

## DEPARTMENT OF REGULATORY AGENCIES

### Office of Occupational Therapy Licensure

## OCCUPATIONAL THERAPY RULES

### 3 CCR 715-1

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### **Basis**

The authority for the promulgation and adoption of these rules and regulations by the Director of the Division of Professions and Occupations is set forth in § 12-40.5-112, C.R.S.

#### **Purpose**

These rules are adopted to implement the Director's authority to license persons as occupational therapists and occupational therapy assistants and are further adopted to set forth the requirements for being so licensed.

#### **Rule 1 Occupational Therapist Licensure by Examination (§ 12-40.5-106, C.R.S.)**

##### A. Criteria for application.

1. An applicant must submit to the Director a completed application for licensure, all fees, and all supporting documentation required by the Director in order for the Director to review the application for licensure.
2. An applicant for licensure must pass the required examination, meet the requirements and become licensed within one (1) year of the application receipt date. If the applicant fails to become licensed within this time period, he/she must submit a new application and fee and meet the requirements in effect at the time of the new application. Licensure applicants have a continuing obligation to update their application with information of changes from the original application at any time prior to licensure.

##### B. Education requirements.

1. An applicant for licensure must meet the educational requirements outlined in § 12-40.5-106(1), C.R.S.
2. An applicant for licensure must have successfully completed an educational program accredited by the Accreditation Council for Occupation Therapy Education (ACOTE®) [all references to ACOTE in these rules include its predecessor] or education approved by the World Federation of Occupational Therapists (WFOT), or other educational program as approved by the Director.
3. An applicant for licensure must have successfully completed supervised fieldwork required by the education program where the applicant met the educational requirements outlined in this Rule. The minimum period of supervised fieldwork is twenty-four (24) weeks, or completion of fieldwork that met generally recognized past accreditation standards in effect at the time of the applicant's graduation.

4. An applicant who has been certified as an Occupational Therapist by the National Board for Certification in Occupational Therapy (NBCOT) [all references to NBCOT in these rules include its predecessors], shall be deemed to have met the educational and experiential requirements for licensure set forth in sections 1(b)(2) and (3), above.
- C. Examination
1. The examination developed by NBCOT is approved. An applicant must achieve at least the passing score as determined by NBCOT in order to be eligible for licensure.
- D. Licensure.
1. An applicant who has complied with the requirements in this rule and who achieved a passing score on the NBCOT examination within two (2) years immediately preceding submission of an application for licensure is eligible licensure by examination.
  2. An applicant who achieved a passing score on the NBCOT examination *more than two* (2) years preceding submission of an application for licensure is not eligible for licensure by examination. Such applicant must apply for licensure by:
    - a. Endorsement of licensure or registration in another jurisdiction in accordance with Rule 2; or,
    - b. Retaking and achieving a passing score on the NBCOT examination within two (2) years immediately preceding submission of an application for licensure. For purposes of this rule, the applicant may take the examination as a Licensure Only candidate through NBCOT. The applicant must comply with Rule 1 and otherwise meet the requirements for licensure.
    - c. Upon a showing of good cause by the applicant, the Director may waive the time limitation in paragraph D.1. 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.

**Rule 2 Occupational Therapist Licensure by Endorsement (§ 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 licensure by endorsement. An applicant for licensure 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 Rule 1:
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 twelve (12) month period during the two (2) 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 she/he has otherwise maintained competency as an occupational therapist by completing twenty-four (24) 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 Rule 1, above, within two (2) years prior to submitting an application for licensure by endorsement shall be deemed to have maintained competency as an occupational therapist.

**Rule 3 Reinstatement of Expired License for Occupational Therapists (§§ 12-40.5-106(6); 12-40.5-109.3; 24-34-102(8); and 24-34-105, C.R.S.)**

- A. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay a reinstatement fee.
- B. An applicant seeking reinstatement of a license that has been expired for less than two (2) years from the date of receipt of the reinstatement application must provide documentation of twenty-four (24) Professional Development Activities (PDA) as defined in Rule 8.
- C. If the license has been expired for two (2) or more years, but less than five (5) years, of the date of receipt of the reinstatement application, 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 (2) years immediately preceding the date of receipt of the application for reinstatement. The work experience shall be attested to in a manner prescribed by the Director.

