

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
ARM 24.165.302 definitions,)
24.165.401 fees, and 24.165.2101)
continuing education)

TO: All Concerned Persons

1. On September 2, 2016, the Board of Occupational Therapy Practice (board) published MAR Notice No. 24-165-22 regarding the public hearing on the proposed amendment of the above-stated rules, at page 1523 of the 2016 Montana Administrative Register, Issue No. 17.

2. On September 26, 2016, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the September 30, 2016 deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: Several commenters opposed the amendment to ARM 24.165.2101(6), stating that by allowing the maintenance of the National Board Certification of Occupational Therapy (NBCOT) certification to fulfill the board's continuing education (CE) requirements, the board is giving regulatory authority to a private entity.

RESPONSE 1: The board concluded that the recognition of NBCOT certification for licensees will provide efficiencies and decreased cost to the board in the annual CE audit. The board rule still allows other options for licensees to meet CE requirements.

COMMENT 2: Commenters noted the NBCOT allows "competency assessment units" towards certification renewal rather than actual learning activities and asserted that type of activity is not recognized in existing regulations. The commenters opined that licensees not certified by the NBCOT do not have the same opportunity.

RESPONSE 2: The board determined that licensees not certified by the NBCOT have ample opportunity through other resources described in board rule to meet the board's CE requirements. The board noted it has the sole discretion to approve CE as based in board rule.

COMMENT 3: Several commenters expressed concern that the NBCOT certification renewal cycle is every three years while the board's is every two.

RESPONSE 3: The board notes that the license renewal cycle is annual and does not believe that this timing difference will be an issue.

COMMENT 4: Some commenters stated that the proposed amendments do not address the CE documentation requirements for licensees renewing with NBCOT certification.

RESPONSE 4: The board notes that CE requirements of NBCOT exceed the board's CE hourly requirements in ARM 24.165.2101(1), and verification of NBCOT certification would meet the requirement.

COMMENT 5: The commenters asked if the board will have access to a licensee's NBCOT certification status for certification renewal once the amendments to ARM 24.165.2101 are effective.

RESPONSE 5: The board acknowledges that staff does have secure access to the NBCOT web site to verify licensees' certification and other information.

COMMENT 6: Several commenters did not oppose adding NBCOT to the approved CE providers, but suggested the board further amend ARM 24.165.2101(7) to address a limit on competency assessment activities hours and apply competency assessment activity hours to the other board-approved providers of CE.

RESPONSE 6: The board notes that the suggested amendment exceeds the scope of this rulemaking, as the board did not propose any changes to renumbered (7).

4. The board has amended ARM 24.165.302, 24.165.401, and 24.165.2101 exactly as proposed.

BOARD OF OCCUPATIONAL THERAPY
PRACTICE
NATE NAPRSTEK, PRESIDING OFFICER

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State December 12, 2016