

**COLORADO OCCUPATIONAL THERAPY REGISTRATION  
RULES AND REGULATIONS  
3 CCR 715 – 1**

Effective January 1, 2009

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These rules are promulgated and adopted by the Director of the Division of Registrations pursuant to § 12-40.5-112, C.R.S.

### **Rule 1 – Application for Registration**

The purpose of this rule is to specify the form and manner of an application for occupational therapist registration, as required by § 12-40.5-106(2)(b), C.R.S.

A. An applicant for registration must:

- (1) submit a completed application for registration on forms provided by the Director;
- (2) submit with the application all fees established by the Director pursuant to § 12-40.5-106(2), C.R.S.;
- (3) sign the attestation that the information in the application is true and correct to the best of the applicant's knowledge and belief; and
- (4) submit additional information as may be requested by the Director to fully and fairly evaluate the applicant's qualifications for registration and to protect the public health, safety, and welfare.

### **Rule 2 – Education and Experience Requirements**

The purpose of this rule is to provide additional guidance regarding the educational and experiential requirements for registration set forth in § 12-40.5-106(1), C.R.S.

- A. An applicant for registration must have successfully completed an educational program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE ®) or the World Federation of Occupational Therapists (WFOT).
- B. An applicant for registration must have successfully completed supervised fieldwork required by the educational program where the applicant met the educational requirements in section 2(A), above. The minimum period of supervised fieldwork experience is twenty-four weeks, or completion of fieldwork that met generally recognized past accreditation standards in effect at the time of the applicant's graduation.
- C. An applicant who has been certified as an Occupational Therapist Registered by the National Board for Certification in Occupational Therapy (NBCOT) ,or its predecessor, shall be deemed to have met the educational and experiential requirements for registration set forth in sections 2(A) and (B), above.

### **Rule 3 – Examination Approved by Director**

The purpose of this rule is to designate a nationally recognized examination approved by the Director pursuant to § 12-40.5-106(3), C.R.S.

- A. The examination developed by the National Board for Certification in Occupational Therapy (NBCOT) is approved [all references to NBCOT in these rules includes its predecessor]. An applicant must achieve at least the passing score as determined by NBCOT in order to be eligible for registration.

### **Rule 4 – Registration by Examination**

The purpose of this rule is to delineate the requirements for registration by examination set forth in § 12-40.5-106(2) through (4), C.R.S.

- A. For applications submitted up to and including December 31, 2009, an applicant who has complied with Rules 1 through 3 is eligible for registration by examination regardless of when the NBCOT passing score was achieved.

Upon a showing of good cause by the applicant, the Director may waive the time limitation in paragraph A of this rule. Any such waiver shall be based upon the circumstances relating to the particular individual's application. It is anticipated that such waivers would be rare. The decision to grant or deny such a waiver shall be within the sole discretion of the Director and is not subject to appeal.

- B. On and after January 1, 2010, an applicant who has complied with Rules 1 through 3, and who achieved a passing score on the NBCOT examination within two years immediately preceding submission of an application for registration, is eligible for registration by examination.
- C. On and after January 1, 2010, an applicant who achieved a passing score on the NBCOT examination *more than* two years preceding submission of an application for registration *is not* eligible for registration by examination. Such applicant must apply for registration either on the basis of:
  1. Endorsement of licensure or registration in another jurisdiction, in accordance with Rule 5; or,
  2. Retaking, and achieving a passing score on, the NBCOT examination within two years immediately preceding submission of an application for registration. For purposes of this rule, the applicant may choose to take the examination as a *Licensure Only* candidate through NBCOT. The applicant must comply with Rules 1 through 3 and otherwise meet the requirements for registration

**Rule 5 – Registration by Endorsement**

The purpose of this rule is to delineate the requirements for registration by endorsement set forth in § 12-40.5-106(5)(a) and (b), C.R.S.

A. An applicant who holds a current, valid license or registration as an occupational therapist in a jurisdiction whose qualifications are substantially equivalent to those set forth in § 12-40.5-106(1), C.R.S. shall apply for registration by endorsement. An applicant for registration by endorsement must provide the application materials and fee set forth in Rule 1, above. For purposes of this rule, a jurisdiction that requires or accepts passage of the NBCOT examination shall be deemed to have qualifications substantially equivalent to those required in Colorado.

B. In addition to meeting the requirements set forth in Rules 1-3:

1., An applicant shall submit, on forms provided by the Director, verification that the applicant has actively practiced occupational therapy for at least 400 hours over or in a 12 month period during the three years immediately preceding the application or has otherwise maintained competency as an occupational therapist, as determined by the Director.

Or

2. For purposes of this rule, an applicant may demonstrate that he has otherwise maintained competency as an occupational therapist' by completing forty-eight (48) hours of continuing education related to the practice of occupational therapy during the two (2) years immediately preceding the application. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.

