

**DISTRICT OF
COLUMBIA
MUNICIPAL
REGULATIONS
for
OCCUPATIONAL
THERAPY
ASSISTANTS**

CHAPTER 73 OCCUPATIONAL THERAPY ASSISTANTS

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7300 GENERAL PROVISIONS

- 7300.1 This chapter shall apply to applicants for and holders of a license to practice as an occupational therapy assistant.
- 7300.2 Chapters 40 (Health Occupations: General Rules), 41 (Health Occupations: Administrative Procedures), and Chapter 63 (Occupational Therapy) of this title shall supplement this chapter.

7301 TERM OF LICENSE

- 7301.1 Subject to § 7301.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of September 30 of each odd-numbered year.
- 7301.2 If the Director changes the renewal system pursuant to § 4006.3 of Chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birth date of the holder of the license, or other date established by the Director.

7302 EDUCATIONAL AND TRAINING REQUIREMENTS

7302.1 An applicant for a license as an occupational therapy assistant shall furnish proof satisfactory to the Board, in accordance with § 504(g)(2) of the Act, D.C. Official Code § 3-1205.04(g)(2), that the applicant has:

- (a) Successfully completed an educational program for occupational therapy assistants that is accredited by the Accreditation Council for Occupational Therapy Education (ACOTE); and
- (b) Successfully completed a period of at least two (2) months of supervised fieldwork experience required by an accredited educational institution or program approved by an accredited educational institution.

7303 NATIONAL EXAMINATION

7303.1 To qualify for licensure as an occupational therapy assistant, the applicant shall pass the certification examination as developed by the National Board for Certification in Occupational Therapy (NBCOT).

7303.2 The passing score on the national examination shall be the passing score established by NBCOT.

7303.3 An applicant shall submit a completed application to the Board and arrange for examination results to be sent by NBCOT directly to the Board.

7303.4 An applicant who has met the requirement of § 7302.1 may submit a completed application prior to taking the examination and seek the Board's authorization for supervised practice pursuant to § 7316 while the application is pending.

7304 CONTINUING EDUCATION REQUIREMENTS

7304.1 This section applies to all renewal applicants but shall not apply to applicants for the first renewal of a license granted by examination. This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement.

7304.2 To qualify for the renewal of a licensee, an applicant shall have completed a minimum of twelve (12) contact hours of approved continuing education in accordance with §§ 7305 and 7306 during the two (2)-year period preceding the date the license expires; ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate. Beginning with the licensure term starting on October 1, 2017, the continuing education required in this section shall include two (2) hours of LGBTQ continuing education.

- 7304.3 A continuing education contact hour shall be valid only if it is part of a program or activity that the Board approves in accordance with § 7305 and § 7306.
- 7304.4 A renewal applicant shall certify, under penalty of perjury, whether he or she has met the requirement of § 7304.2.
- 7304.5 The Board may require proof of completion of the required continuing education. Such proof shall include the following information:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the licensee attended the program;
 - (d) The number of contact hours claimed;
 - (e) Verification by the sponsor of the licensee's completion, by signature or stamp of the sponsor; and
 - (f) The name of the licensee completing the program.
- 7304.6 If the license of an occupational therapy assistant expires while serving in the military whenever the United States is engaged in active military operations against any foreign power or hostile force, and the required continuing education hours were not earned during the renewal period or periods, the licensee shall be required to complete the needed continuing education hours no later than six (6) months after discharge from active service, return to inactive military status, or return to a post in the United States from an active war zone.
- 7304.7 The continuing education contact hours completed to satisfy the requirement under § 7304.6 shall not be counted toward meeting the continuing education requirement for the next licensing period.
- 7304.8 The credits received for each approved continuing education program shall be applied in full toward meeting the continuing education requirements for each renewal period. The proration of continuing education credits over more than one (1) renewal cycle shall not be allowed.
- 7304.9 A renewal applicant who is licensed to practice in a jurisdiction other than the District shall meet the requirements of this section in order to be eligible for license renewal in the District.
- 7305 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

