial license fee is as listed in section 148.6445.

11.31 Subd. 9. **Expiration.** Subdivisions 4, 5, 7, and 8 expire December 31, 2023.

12.1 Sec. 15. Minnesota Statutes 2018, section 148.6425, subdivision 2, is amended to read:

12.2 Subd. 2. **Licensure renewal after licensure expiration date.** ~~An individual~~ A licensee  
 12.3 whose application for licensure renewal is received after the licensure expiration date must  
 12.4 submit the following:

12.5 (1) a completed and signed application for licensure following lapse in licensed status  
 12.6 ~~on forms provided by the board;~~

12.7 (2) the renewal fee and the late fee required under section 148.6445;

12.8 (3) proof of having met the continuing education requirements in section 148.6443,  
 12.9 subdivision 1; and

12.10 (4) additional information as requested by the board to clarify information in the  
 12.11 application, including information to determine whether the ~~individual~~ licensee has engaged  
 12.12 in conduct warranting disciplinary action as set forth in section 148.6448. The information  
 12.13 must be submitted within 30 calendar days ~~after~~ from the date of the board's request.

12.14 Sec. 16. Minnesota Statutes 2018, section 148.6428, is amended to read:

12.15 **148.6428 CHANGE OF NAME, ADDRESS, OR EMPLOYMENT.**

12.16 A licensee who changes a name, primary e-mail address, ~~address,~~ ~~or~~ employment,  
 12.17 business address, or business telephone number must inform the board, ~~in writing,~~ of the  
 12.18 change of name, primary e-mail address, address, employment, business address, or business  
 12.19 telephone number within 30 calendar days from the effective date of the change. A change  
 12.20 in name must be accompanied by a copy of a marriage certificate or court order. All notices  
 12.21 or other correspondence ~~mailed to or~~ served on a licensee by the board at the licensee's  
 12.22 ~~address~~ contact information on file with the board ~~shall~~ must be considered as having been  
 12.23 received by the licensee.

12.24 Sec. 17. Minnesota Statutes 2018, section 148.6430, is amended to read:

12.25 **148.6430 DELEGATION OF DUTIES; ASSIGNMENT OF TASKS.**

12.26 The occupational therapist is responsible for all duties delegated to the occupational  
 12.27 therapy assistant or tasks assigned to direct service personnel. The occupational therapist  
 12.28 may delegate to an occupational therapy assistant those portions of a client's evaluation,  
 12.29 reevaluation, and ~~treatment~~ intervention that, according to prevailing national practice  
 12.30 standards ~~of the American Occupational Therapy Association,~~ can be performed by an  
 12.31 occupational therapy assistant. The occupational therapist may not delegate portions of an  
 12.32 evaluation or reevaluation of a person whose condition is changing rapidly.

13.1 Sec. 18. Minnesota Statutes 2018, section 148.6432, subdivision 3, is amended to read:

13.2 Subd. 3. **Treatment Intervention.** (a) The occupational therapist ~~shall~~ must determine  
 13.3 the frequency and manner of supervision of an occupational therapy assistant performing  
 13.4 ~~treatment~~ treatment intervention procedures delegated pursuant to section 148.6430; based on the  
 13.5 condition of the patient or client, the complexity of the ~~treatment~~ treatment intervention procedure,  
 13.6 and the ~~proficiencies~~ service competency of the occupational therapy assistant.