Or

3. For purposes of this rule, an applicant who successfully completed an educational program and supervised fieldwork in accordance with sections (A) and (B) of Rule 2, above, within two years prior to submitting an application for registration by endorsement shall be deemed to have maintained competency as an occupational therapist.

**Rule 6 – Reinstatement of Expired Registration**

The purpose of this rule is to establish the qualifications and procedures for reinstatement of an expired registration pursuant to § 12-40.5-106(6), C.R.S.; § 24-34-102(8), C.R.S.; and § 24-34-105, C.R.S.

A. An applicant seeking reinstatement of an expired registration shall complete a reinstatement application and pay a reinstatement fee.

B. If the registration has been expired for more than two years, but less than five years, an applicant must demonstrate “competency to practice” under § 24-34-102(8)(d)(II), C.R.S., as follows:

1. Verification of licensure or registration as an occupational therapist in good standing from another state, along with proof of active occupational therapy practice in that state for a minimum of 400 hours per year for the two years immediately preceding the date of application for reinstatement. The work experience shall be attested to in a manner prescribed by the Director.

Or

2. Completion of forty-eight (48) hours of continuing education related to the practice of occupational therapy during the two years immediately preceding the date of application for reinstatement. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.

C. If the registration has been expired for more than five years, an applicant must demonstrate “competency to practice” under § 24-34-102(8)(d)(II), C.R.S., as follows:

1. Retake, and achieving a passing score on, the NBCOT examination within two years immediately preceding submission of an application for reinstatement. For purposes of this rule, the applicant may choose to take the examination as a *Licensure Only* candidate through NBCOT.

Or

2. Supervised practice for a period of no less than 6 months, subject to terms established by the Director.

Or

3. Provide verification of active practice as an occupational therapist for at least 400 hours over or in a 12 month period during the two years immediately preceding the date of application for reinstatement. The work experience shall be attested to in a manner prescribed by the Director.

Or

4. By any other means approved by the Director.

An applicant for reinstatement who has actively practiced in Colorado with an expired registration in violation of § 12-40.5-106(6), C.R.S., is subject to denial of application, disciplinary action, and/or other penalties as authorized in the

Occupational Therapy Practice Act at § 12-40.5-101 *et seq.*, C.R.S., and in accordance with § 24-34-102 *et seq.*, C.R.S.

### **Rule 7 – The Authorized Practice of Occupational Therapy by A Person Not Registered in Colorado**

The purpose of this rule is to outline the conditions under which an occupational therapist not registered in Colorado may practice for a limited period of time under § 12-40.5-108(1)(d), C.R.S.

- A. A legally qualified occupational therapist from another state or country may provide occupational therapy services, without need for registration in Colorado, on behalf of a temporarily absent occupational therapist registered in this state. The unregistered practice shall not exceed a total of four weeks' duration in any twelve month period.
- B. The Colorado registered occupational therapist or other hiring authority shall ensure that the visiting, unregistered occupational therapist possesses a current and active license or registration in good standing in another state or country.
- C. The Colorado registered occupational therapist or other hiring authority shall provide the visiting, unregistered occupational therapist with the Colorado Occupational Therapy Practice Act, § 12-40.5-101 *et seq.*, C.R.S., and the rules and Director's policies governing the regulation of occupational therapists in Colorado.

### **Rule 8 – Supervision of Occupational Therapy Assistants and Aides**

The purpose of this rule is to clarify the supervision requirements for unregistered persons providing occupational therapy services under the supervision of a registered occupational therapist, as authorized by § 12-40.5-103(2), (10), (12) and § 12-40.5-107, C.R.S.

- A. The occupational therapist is legally accountable for the performance of the occupational therapy assistant(s) and aide(s) operating under his or her responsible direction and supervision as authorized by 12-40.5-103 (12) C.R.S. That responsibility in turn requires the occupational therapist to provide supervision adequate to ensure the safety and welfare of clients.
- B. Adequate supervision of occupational therapy assistants and aides requires, at a minimum, that a supervising occupational therapist perform the following:
  - (1) provide client evaluation and appropriate reassessment;
  - (2) interpret available information concerning the individual under care;
  - (3) develop a plan of care, including long and short term goals;
  - (4) identify and document precautions, special problems, contraindications,

anticipated progress, and plans for reevaluation;  
(5) select and delegate appropriate tasks in the plan of care;  
(6) designate or establish channels of written and oral communication;  
(7) assess competence of unregistered personnel to perform assigned tasks;  
(8) direct and supervise unregistered personnel in delegated tasks; and  
(9) when necessary, re-evaluate, adjust plan of care, perform final evaluation and establish follow-up plan.

