

BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 24.165.302 definitions, and the) REPEAL
repeal of 24.165.505 deep modality)
endorsement)

TO: All Concerned Persons

1. On May 28, 2021, the Board of Occupational Therapy Practice (board) published MAR Notice No. 24-165-25 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 593 of the 2021 Montana Administrative Register, Issue No. 10.

2. On June 24, 2021, a public hearing was held on the proposed amendment and repeal of the above-stated rules via the remote conferencing platform. One comment was received by the June 25, 2021, deadline.

3. The board has considered the comment received. A summary of the comment and the board response are as follows:

COMMENT: One commenter asked whether the amendment to ARM 24.165.302 and repeal of ARM 24.165.505 will change the additional training required for occupational therapists (OTs) to perform modalities.

RESPONSE: As explained in the reasonable necessity statement for the changes, the elimination of the deep modality endorsement does not affect licensed occupational therapists' scope of practice. Licensed OTs may still obtain endorsements in "superficial" and "topical medications" modalities, as the only modalities allowed by statute. The board is amending and repealing the rules exactly as proposed.

4. The board has amended ARM 24.165.302 and repealed ARM 24.165.505 exactly as proposed.

BOARD OF OCCUPATIONAL THERAPY
PRACTICE
TWYLLA KIRCHEN, OTR/L
PRESIDING OFFICER

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 28, 2021.