13.7 (b) Face-to-face collaboration between the occupational therapist and the occupational  
 13.8 therapy assistant ~~shall~~ must occur, ~~at a minimum, every two weeks~~ every ten intervention  
 13.9 days or every 30 days, whichever comes first, during which time the occupational therapist  
 13.10 is responsible for:

13.11 (1) planning and documenting an initial ~~treatment~~ treatment intervention plan and discharge from  
 13.12 ~~treatment~~ treatment interventions;

13.13 (2) reviewing ~~treatment~~ treatment intervention goals, therapy programs, and client progress;

13.14 (3) supervising changes in the ~~treatment~~ treatment intervention plan;

13.15 (4) conducting or observing ~~treatment~~ treatment intervention procedures for selected clients and  
 13.16 documenting appropriateness of ~~treatment~~ treatment intervention procedures. Clients ~~shall~~ must be  
 13.17 selected based on the occupational therapy services provided to the client and the role of  
 13.18 the occupational therapist and the occupational therapy assistant in those services; and

13.19 (5) ensuring the service competency of the occupational therapy assistant in performing  
 13.20 delegated ~~treatment~~ treatment intervention procedures.

13.21 (c) Face-to-face collaboration ~~must~~ occur more frequently ~~than every two weeks~~ if  
 13.22 necessary to meet the requirements of paragraph (a) or (b).

13.23 (d) The occupational therapist ~~shall~~ must document compliance with this subdivision in  
 13.24 the client's file or chart.

13.25 Sec. 19. Minnesota Statutes 2018, section 148.6435, is amended to read:

13.26 **148.6435 COORDINATION OF SERVICES.**

13.27 An occupational therapist ~~shall~~ must:

13.28 (1) collect information necessary to ensure that the provision of occupational therapy  
 13.29 services are consistent with the client's physical and mental health status. The information  
 13.30 required to make this determination may include, but is not limited to, contacting the client's

14.1 licensed health care professional for health history, current health status, current medications,  
14.2 and precautions;

14.3 (2) modify or terminate occupational therapy ~~treatment~~ intervention of a client that is  
14.4 not beneficial to the client, not tolerated by the client, or refused by the client, and if ~~treatment~~  
14.5 intervention was terminated for a medical reason, notify the client's licensed health care  
14.6 professional by correspondence postmarked or delivered to the licensed health care  
14.7 professional within ~~seven calendar days~~ one week of the termination of ~~treatment~~  
14.8 intervention;

14.9 (3) refer a client to an appropriate health care, social service, or education practitioner  
14.10 if the client's condition requires services not within the occupational therapist's service  
14.11 competency or not within the practice of occupational therapy generally; and

14.12 (4) participate and cooperate in the coordination of occupational therapy services with  
14.13 other related services, as a member of the professional community serving the client; and.

14.14 ~~(5) communicate, in writing, with the appropriate licensed health care professional an~~  
14.15 ~~occupational therapy plan of care, postmarked or delivered to the licensed health care~~  
14.16 ~~professional within 14 calendar days of the initiation of treatment. The occupational therapist~~  
14.17 ~~must provide this written communication even if occupational therapy treatment is concluded~~  
14.18 ~~in less than 14 consecutive days. The occupational therapist shall document modifications~~  
14.19 ~~to the plan of care requested by the licensed health care professional following consultation~~  
14.20 ~~with the licensed health care professional. Occupational therapists employed by a school~~  
14.21 ~~system are exempt from the requirements of this clause in the performance of their duties~~  
14.22 ~~within the school system.~~

14.23 Sec. 20. Minnesota Statutes 2018, section 148.6443, as amended by Laws 2019, chapter  
14.24 50, article 1, section 49, is amended to read:

14.25 **148.6443 CONTINUING EDUCATION REQUIREMENTS.**

14.26 Subdivision 1. **General requirements.** A licensed occupational therapist must obtain  
14.27 a minimum of 24 contact hours of continuing education in the two-year licensure period.  
14.28 A licensed occupational therapy assistant must obtain a minimum of 18 contact hours of  
14.29 continuing education in the two-year licensure period. All continuing education coursework  
14.30 must be obtained between the effective and expiration dates of the license. Licensees who  
14.31 are issued licenses for a period of less than two years ~~shall~~ must obtain a prorated number  
14.32 of contact hours required for licensure renewal based on the number of months licensed  
14.33 during the two-year licensure period.