- 7305.1 The Board shall only approve continuing education programs and activities that, in its discretion, contribute to professional competence in the practice of occupational therapy assistants and that may be approved as provided in this section.
- 7305.2 The Board may approve continuing education programs and activities that are relevant to the practice or education of occupational therapy assistants that document the following:
- (a) Current subject matter with course description;
 - (b) Content focus;
 - (c) Learning outcomes;
 - (d) Target audience; and
 - (e) The number of contact hours.
- 7305.3 The Board may approve the following types of activities:
- (a) Activities sponsored by the state or local occupational therapy organizations;
 - (b) Activities sponsored by the American Occupational Therapy Association (AOTA), the American Physical Therapy Association (APTA), the American Speech-Language-Hearing Association (ASHA), and the American Society of Hand Therapists (ASHT);
 - (c) Activities sponsored by AOTA approved providers;
 - (d) Activities sponsored by an accredited healthcare facility; or
 - (e) Activities sponsored by an accredited college or university.
- 7305.4 The Board may grant continuing education credit for the following activities:
- (a) Serving as an author of a self-study article or series;
 - (b) Serving as an instructor or speaker at a conference program or an academic course;
 - (c) Serving as an instructor at a peer-reviewed or non-peer-reviewed seminar, workshop, or in-service clinical training, whether in-person or web-based;

- (d) Serving as supervisor for persons authorized to practice pursuant to § 7316.2;
- (e) Serving as a clinical instructor for students of occupational therapy or any other health occupation;
- (f) Authoring or editing a published book, a published chapter in a book, or a published article in a professional journal or other nationally recognized publication;
- (g) Participating as a primary clinical fieldwork educator for Level I or Level II fieldwork; and
- (h) Participating in board or committee work in connection with an agency or a non-profit organization whose mission is to promote and enhance the practice of occupational therapy.

7305.5 The following activities shall not meet the requirement of § 7305.1 and may not be approved as continuing education required under this Chapter:

- (a) Mandatory non-clinical in-service competency or education programs including, but not limited to, Basic Cardiac Life Support (BCLS) or Cardiopulmonary Resuscitation (CPR), first aid, infection control, emergency preparedness, or documentation update; and
- (b) Mandatory organization-specific trainings or programs required as part of job performance or development.

7305.6 The applicant shall bear the burden of establishing, to the Board's satisfaction, that such supervisory activities, professional volunteer activities, or services as an instructor, speaker, publisher, or editor as provided by § 7305.4 are eligible for credit and approval in accordance with § 7305.1.

7306 CONTINUING EDUCATION CREDIT

7306.1 One (1) contact hour of continuing education shall consist of at least fifty (50) minutes of learning time.

7306.2 For enrollment in approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) continuing education contact hours, and each quarter hour of credit shall constitute ten (10) continuing education contact hours.

7306.3 The Board may grant continuing education credit for the activities described in § 7305.4(a), (b), or (c) subject to the following restrictions:

- (a) The maximum amount of credit which may be granted for each activity is twice the amount of the associated presentation time or twice the amount of contact hours awarded for participants;
- (b) The maximum amount of credit which may be granted pursuant to this subsection is fifty percent (50%) of an applicant's continuing education requirement;
- (c) If a renewal applicant had previously received credit in connection with a particular presentation, the Board shall not grant credit in connection with a subsequent presentation unless it involves either a different or a substantially modified program; and
- (d) The presentation shall have been completed during the period for which credit is claimed and includes documentation of the following:
 - (1) A copy of the official program or syllabus;
 - (2) The presentation title;
 - (3) The date of the presentation;
 - (4) The hours of the presentation;
 - (5) The type of audience addressed; and
 - (6) A verification of attendance signed by the sponsor.

7306.4 The Board may grant credit for up to six (6) continuing education contact hours per renewal period to a renewal applicant for the activities described in § 7305.4(d). The supervisor shall submit a copy of the supervised practice letter to receive continuing education contact hours.

7306.5 The Board may grant credit for up to eight (8) continuing education contact hours per renewal period for the activities described in § 7305.4(e), with the following documentation:

- (a) Name of student as verified by the school;
- (b) Name of the school;
- (c) Dates and duration of instruction; and
- (d) Signature of the program director.

7306.6 The Board may grant credit for six (6) continuing education contact hours per renewal period for the activities described in § 7305.4(f), if the book, chapter, or article was published or accepted for publication during the period for which credit is claimed and satisfactory proof is submitted to the Board.

7306.7 The Board may grant credit for up to six (6) continuing education contact hours per renewal period for the activities described in § 7305.4(g) with the following documentation:

- (a) Name of student as verified by the school;
- (b) Name of the school;
- (c) Dates of the fieldwork; and
- (d) Signature page of student evaluation excluding evaluation scores and comments on student.

7306.8 The Board may grant credit for up to three (3) continuing education contact hours to a renewal applicant who has participated in the activities described in § 7305.4(h), provided that such participation totaled no less than eighteen (18) hours during a renewal period. The applicant shall provide the following documentation:

- (a) Name of the committee, board, agency or organization;
- (b) Purpose for service;
- (c) Description of duties and roles; and
- (c) Validation of service and number of hours of participation by an officer or representative of the organization.