Or

  2. Providing documentation of compliance with the requirements as outlined in Rule 8, specifically completion of twenty-four (24) hours of PDA for the time the license was active prior to expiration. In addition the applicant must provide documentation of completion of twelve (12) hours of PDA per each year the license has been expired.
    - a. The Director shall require one (1) hour of PDA per month the license has been expired.
- D. If the license has been expired for more than five (5) years, an applicant must demonstrate “competency to practice” under § 24-34-102(8)(d)(II), C.R.S., as follows:
  1. Retake and achieve a passing score on the NBCOT examination within two (2) 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 six (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 twelve (12) month period during the two (2) 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 license 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 4 The Authorized Practice of Occupational Therapy by A Person Not Licensed in Colorado (§ 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 licensure in Colorado, on behalf of a temporarily absent occupational therapist licensed in this state. The unlicensed practice shall not exceed a total of four (4) weeks duration in any twelve month period.
- B. The Colorado licensed occupational therapist or other hiring authority shall ensure that the visiting, unlicensed occupational therapist possesses a current and active license or registration in good standing in another state or country.
- C. The Colorado licensed occupational therapist or other hiring authority shall provide the visiting, unlicensed 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 5 Supervision of Licensed Occupational Therapy Assistants and Aides (§§ 12-40.5-103(2), (10), (12) and 12-40.5-107, C.R.S.)**

- A. The occupational therapist is legally for the performance of the licensed occupational therapy assistant(s) and aide(s) operating under his or her 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 licensed 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/or 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 personnel to perform assigned tasks;
  8. Direct and supervise personnel in delegated tasks; and
  9. When necessary, re-evaluate, adjust plan of care, perform final evaluation, and/or establish follow-up plan.
- C. An occupational therapist must exercise professional judgment when determining the number of personnel he/she can safely and effectively supervise to ensure that quality client 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 licensed occupational therapy assistants shall be accomplished to ensure that:
1. Licensed occupational therapy assistants do not initiate or alter a treatment program without prior evaluation by and approval of the supervising occupational therapist.
  2. Licensed occupational therapy assistants obtain prior approval of the supervising occupational therapist before making adjustments to a specific treatment procedure.
  3. Licensed occupational therapy assistants do not interpret data beyond the scope of their occupational therapy assistant education and training.
  4. Licensed occupational therapy assistants respond to inquiries regarding client status to appropriate parties within the protocol established by the supervising occupational therapist.
  5. Licensed 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.
  2. The following may not be delegated to an aide:
    - a. Performance of any 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 and/or occupational therapy assistant in any matter related to occupational therapy treatment which requires judgment and/or decision making.

**Rule 6 Declaratory Orders (§ 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 his/her discretion and without notice to petitioner, whether to rule upon such petition. If the Director determines that he/she will not rule upon such a petition, the Director shall promptly notify the petitioner of his/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 Colorado Rules of Civil Procedure 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:
  - 1. The name and address of the petitioner and whether the petitioner is registered pursuant to Title 12, Article 40.5.
  - 2. The statute, rule, or order to which the petition relates.
  - 3. 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 he/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, he/she shall promptly notify the petitioner of her decision.
3. The Director may, at his/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.

#### **Rule 7 Professional Liability Insurance (§ 12-40.5-114.7, C.R.S.)**

- A. A licensee who provides occupational therapy services to clients shall maintain or be covered by professional liability insurance:
  1. With an insurance company authorized to do business in Colorado; and

2. In an amount no less than one million dollars per claim and three million dollars per annum in the aggregate.
- B. A licensee who is not practicing is exempt from maintaining and being covered by professional liability insurance.
- C. An applicant or licensee shall submit proof of coverage to the Director upon request.