15.1 ~~To qualify as a continuing education activity, the activity must be a minimum of one~~  
 15.2 ~~contact hour. Contact hours must be earned and reported in increments of one contact hour~~  
 15.3 ~~or one-half contact hour after the first contact hour of each continuing education activity.~~  
 15.4 ~~One-half contact hour means an instructional session of 30 consecutive minutes, excluding~~  
 15.5 ~~coffee breaks, registration, meals without a speaker, and social activities.~~

15.6 Each licensee is responsible for financing the cost of the licensee's continuing education  
 15.7 activities.

15.8 Subd. 2. **Standards for determining qualified continuing education activities.** To be  
 15.9 accepted by the board, activities must be related to a licensee's current or anticipated roles  
 15.10 and responsibilities as an occupational therapy practitioner and must directly or indirectly  
 15.11 serve to protect the public by enhancing the licensee's continuing competence.

15.12 Except as provided in subdivision 3, paragraph (d), in order to qualify as a continuing  
 15.13 education activity, the activity must:

15.14 (1) constitute an organized program of learning;

15.15 (2) reasonably be expected to advance the knowledge and skills of the occupational  
 15.16 therapy practitioner;

15.17 ~~(3) pertain to subjects that directly relate to the practice of occupational therapy;~~

15.18 ~~(4)~~ (3) be conducted by a sponsor approved by the American Occupational Therapy  
 15.19 Association or by individuals who have education, training, and experience by reason of  
 15.20 which the individuals should be considered experts on the subject matter of the activity;  
 15.21 and

15.22 ~~(5)~~ (4) be presented by a sponsor who has a mechanism to verify participation and  
 15.23 maintains attendance records for a minimum of three years.

15.24 Subd. 3. **Activities qualifying for continuing education contact hours.** (a) The activities  
 15.25 in this subdivision qualify for continuing education contact hours if they meet all other  
 15.26 requirements of this section.

15.27 (b) A minimum of one-half of the required contact hours must be directly related to ~~the~~  
 15.28 occupational therapy practice. The remaining contact hours may be related to occupational  
 15.29 therapy practice, the delivery of occupational therapy services, or to the practitioner's current  
 15.30 professional role.

15.31 (c) A licensee may obtain an unlimited number of contact hours in any two-year  
 15.32 continuing education period through participation in the following:

16.1 (1) attendance at educational programs of annual conferences, lectures, panel discussions,  
16.2 workshops, in-service training, seminars, and symposiums;

16.3 (2) successful completion of college or university courses. The licensee must obtain a  
16.4 grade of at least a "C" or a pass in a ~~pass or fail~~ pass/fail course in order to receive ~~the~~  
16.5 ~~following continuing education credits:~~ credit. One college credit equals six continuing  
16.6 education contact hours;

16.7 ~~(i) one semester credit equals 14 contact hours;~~

16.8 ~~(ii) one trimester credit equals 12 contact hours; and~~

16.9 ~~(iii) one quarter credit equals ten contact hours;~~

16.10 (3) successful completion of home study courses that require the participant to  
16.11 demonstrate the participant's knowledge following completion of the course.

16.12 (d) A licensee may obtain a maximum of ~~six~~ one half of the required contact hours in  
16.13 any two-year continuing education period for:

16.14 (1) teaching continuing education or occupational therapy related courses that meet the  
16.15 requirements of this section. A licensee is entitled to earn a maximum of two contact hours  
16.16 as preparation time for each contact hour of presentation time. Contact hours may be claimed  
16.17 only once for teaching the same course in any two-year continuing education period. A  
16.18 course schedule or brochure must be maintained for audit;

16.19 (2) supervising occupational therapist or occupational therapy assistant students. A  
16.20 licensee may earn one contact hour for every eight hours of student supervision. Licensees  
16.21 must ~~maintain a log indicating the name of~~ ensure they receive documentation regarding  
16.22 each student supervised and the dates and hours each student was supervised. Contact hours  
16.23 obtained by student supervision must be obtained by supervising students from an  
16.24 occupational therapy education program accredited by the Accreditation Council for  
16.25 Occupational Therapy Education;

16.26 (3) teaching or participating in courses related to leisure activities, recreational activities,  
16.27 or hobbies if the practitioner uses these interventions within the practitioner's current practice  
16.28 or employment; and

16.29 (4) engaging in research activities or outcome studies that are related to the practice of  
16.30 occupational therapy and associated with grants, postgraduate studies, or publications in  
16.31 professional journals or books.