7307 CONTINUING EDUCATION AUDIT

7307.1 The Board may perform a continuing education audit to determine compliance with the continuing education requirements in this chapter.

7307.2 Upon notification by the Board that a licensee has been selected for an audit, the licensee shall submit the required documentation within thirty (30) days of receipt of the notice.

7307.3 Licensees who fail to provide proof of continuing education compliance during an audit may be subject to an audit in the subsequent renewal cycle.

7308 LATE RENEWAL

- 7308.1 This section shall apply to any licensee who fails to submit a renewal application before the expiration of his or her current license.
- 7308.2 A licensee who fails to submit his or her renewal application before the expiration date of his or her current license may apply for a renewal of the license within sixty (60) days of expiration in accordance with § 4005.5 of this title.
- 7308.3 A licensee submitting a renewal application in accordance with § 7308.2 shall submit, with the renewal application, proof of continuing education compliance in accordance with § 7304.5.

7309 REACTIVATION

- 7309.1 The requirements of this section shall apply to licensees under this Chapter who have been in inactive status and seek reactivation of their licenses in accordance with § 511 of the Act, D.C. Official Code § 3-1205.11.
- 7309.2 A reactivation applicant who holds an active license in any jurisdiction shall submit a certificate of good standing from all jurisdictions in which he or she holds an active license.
- 7309.3 A reactivation applicant whose license has been inactive five (5) years or less who does not hold a license in any other jurisdiction shall submit proof in accordance with § 7304.5, of having completed six (6) contact hours of approved continuing education for each year that the applicant was in inactive status. Two (2) of the total contact hours of continuing education required under this section shall be LGBTQ continuing education. Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.
- 7309.4 A reactivation applicant whose license has been inactive for more than five (5) years who does not hold an active license in any other jurisdiction shall submit proof pursuant to § 7304.5 of having completed the following:
- (a) Thirty (30) contact hours of approved continuing education in accordance with §§ 7305 and 7306, three of the thirty (30) hours shall be in public health priorities and at least twelve (12) of the thirty (30) hours shall be completed within two (2) years prior to the date the application is submitted and two (2) of the total hours required shall be LGBTQ continuing education; and

- (b) One hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

7309.5 A reactivation applicant who holds an active license in any other jurisdiction during the whole period of inactive status in the District shall not be required to submit proof of continuing education contact hours with the application provided that his or her license has not been inactive for more than five (5) years.

7309.6 A reactivation applicant who holds an active license in any other jurisdiction and seeks to reactivate his or her license in the District more after more than five (5) years of inactive status shall submit proof, in accordance with § 7304.5, of having completed, within a period of twelve (12) months prior to the application, at least twelve (12) hours of approved continuing education, two of which shall be LGBTQ continuing education.

7310 REINSTATEMENT

7310.1 The requirements of this section shall apply to persons with expired licenses who seek reinstatement within five (5) years in accordance with § 512(a) of the Act, D.C. Official Code § 3-1205.12(a).

7310.2 A reinstatement applicant who holds an active license in any other jurisdiction shall submit a certificate of good standing from all jurisdictions in which he or she holds an active license.

7310.3 A reinstatement applicant who holds an active license in any other jurisdiction shall submit proof pursuant to § 7304.5 of having completed six (6) contact hours of approved continuing education for each year that the applicant was not licensed in the District up to a maximum of thirty (30) hours. Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate. Twelve (12) contact hours shall have been completed within two (2) years prior to the date the application is submitted and two (2) contact hours shall be LGBTQ continuing education.

7310.4 A reinstatement applicant who does not hold an active license in any other jurisdiction shall submit proof:

- (a) Pursuant to § 7304.5, of having completed six (6) contact hours of approved continuing education for each year that the reinstatement applicant was not licensed. Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate. Twelve (12) contact hours shall

have been completed within two (2) years prior to the date the application is submitted and two (2) contact hours shall be LGBTQ continuing education; and

- (b) Of having completed one hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

7311 RE-LICENSURE

7311.1 The requirements of this section shall apply to persons seeking re-licensure five (5) or more years after the expiration of their license.

7311.2 A re-licensure applicant shall submit proof educational and examination eligibilities in accordance with the requirements of §§ 7302 and 7303 and one of the following:

- (a) A certificate of good standing from a jurisdiction in the United States in which he or she holds an active license; or
- (b) Proof of completion of one hundred sixty (160) hours of supervised practice in accordance with § 7316 within the two (2) months prior to the date the application is submitted.