**Rule 8 Continuing Professional Competency (§ 12-40.5-109.3, C.R.S.)**

**A. Definitions**

1. Continuing Professional Competency (CPC): The ongoing ability of an occupational therapist or occupational therapy assistant to learn, integrate, and apply the knowledge, skill, and judgment to practice occupational therapy according to generally accepted standards and professional ethical standards.
2. Continuing Professional Development (CPD): The Director's program through which a licensee can satisfy the continuing professional competency requirements in order to renew, reinstate, or reactivate a license.
3. Deemed Status: A licensee who satisfies the continuing professional competency requirements of an accrediting body or entity approved by the Director pursuant to § 12-40.5-109.3(2), C.R.S., may qualify for deemed status.
4. Learning Plan: The Director-approved form through which a licensee documents his/her goals and plans of learning that were developed from his/her Reflective Self-Assessment (RSAT), which is defined below. A licensee shall execute his/her learning plan by completing professional development activities (PDA) as required before a license is renewed.
5. Military Exemption: As set forth in § 12-70-102, C.R.S., a licensee who has been called to federally funded active duty for more than 120 days for the purpose of serving in a war, emergency or contingency may request an exemption from the continuing professional competency requirements for the renewal, reinstatement, or reactivation of his/her license for the renewal period that falls within the period of service or within six months following the completion of service.
6. Professional Development Activities (PDA): Learning activities undertaken to increase a licensee's knowledge and skill or hone existing knowledge and skill for the purpose of continuing professional competency. Professional development activities are equivalent to clock hours; one PDA is equal to one (1) clock hour (60 minutes).
7. Program Manual: An instructional guide to assist a licensee in understanding the continuing professional competency requirements and the CPD program.
8. Reflective Self-Assessment (RSAT): A reflective practice tool in which a licensee can reflect upon his/her knowledge and skills pertaining to the foundational areas of occupational therapy taking into account a licensee's current level and area of practice.

**B. Continuing Professional Competency Requirements**

1. Effective after the 2015 renewal of a license, or upon the completion of the first renewal of a license thereafter, the licensee shall demonstrate CPC in order to renew by:

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- a. Participation in the CPD program;
  - b. Participation in a program of CPC through an accrediting body or an entity approved by the director as set forth in § 12-40.5-109.3(2), C.R.S. This status is hereafter known as “Deemed Status” as defined herein; or
  - c. Receiving an exemption for military service as defined in § 12-70-102, C.R.S. Military exemptions must be approved by the Director of the Division of Professions and Occupations. A licensee seeking a military exemption shall submit a request in writing with evidence that his/her military service meets the criteria established in § 12-70-102, C.R.S., and Section E of this Rule.
2. A licensee shall attest at the time of the renewal of a license to his/her compliance with CPC requirements.
- C. Continuing Professional Development Program
1. The CPD Program entails the following:
    - a. The licensee shall complete the RSAT once per renewal period. A licensee shall use the form approved by the Director.
    - b. The execution of a Learning Plan once per renewal period that is based upon the licensee’s RSAT. The licensee shall use the form approved by the Director.
    - c. Accrual of twenty-four (24) PDA during each Renewal Period.
  2. Professional Development Activities
    - a. PDA must be relevant to the licensee’s practice of occupational therapy and pertinent to his/her learning plan. The Director will not pre-approve specific courses or providers. The licensee shall determine which activities and topics will meet his/her Learning Plan and select appropriate courses and providers.
    - b. PDA are organized into the following eight (8) categories. One (1) PDA is granted per one (1) clock hour of qualifying activity with the exception of the category “presentations” in which two (2) PDA are credited for every one (1) hour of presentation delivered. This 2:1 ratio acknowledges the preparation of the presentation. PDAs are credited only once per presentation.
      - i. Volunteer service
      - ii. Fieldwork supervision
      - iii. Mentoring
      - iv. Presentations
      - v. Publishing
      - vi. Coursework
      - vii. Independent learning
      - viii. Group study

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- c. PDA must be earned through a minimum of two (2) categories with no more than twelve (12) hours in any one category.
  - d. PDA will be accepted if the activity is included in the current program manual. The manual will be available to all licensees through the program and will set forth accepted PDA within each category. The Director has sole discretion to accept or reject PDA that are not identified in the current manual.
  - e. The total required PDA must be earned within the same renewal period in which credit is requested. PDA will be credited toward only one (1) renewal period.
3. Audit of Compliance.
- a. The following documentation is required for an audit of compliance of a licensee's participation in the CPD program:
    - i. A signed learning plan that contains the licensee's learning goals in the form and manner set forth in the current program manual as approved by the Director.
    - ii. Documentation of the required PDA in compliance with the current program manual and this rule.
    - iii. The Director has sole discretion to accept or reject PDA that do not meet the criteria established by the Director as defined in the current program manual and this rule.
  - b. As set forth in § 12-40.5-109.3(4), C.R.S., records of assessments or other documentation developed or submitted in connection with the continuing professional competency program:
    - i. Are confidential and not subject to the inspection by the public or discovery in connection with a civil action against an occupational therapist, occupational therapy assistant, or other professional regulated under this title, and
    - ii. May be used only by the Director and only for the purpose of determining whether a licensee is maintaining CPC to engage in the profession.
  - c. The current program manual will set forth the documentation methods and standards for compliance with this rule.
- D. Deemed Status.
- 1. Qualification. In order to qualify for deemed status upon renewal, the licensee shall:
    - a. Attest to his/her deemed status and:
    - b. Attest that the requested CPC program is substantially equivalent to the CPD program administered by the Director and must include, at a minimum each renewal period, the following components:
      - i. An assessment of knowledge and skills;