17.1 (e) A licensee may obtain a maximum of two contact hours in any two-year continuing  
17.2 education period for continuing education activities in the following areas:

17.3 (1) personal skill topics: career burnout, communication skills, human relations, and  
17.4 similar topics; ~~and~~

17.5 (2) training that is obtained in conjunction with a licensee's employment, occurs during  
17.6 a licensee's normal workday, and does not include subject matter specific to the fundamentals  
17.7 of occupational therapy; and

17.8 (3) participation for a minimum of one year on a professional committee or board.

17.9 Subd. 4. **Activities not qualifying for continuing education contact hours.** ~~No Credit~~  
17.10 ~~shall~~ must not be granted for the following activities: hospital rounds, entertainment or  
17.11 recreational activities, noneducational association meetings, and employment orientation  
17.12 sessions, ~~holding an office or serving as an organizational delegate, meetings for the purpose~~  
17.13 ~~of making policy and noneducational association meetings.~~

17.14 Subd. 5. **Reporting continuing education contact hours.** ~~Within one month following~~  
17.15 ~~licensure expiration, each licensee shall submit verification that the licensee has met the~~  
17.16 ~~continuing education requirements of this section on the continuing education report form~~  
17.17 ~~provided by the board. The continuing education report form may require the following~~  
17.18 ~~information:~~ Each licensee must use the continuing education reporting form to verify  
17.19 meeting the continuing education requirements of this section. The licensee must maintain  
17.20 documentation, including but not limited to a signed certificate, transcript, or similar evidence  
17.21 of participation in an activity. The documentation must include a:

17.22 (1) title of the continuing education activity;

17.23 (2) brief description of the continuing education activity prepared by the presenter or  
17.24 sponsor;

17.25 (3) sponsor, presenter, or author;

17.26 (4) location and attendance dates;

17.27 (5) number of contact hours; and

17.28 (6) licensee's ~~notarized affirmation that the information is true and correct~~ name.

17.29 Subd. 6. **Auditing continuing education reports.** (a) The board may audit a percentage  
17.30 of the continuing education reports based on random selection. A licensee shall maintain  
17.31 all documentation required by this section for two years after the last day of the biennial  
17.32 licensure period in which the contact hours were earned.

18.1 (b) All renewal applications that are received after the expiration date may be subject  
18.2 to a continuing education report audit.

18.3 (c) Any licensee against whom a complaint is filed may be subject to a continuing  
18.4 education report audit.

18.5 (d) The licensee shall make the following information available to the board for auditing  
18.6 purposes:

18.7 (1) a copy of the completed continuing education ~~report~~ reporting form for the continuing  
18.8 education reporting period that is the subject of the audit including all supporting  
18.9 documentation required by subdivision 5;

18.10 ~~(2) a description of the continuing education activity prepared by the presenter or sponsor~~  
18.11 ~~that includes the course title or subject matter, date, place, number of program contact hours,~~  
18.12 ~~presenters, and sponsors;~~

18.13 ~~(3) documentation of self-study programs by materials prepared by the presenter or~~  
18.14 ~~sponsor that includes the course title, course description, name of sponsor or author, and~~  
18.15 ~~the number of hours required to complete the program;~~

18.16 ~~(4)~~ (2) documentation of university, college, or vocational school courses by a transcript  
18.17 and a course syllabus, listing in a course bulletin, or equivalent documentation that includes  
18.18 the course title, instructor's name, course dates, number of contact hours, and course content,  
18.19 objectives, or goals; and