7312 ENDORSEMENT

7312.1 The Board shall issue a license by endorsement to an applicant for licensure who has an active unrestricted occupational therapy assistant license, registration, or certification in good standing from another jurisdiction of the United States and who meets all other requirements of this section.

7312.2 An applicant for licensure by endorsement shall submit, with a completed application, the following:

- (a) Official, certified proof of active licensure in at least one (1) jurisdiction;
- (b) Proof of good standing from all jurisdictions in which the applicant ever held a license in the United States; and
- (c) Proof of educational and examination eligibilities in accordance with the requirements of §§ 7302 and 7303.

7313 RESPONSIBILITIES

- 7313.1 An occupational therapy assistant shall exercise sound judgment and provide adequate care in the performance of duties in accordance with nationally recognized standards of practice while treating patients or supervising the treatment of patients.
- 7313.2 An occupational therapy assistant supervising a student, an occupational therapy aide, or a person authorized to practice under supervision shall be responsible for all of the student's, aide's, or authorized person's actions performed within the scope of practice during the time of supervision and shall be subject to disciplinary action for any violation of the Act or this chapter by the person supervised.
- 7313.3 An occupational therapist supervising an occupational therapy assistant who supervises a student, an occupational therapy aide, or a person authorized to practice under supervision shall be responsible for the actions of all supervised persons.

7314 SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS

- 7314.1 An occupational therapy assistant may only practice under the supervision, as specified in this section, of an occupational therapist with an active, unrestricted license in good standing in the District of Columbia. The supervising occupational therapist must be available on an as-needed basis and must be able to be on-site within two (2) hours if a need arises.
- 7314.2 The supervising occupational therapist shall provide the following:
- (a) Direct supervision of an occupational therapy assistant prior to initiating treatment programs and before planned discharges for patients;
 - (b) An initial and, at a minimum, bimonthly direction to the occupational therapy assistant; and
 - (c) Documentation to verify details of supervision and direction.
- 7314.3 The supervising occupational therapist shall only delegate duties and responsibilities for the care of patients to the occupational therapy assistant with consideration given to the following:
- (a) The level of skill shown by the occupational therapy assistant;
 - (b) The occupational therapy assistant's ability to use identified intervention in a safe and effective manner;

- (c) Experience of the occupational therapy assistant and work setting demands; and
- (d) The complexity and stability of the patient population to be treated.

7314.4 An occupational therapy assistant may assist in the collection and some of the documentation of patient information pertaining to the evaluation and treatment of a patient provided that the supervising occupational therapist bases such assignment or delegation of duties on the demonstrated competency of the occupational therapy assistant. This demonstrated competency shall be documented and maintained on file by the supervising occupational therapist.

7314.5 An occupational therapy assistant shall not supervise another occupational therapy assistant.

7314.6 An occupational therapy assistant shall immediately inform the supervising occupational therapist and discontinue treatment if a procedure appears to be harmful to the patient.

7315 OCCUPATIONAL THERAPY AIDES

7315.1 An occupational therapy assistant may supervise an occupational therapy aide to perform duties in accordance with § 6314 of this Title.

7315.2 An occupational therapy assistant shall not supervise more than three (3) occupational therapy aides at any given time.

7316 PRACTICE AS OCCUPATIONAL THERAPY ASSISTANT BY A STUDENT, GRADUATE, OR PERSON SEEKING RE-LICENSURE, REACTIVATION OR REINSTATEMENT

7316.1 A student or person seeking licensure, reactivation, reinstatement, or re-licensure may practice only under the general supervision of an occupational therapist or an occupational therapy assistant with a valid, unrestricted license in the District and in accordance with this section.

7316.2 Only the following persons may practice under this section:

- (a) A student whose practice fulfills his or her educational requirements as described in § 103 of the Act, D.C. Official Code § 3-1201.03, and § 7302.1(b) of this chapter;

- (b) An applicant for licensure whose application has been properly filed with the Board and is pending the result of the national examination as provided in § 7303.4 or final approval by the Board;
- (c) A person seeking reactivation of licensure as described in § 7309.4;
- (d) A person seeking reinstatement of licensure in accordance with § 7310.4; or
- (e) A person seeking re-licensure five (5) or more years after the expiration of their previous license as described in § 7311.

7316.3 A supervisor of a person described in § 7316.2(b), (c), (d), or (e) shall, no less than two (2) weeks before the supervision begins, seek the authorization of the Board by providing the following information:

- (a) The supervisor's name and address;
- (b) The name of the person seeking licensure, reactivation, reinstatement, or re-licensure;
- (c) The expected period of supervision;
- (d) The nature and location of the practice of the person seeking licensure, reactivation, reinstatement, or re-licensure; and
- (e) The attestation that the supervisor understands and intends to comply with the supervisory requirements under this chapter.