- ii. Twenty four (24) hours of continuing education or learning activities per renewal period; and
        - iii. Demonstration of completion of continuing competency activities.
  2. Administrative Approval. The Director has sole discretion to administratively approve accrediting bodies and/or entities meeting the criteria established in this section. Once an accrediting body and/or entity is approved, such approval will be publically published.
  3. Audit of Compliance. Licensees claiming deemed status are subject to an audit of compliance. To satisfy an audit of compliance, the licensee shall submit appropriate evidence of participation in a qualifying program through submission of:
    - a. A letter from the accrediting body or entity approved by the Director specifying that the licensee has completed the CPC program, or
    - b. Other documentation approved by the Director which reflects the licensee's completion of a program of CPC.
- E. Military Exemption.
  1. Military exemptions must be approved by the Director of the Division of Professions and Occupations. A licensee seeking a military exemption shall submit a request in writing with evidence that his/her military service meets the criteria established in § 12-70-102, C.R.S.
  2. After being granted a military exemption, in order to complete the renewal process, a licensee shall attest to his/her military exemption.
- F. Records Retention. A licensee shall retain documentation demonstrating his/her compliance for two (2) complete renewal periods.
- G. Non-Compliance. Falsifying an attestation or other documentation regarding the licensee's compliance with CPC requirements constitutes the falsification of information in an application and may be ground for discipline pursuant to § 12- 40.5-110(2)(b), C.R.S.
- H. Reinstatement and Reactivation. A licensee seeking to reinstate or reactivate a license shall meet the CPC requirements detailed in Rule 3, Rule 12, Rule 13, and this Rule.

**Rule 9 Duty to Self-Report Certain Medical Conditions (§ 12-40.5-114.5, C.R.S.)**

- A. No later than 30 days from the date a physical or mental illness or condition affects a licensee's ability to perform occupational therapy services with reasonable skill and safety, the licensee shall provide the Director, in writing, the following information:
  1. The diagnosis and a description of the illness or condition;
  2. The date that the illness or condition was first diagnosed;
  3. The name of the current treatment provider and documentation from the current treatment provider confirming the diagnosis, date of onset, and treatment plan; and
  4. A description of the occupational therapist's or occupational therapy assistant's practice and any modifications, limitations or restrictions to that practice that have been made as a result of the illness or condition.

- B. The licensee shall notify the Director of any worsening of the illness or condition, or any significant change in the illness or condition that affects the licensee's ability to practice with reasonable skill and safety, within 30 days of the change of the illness or condition. The occupational therapist or occupational therapy assistant shall provide the Director, in writing, the following information:
  - 1. The name of the current treatment provider, documentation from the current treatment provider confirming the change of the illness or condition, the date that the illness or condition changed, the nature of the change of the illness or condition, and the current treatment plan; and
  - 2. A description of the licensee's practice, and any modifications, limitations, or restrictions to that practice that have been made as a result of the change of condition.
- C. Compliance with this rule is a prerequisite for eligibility to enter into a Confidential Agreement with the Director pursuant to § 12-40.5-114.5(2), C.R.S. However, mere compliance with this rule does not require the Director to enter into a Confidential Agreement. Rather, the Director will evaluate all facts and circumstances to determine whether a Confidential Agreement is appropriate.
- D. If the Director discovers that a licensee has a mental or physical illness or condition that affects the licensee's ability to practice with reasonable skill and safety, and the licensee has not timely notified the Director of such illness or condition, the licensee may be subject to disciplinary action pursuant to § 12-40.5-110(2)(d)(I), C.R.S.