18.20 ~~(5)~~ (3) verification of attendance by:

18.21 (i) a signature of the presenter or a designee at the continuing education activity on the  
18.22 continuing education report form or a certificate of attendance with the course name, course  
18.23 date, and licensee's name;

18.24 (ii) a summary or outline of the educational content of an audio or video educational  
18.25 activity to verify the licensee's participation in the activity if a designee is not available to  
18.26 sign the continuing education report form; or

18.27 (iii) verification of self-study programs by a certificate of completion or other  
18.28 documentation indicating that the individual has demonstrated knowledge and has  
18.29 successfully completed the program; ~~or.~~

18.30 ~~(iv) verification of attendance at a university, college, or vocational course by an official~~  
18.31 ~~transcript.~~

19.1 Subd. 7. **Waiver of continuing education requirements.** ~~The board may grant a waiver~~  
 19.2 ~~of the requirements of this section in cases where the requirements would impose an extreme~~  
 19.3 ~~hardship on the licensee.~~ The board may waive or defer all or part of the continuing education  
 19.4 requirements of this section if the licensee submits a written request and provides satisfactory  
 19.5 evidence to the board of illness, injury, financial hardship, family hardship, or other similar  
 19.6 extenuating circumstances that preclude completion of the requirements during the licensure  
 19.7 period. The request for a waiver must be in writing, state the circumstances that constitute  
 19.8 ~~extreme~~ hardship, state the period of time the licensee wishes to have the continuing  
 19.9 education requirement waived, and state the alternative measures that will be taken if a  
 19.10 waiver is granted. The board ~~shall~~ must set forth, in writing, the reasons for granting or  
 19.11 denying the waiver. Waivers granted by the board ~~shall~~ must specify, in writing, the time  
 19.12 limitation and required alternative measures to be taken by the licensee. A request for waiver  
 19.13 ~~shall~~ must be denied if the board finds that the circumstances stated by the licensee do not  
 19.14 support a claim of ~~extreme~~ hardship, the requested time period for waiver is unreasonable,  
 19.15 the alternative measures proposed by the licensee are not equivalent to the continuing  
 19.16 education activity being waived, or the request for waiver is not submitted to the board  
 19.17 within 60 calendar days ~~after~~ of the expiration date.

19.18 Subd. 8. **Penalties for noncompliance.** The board shall refuse to renew or grant, or  
 19.19 shall suspend, condition, limit, or qualify the license of any person who the board determines  
 19.20 has failed to comply with the continuing education requirements of this section. A licensee  
 19.21 may request reconsideration of the board's determination of noncompliance or the penalty  
 19.22 imposed under this section by making a written request to the board within 30 calendar days  
 19.23 of the date of notification to the applicant. Individuals requesting reconsideration may submit  
 19.24 information that the licensee wants considered in the reconsideration.

19.25 Sec. 21. Minnesota Statutes 2018, section 148.6445, subdivision 11, is amended to read:

19.26 Subd. 11. **Penalty fees.** (a) The penalty fee for practicing occupational therapy or using  
 19.27 protected titles without a current license after the credential has expired and before it is  
 19.28 renewed is the amount of the license renewal fee for any part of the first month, plus the  
 19.29 license renewal fee for any part of any subsequent month up to 36 months.

19.30 (b) The penalty fee for applicants who engage in the unauthorized practice of occupational  
 19.31 therapy or use protected titles before being issued a license is the amount of the license  
 19.32 application fee for any part of the first month, plus the license application fee for any part  
 19.33 of any subsequent month up to 36 months. This paragraph does not apply to applicants not  
 19.34 qualifying for a license who engage in the unauthorized practice of occupational therapy.