7316.4 A person seeking to practice under supervision may begin the supervised practice after the Board has approved and authorized the practice pursuant to § 7316.3.

7316.5 Supervised practice authorized for a person described in § 7316.2(c), (d), or (e) shall not exceed four (4) months.

7316.6 Supervised practice authorized for a person described in § 7316.2(b) shall not exceed sixty (60) days.

7316.7 A person engaged in supervised practice under this section shall identify himself or herself as a student or person practicing under supervision at all times including prior to the initiation of any practice with a client.

7316.8 Any of the following events shall result in an automatic and immediate termination of the authorized supervised practice:

- (a) Failure to pass the national examination if the supervised practice has been approved based on a pending license application under § 7303.4;
- (b) The supervision is terminated for any reason by either the supervisor or the supervisee; or
- (c) An arrest or charge for a felony.

7316.9 A person practicing under supervision in accordance with this section shall not receive any compensation of any nature, directly or indirectly, from a patient but may receive a salary or other form of compensation from his or her supervisor based on the hours of practice performed.

7316.10 The supervisor shall be fully responsible for all supervised practice by the supervisee during the period of supervision and shall be subject to disciplinary action for any violation of the Act or this chapter by the supervisee.

7316.11 A person authorized to practice under supervision pursuant to this section shall be subject to all applicable provisions of the Act and this chapter. The Board may deny his or her application for a license or take any disciplinary action against him or her in accordance with chapter 41 of this title if he or she has been found to have violated the Act or this chapter.

7317 LAWFUL PRACTICE

7317.1 An occupational therapy assistant licensed to practice in the District of Columbia shall adhere to the AOTA's Code of Ethics for the practice of occupational therapy as it may be amended from time to time.

7317.2 An occupational therapy assistant shall use the letters "OTA", "COTA", "OTA/L", "COTA/L", or any other similar title or description in connection with the occupational therapy assistant's name or place of business to denote licensure pursuant to the Act.

7399 DEFINITIONS

7399.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

Act – District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 et seq.)

Active license – a currently valid license, registration, or certification issued by any jurisdiction of the United States to authorize the practice as an occupational therapy assistant.

Approved continuing education – continuing education meeting the requirements of §§ 7305 and 7306.

Board - the Board of Occupational Therapy, established by § 206 of the Act, D.C. Official Code § 3-1202.06.

Contact hour – at least fifty (50) minutes of continuing education.

Direct supervision - supervision in which the supervisor is personally present and immediately available within the treatment area to give aid, direction, and instruction when occupational therapy procedures or activities are performed.

Director – The Director of the Department of Health or any successor or assignee.

General supervision - supervision in which the supervisor is available on the premises or by communication device at the time the supervisee is practicing, and can be on-site within two (2) hours in the event of a clinical emergency.

Level I Fieldwork - Enrichment of didactic coursework through direct observation and participation in selected aspects of the occupational therapy process to enable students to develop a basic comfort level with and understanding of the needs of the clients.

Level II Fieldwork - Development of competent entry-level, general occupational therapy assistants through exposure to in-depth experiences in delivering occupational therapy services to a variety of clients.

Licensee – A person licensed or seeking renewal or reactivation of a license issued pursuant to this chapter.

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Repl.)).

Licensure term – the two-year period between October 1 of each odd-numbered year to September 30 of the next odd-numbered year during which a license issued pursuant to this chapter is valid in accordance with § 6301.1.

Occupational therapist - a person licensed to practice occupational therapy under the Act.

Occupational therapy- (i) The therapeutic use of everyday life activities with individuals or groups, with or without compensation, for the purpose of participation in roles and situations in homes, schools, workplaces, communities, and other settings to promote health and welfare for

those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction; (ii) Addressing the physical, cognitive, psycho-social, sensory, or other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being, and quality of life; (iii) The education and training of persons in the direct care of patients through the use of occupational therapy; and (iv) The education and training of persons in the field of occupational therapy.

Occupational therapy aide - a person who has received on-the-job training in occupational therapy and is employed in an occupational therapy setting under the supervision of a licensed occupational therapist or licensed occupational therapy assistant

Occupational therapy assistant - a person licensed to practice as an occupational therapy assistant under the Act.

Supervised practice - unlicensed practice by a student, graduate, or person seeking reactivation, reinstatement, or re-licensure, as authorized by the Board and subject to the general supervision of an occupational therapist or occupational therapy assistant.

7399.2 Except as specified in § 7399.1, the definitions in § 4099 of Chapter 40 of this title are incorporated by reference and apply to this chapter.