**Rule 10 Occupational Therapy Assistant Licensure by Examination (§ 12-40.5-106.5, CRS)**

- A. Criteria for application.
  - 1. The applicant must submit to the Director a completed application for licensure, all fees, and all supporting documentation required by the Director in order for the Director to review the application for licensure.
  - 2. The applicant for licensure must pass the required examination, meet the requirements and become licensed within one (1) year of the date of the application for licensure. If the applicant fails to become licensed within this time period, s/he must submit a new application and fee and meet the requirements in effect at the time of the new application. Licensure applicants have a continuing obligation to update their application with information of changes from the original application at any time prior to licensure.
- B. Education requirements.
  - 1. The applicant for licensure must meet the educational requirements outlined in § 12-40.5-106.5(1), CRS.
  - 2. The applicant for licensure must have successfully completed an educational program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE).
  - 3. An applicant for licensure must have successfully completed supervised fieldwork required by the educational program where the applicant met the educational requirements outlined in this Rule. The minimum period of supervised fieldwork experience is sixteen (16) weeks, or completion of fieldwork that met generally recognized past accreditation standards in effect at the time of the applicant's graduation.

4. An applicant who has been certified as an occupational therapy assistant 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 licensure set forth in sections 10(b)(2) and (3), above.
- C. Examination.
1. 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 licensure.
- D. Licensure.
1. For applications submitted up to and including May 31, 2015, an applicant who has complied with Rule 10 is eligible for licensure by examination regardless of when the NBCOT passing score was achieved.
  2. On and after June 1, 2015, an applicant who has complied with Rule 10, and who achieved a passing score on the NBCOT examination within two (2) years immediately preceding submission of an application for licensure, is eligible for licensure by examination.
  3. On and after June 1, 2015, an applicant who achieved a passing score on the NBCOT examination *more than two* (2) years preceding submission of an application for registration is not eligible for licensure by examination. Such applicant must apply for licensure either on the basis of:
    - a. Endorsement of licensure or registration in another jurisdiction, in accordance with Rule 11; or,
    - b. Retaking and achieving a passing score on the NBCOT examination within two (2) years immediately preceding submission of an application for licensure. 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 Rule 10 and otherwise meet the requirements for licensure.
    - c. Upon a showing of good cause by the applicant, the Director may waive the time limitation in 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.

**Rule 11 Occupational Therapy Assistant Licensure by Endorsement (§ 12-40.5-106.5 (5), C.R.S.)**

- A. Criteria for application.
1. The applicant must submit to the Director a completed application for licensure by endorsement, all fees, and supporting documentation required by the Director in order for the Director to review the application for licensure.
  2. The applicant for licensure must hold an active license or registration as an Occupational Therapy Assistant in a jurisdiction where the requirements are substantially equivalent to those outlined in § 12-40.5-106.5(1), CRS.

3. The applicant must submit verification of licensure from each jurisdiction in which applicant has ever held a license as an Occupational Therapy Assistant.
- B. Education requirements.
1. The applicant for licensure must meet the educational requirements outlined in § 12-40.5-106.5(1), CRS and Rule 10 (b).
- C. Examination.
1. 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 licensure.
- D. Licensure.
1. An applicant who holds a current, valid registration or license as an occupational therapy assistant in a jurisdiction whose qualifications are substantially equivalent to those set forth in § 12-40.5-106.5(1), CRS. shall apply for licensure by endorsement. 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.
  2. In addition to meeting the requirements set forth in in Rule 10:
    - a. An applicant shall submit verification that the applicant has actively practiced as an occupational therapy assistant for at least 400 hours over or in a twelve (12) month period during the three (3) years immediately preceding the application or has otherwise maintained competency as an occupational therapy assistant, as determined by the Director, or:
    - b. For purposes of this rule, an applicant may demonstrate that she/he has otherwise maintained competency as an occupational therapy assistant 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;
    - c. For purposes of this rule, an applicant who successfully completed an educational program and supervised fieldwork in accordance Rule 10 (b)(3), above, within two (2) years prior to submitting an application for licensure by endorsement shall be deemed to have maintained competency as an occupational therapy assistant.

**Rule 12 Reinstatement of Expired License for Occupational Therapy Assistants (§§ 12-40.5-106.5(6); 12-40.5-109.3; 24-34-102(8); and 24-34-105, C.R.S.)**

- A. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay a reinstatement fee.
- B. An applicant seeking reinstatement of a license that has been expired for less than two years from the date of receipt of the reinstatement application must provide documentation of one hour of Professional Development Activity (PDA) as defined in Rule 8, for each month the license was expired.