20.1 (c) ~~The penalty fee for practicing occupational therapy and failing~~ When an occupational  
 20.2 therapy practitioner fails to submit a requested continuing education report by the due date  
 20.3 with the correct number or type of hours in the correct time period is \$100 plus \$20 for each  
 20.4 missing clock hour. the practitioner must pay either: (1) a \$100 penalty fee and complete  
 20.5 the missing contact hours within 30 calendar days from the date of the penalty fee notice;  
 20.6 or (2) a \$100 penalty fee and \$20 for each missing contact hour, and complete the missing  
 20.7 number of contact hours by the next reporting due date. "Missing" means not obtained  
 20.8 between the effective and expiration dates of the license, the one-month period following  
 20.9 the license expiration date, or the 30 days following notice of a penalty fee for failing to  
 20.10 report all continuing education hours. The licensee must obtain the missing number of  
 20.11 continuing education hours by the next reporting due date.

20.12 (d) Civil penalties and discipline incurred by licensees ~~prior to August 1, 2005,~~ for  
 20.13 conduct described in paragraph (a), (b), or (c) shall be recorded as nondisciplinary penalty  
 20.14 fees. For conduct described in paragraph (a) or (b) ~~occurring after August 1, 2005, and~~  
 20.15 exceeding six months, payment of a penalty fee does not preclude any disciplinary action  
 20.16 reasonably justified by the individual case.

20.17 Sec. 22. Minnesota Statutes 2019 Supplement, section 148.6448, subdivision 1, is amended  
 20.18 to read:

20.19 Subdivision 1. **Grounds for denial of licensure or discipline.** The board may deny an  
 20.20 application for licensure, may approve licensure with conditions, or may discipline a licensee  
 20.21 using any disciplinary actions listed in subdivision 3 on proof that the individual has:

20.22 (1) intentionally submitted false or misleading information to the board;

20.23 (2) failed, within 30 days, to provide information in response to a written request by the  
 20.24 board;

20.25 (3) performed services of an occupational therapist or occupational therapy assistant in  
 20.26 an incompetent manner or in a manner that falls below the community standard of care;

20.27 (4) failed to satisfactorily perform occupational therapy services during a period of  
 20.28 temporary licensure;

20.29 (5) violated sections 148.6401 to 148.6449;

20.30 (6) failed to perform services with reasonable judgment, skill, or safety due to the use  
 20.31 of alcohol or drugs, or other physical or mental impairment;

- 21.1 (7) been convicted of violating any state or federal law, rule, or regulation which directly  
21.2 relates to the practice of occupational therapy;
- 21.3 (8) aided or abetted another person in violating any provision of sections 148.6401 to  
21.4 148.6449;
- 21.5 (9) been disciplined for conduct in the practice of an occupation by the state of Minnesota,  
21.6 another jurisdiction, or a national professional association, if any of the grounds for discipline  
21.7 are the same or substantially equivalent to those in sections 148.6401 to 148.6449;
- 21.8 (10) not cooperated with the board in an investigation conducted according to subdivision  
21.9 2;
- 21.10 (11) advertised in a manner that is false or misleading;
- 21.11 (12) engaged in dishonest, unethical, or unprofessional conduct in connection with the  
21.12 practice of occupational therapy that is likely to deceive, defraud, or harm the public;
- 21.13 (13) demonstrated a willful or careless disregard for the health, welfare, or safety of a  
21.14 client;
- 21.15 (14) performed medical diagnosis or provided ~~treatment~~ intervention, other than  
21.16 occupational therapy, without being licensed to do so under the laws of this state;
- 21.17 (15) paid or promised to pay a commission or part of a fee to any person who contacts  
21.18 the occupational therapist for consultation or sends patients to the occupational therapist  
21.19 for ~~treatment~~ intervention;
- 21.20 (16) engaged in an incentive payment arrangement, other than that prohibited by clause  
21.21 (15), that promotes occupational therapy overutilization, whereby the referring person or  
21.22 person who controls the availability of occupational therapy services to a client profits  
21.23 unreasonably as a result of client ~~treatment~~ intervention;
- 21.24 (17) engaged in abusive or fraudulent billing practices, including violations of federal  
21.25 Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical  
21.26 assistance laws;
- 21.27 (18) obtained money, property, or services from a consumer through the use of undue  
21.28 influence, high pressure sales tactics, harassment, duress, deception, or fraud;
- 21.29 (19) performed services for a client who had no possibility of benefiting from the services;
- 21.30 (20) failed to refer a client for medical evaluation when appropriate or when a client  
21.31 indicated symptoms associated with diseases that could be medically or surgically treated;