- C. An occupational therapist must exercise professional judgment when determining the number of unregistered personnel they can safely and effectively supervise to ensure that quality care is provided at all times.
- D. An occupational therapist must provide adequate staff-to-client ratio at all times to ensure the provision of safe, quality care.
- E. Supervision of occupational therapy assistants shall be accomplished to ensure that:
- (1) Occupational therapy assistants do not initiate or alter a treatment program without prior evaluation by and approval of the supervising occupational therapist.
  - (2) Occupational therapy assistants obtain prior approval of the supervising occupational therapist before making adjustments to a specific treatment procedure.
  - (3) Occupational therapy assistants do not interpret data beyond the scope of their occupational therapy assistant education and training.
  - (4) Occupational therapy assistants respond to inquiries regarding client status to appropriate parties within the protocol established by the supervising occupational therapist.
  - (5) Occupational therapy assistants refer inquiries regarding client prognosis to a supervising occupational therapist.
- F. Supervision of aides shall be accomplished to ensure that aides perform only specific tasks that are neither evaluative, task selective, nor recommending in nature, and only after ensuring that the aide has been appropriately trained for, and has demonstrated competence to the occupational therapist or occupational therapy assistant as authorized by 12-40.5-103 (2) C.R.S in the performance of the tasks..
1. Such tasks may include, but are not limited to:
    - (a) Routine department maintenance or housekeeping activities.
    - (b) Transportation of clients.
    - (c) Preparing or setting up a work area or equipment.
    - (d) Taking care of clients' personal needs during treatments.(e) Clerical, secretarial, or administrative activities.

The following may not be delegated to an aide:

- (a) Performance of occupational therapy evaluative procedures.
- (b) Initiation, planning, adjustment, modification, or performance of occupational therapy treatment procedures.
- (c) Making occupational therapy entries directly in clients' official records.
- (d) Acting on behalf of the occupational therapist in any matter related to occupational therapy treatment which requires decision making.

### **Rule 9 – Declaratory Orders**

The purpose of this rule is to establish procedures for the handling of requests for declaratory orders filed pursuant to the Colorado Administrative Procedure Act at § 24-4-105(11), C.R.S.

- A. Any person or entity may petition the Director for a declaratory order to terminate controversies or remove uncertainties as to the applicability of any statutory provision or of any rule or order of the Director.
- B. The Director will determine, at her discretion and without notice to petitioner, whether to rule upon such petition. If the Director determines that she will not rule upon such a petition, the Director shall promptly notify the petitioner of her action and state the reasons for such decision.
- C. In determining whether to rule upon a petition filed pursuant to this rule, the Director will consider the following matters, among others:
  - 1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provisions or rule or order of the Director.
  - 2. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court involving one or more petitioners.
  - 3. Whether the petition involves any subject, question or issue that is the subject of a formal or informal matter or investigation currently pending before the Director or a court but not involving any petitioner.
  - 4. Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.
  - 5. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to CRCP 57, which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule, or order in question.

- D. Any petition filed pursuant to this rule shall set forth the following: The name and address of the petitioner and whether the petitioner is registered pursuant to Title 12, Article 40.5. The statute, rule, or order to which the petition relates.
1. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner.
- E. If the Director determines that she will rule on the petition, the following procedures shall apply:
1. The Director may rule upon the petition based solely upon the facts presented in the petition. In such a case:
    - a. Any ruling of the Director will apply only to the extent of the facts presented in the petition and any amendment to the petition.
    - b. The Director may order the petitioner to file a written brief, memorandum, or statement of position.
    - c. The Director may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
    - d. The Director may dispose of the petition on the sole basis of the matters set forth in the petition.
    - e. The Director may request the petitioner to submit additional facts in writing. In such event, such additional facts will be considered as an amendment to the petition.
    - f. The Director may take administrative notice of facts pursuant to the Colorado Administrative Procedure Act at § 24-4-105(8), C.R.S., and may utilize her experience, technical competence, and specialized knowledge in the disposition of the petition.
  2. If the Director rules upon the petition without a hearing, she shall promptly notify the petitioner of her decision.
  3. The Director may, at her discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The hearing notice to the petitioner shall set forth, to the extent known, the factual or other matters that the Director intends to inquire.

For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all the facts stated in the petition; all of the facts necessary to show the nature of the

controversy or uncertainty; and the manner in which the statute, rule, or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Director to consider.

- F. The parties to any proceeding pursuant to this rule shall be the Director and the petitioner. Any other person may seek leave of the Director to intervene in such a proceeding, and leave to intervene will be granted at the sole discretion of the Director. A petition to intervene shall set forth the same matters as are required by Section D of this Rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Director.
- G. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to the Colorado Administrative Procedure Act at § 24-4-106, C.R.S.