22.1 (21) engaged in conduct with a client that is sexual or may reasonably be interpreted by  
 22.2 the client as sexual, or in any verbal behavior that is seductive or sexually demeaning to a  
 22.3 patient;

22.4 (22) violated a federal or state court order, including a conciliation court judgment, or  
 22.5 a disciplinary order issued by the board, related to the person's occupational therapy practice;  
 22.6 or

22.7 (23) any other just cause related to the practice of occupational therapy.

22.8 Sec. 23. Minnesota Statutes 2018, section 148.6448, subdivision 2, is amended to read:

22.9 Subd. 2. **Investigation of complaints.** The board may initiate an investigation upon  
 22.10 receiving a complaint or other oral or written communication that alleges or implies that a  
 22.11 person has violated sections 148.6401 to 148.6449. In the receipt, investigation, and hearing  
 22.12 of a complaint that alleges or implies a person has violated sections 148.6401 to 148.6449,  
 22.13 the board ~~shall~~ must follow the procedures in ~~section~~ sections 214.10 and 214.103.

22.14 Sec. 24. Minnesota Statutes 2018, section 148.6449, subdivision 2, is amended to read:

22.15 Subd. 2. **Qualifications of board members.** (a) The occupational therapy practitioners  
 22.16 appointed to the board must represent a variety of practice areas and settings.

22.17 (b) At least two occupational therapy practitioners must be employed outside the  
 22.18 seven-county metropolitan area.

22.19 (c) Board members ~~shall~~ must not serve for ~~not~~ more than two full consecutive terms.

22.20 Sec. 25. **REPEALER.**

22.21 (a) Minnesota Statutes 2018, sections 148.6402, subdivisions 10 and 15; and 148.6412,  
 22.22 subdivision 1, are repealed.

22.23 (b) Minnesota Rules, part 4664.0003, subpart 28, is repealed.

**148.6402 DEFINITIONS.**

Subd. 10. **Direct supervision.** "Direct supervision" of an occupational therapy assistant using physical agent modalities means that the occupational therapist has evaluated the patient and determined a need for use of a particular physical agent modality in the occupational therapy treatment plan, has determined the appropriate physical agent modality application procedure, and is available for in-person intervention while treatment is provided.

Subd. 15. **Occupational therapy.** "Occupational therapy" means the use of purposeful activity to maximize the independence and the maintenance of health of an individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or learning disability, or an adverse environmental condition. The practice encompasses evaluation, assessment, treatment, and consultation. Occupational therapy services may be provided individually, in groups, or through social systems. Occupational therapy includes those services described in section 148.6404.

**148.6412 LICENSURE BY EQUIVALENCY.**

Subdivision 1. **Persons certified by National Board for Certification in Occupational Therapy before June 17, 1996.** Persons certified by the National Board for Certification in Occupational Therapy as an occupational therapist before June 17, 1996, may apply for licensure by equivalency for occupational therapist. Persons certified by the National Board for Certification in Occupational Therapy as an occupational therapy assistant before June 17, 1996, may apply for licensure by equivalency for occupational therapy assistant.

**4664.0003 DEFINITIONS.**

Subp. 28. **Occupational therapy.** "Occupational therapy" has the meaning given in Minnesota Statutes, section 148.6402, subdivision 15.