C. If the license has been expired for two (2) years or more, but less than five (5) 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 therapy assistant in good standing from another state, along with proof of active practice in that state for a minimum of 400 hours per year for the two (2) 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. Providing documentation of completion of twelve (12) Professional Development Activities (PDA) as defined in Rule 8 for each year the license was expired.

D. If the license has been expired for five (5) or more years, an applicant must demonstrate “competency to practice” under § 24-34-102(8)(d)(II), C.R.S., as follows:

1. Retake and achieve a passing score on the NBCOT examination within two (2) 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 six (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 twelve (12) month period during the two (2) 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 license 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 13 Inactive License Status (§ 12-70-101, C.R.S.)

A. A licensee may request an inactive license status in the manner prescribed by the Director.

B. A licensee with an inactive license shall not engage in any act or conduct that constitutes the practice of occupational therapy.

C. A licensee with an inactive license is exempt from the continuing professional competency requirements of § 12-40.5-109.3, C.R.S., and Rule 8.

D. Inactive licensure status does not:

1. Prevent the Director from investigating complaints or imposing discipline against an occupational therapist or occupational therapy assistant in accordance with Article 40.5 of Title 12, C.R.S.; or
  2. Limit or restrict the Director's functions, duties, or obligations, under Article 40.5 of Title 12, C.R.S.
- E. Except as otherwise provided by this rule, an occupational therapist or occupational therapy assistant with an inactive license remains subject to all provisions of these rules and all provisions of Article 40.5 of Title 12, C.R.S.
- F. An occupational therapist or occupational therapy assistant may reactivate an inactive license by:
1. Submitting a completed application for reactivation and paying a fee established by the Director;
  2. Submitting proof, in a manner prescribed by the Director, that the licenses registrations or certifications held in other states or jurisdictions are in good standing;
  3. Attesting that the applicant will, prior to providing services to patients, maintain the professional liability insurance coverage outlined in Rule 7; and
  4. Demonstrating compliance with the Director's continuing professional competency rules with respect to license reactivation.

**Rule 14 Credit for Military Experience (§ 24-34-102(8.5), C.R.S.)**

- A. An applicant for licensure may submit information about the applicant's education, training, or experience acquired during military service. It is the applicant's responsibility to provide timely and complete information for the Director's review.
- B. In order to meet the requirements for licensure, such education, training, or experience must be substantially equivalent to the required qualifications that are otherwise applicable at the time the application is received by the Director.
- C. The Director will determine, on a case-by-case basis, whether the applicant's military education, training, or experience meet the requirements for licensure.

**Rule 15 Duty to Report Convictions, Judgments, and Adverse Actions (§ 12-40.5-110, C.R.S.)**

- A. A licensee shall report to the Director, in a manner established by the Director, within thirty (30) days of:
1. A felony conviction of the licensee, or a conviction of any crime related to the practice of occupational therapy, whether under the laws of this or any other state or the United States (a guilty verdict, or a plea of guilty, nolo contendere, or no contest accepted by the court is considered a conviction);

2. A disciplinary action imposed upon the licensee by another jurisdiction that licenses, certifies, or registers occupational therapists or occupational therapy assistants which would otherwise be a violation of § 12-40.5-110, C.R.S., including but not limited to a citation, sanction, probation, civil penalty, or a denial, suspension, revocation or modification of a license or certificate, whether it is imposed by consent decree, order, or other decision, for any cause other than failure to pay a license fee by the due date or failure to meet continuing professional education or competency requirements;
  3. Revocation or suspension by another state board, municipality, federal or state agency of any health services related license or certificate; or
  4. Any judgment, award, or settlement of a civil action or arbitration, in any jurisdiction, in which there was a final judgment or settlement against the licensee or certificate holder with respect to the practice of occupational therapy.
- B. Report contents.
1. If the event is an action by any governmental agency, the report to the Director must include the name of the agency, its jurisdiction, the case name, court docket, proceeding or case number by which the event is designated, and a copy of the consent decree, order, or decision.
  2. If the event is a felony conviction, the report to the Director must include the court, its jurisdiction, the case name, the case number, a description of the matter or a copy of the indictment or charges, and any plea or verdict entered by the court. Within thirty (30) days of the imposition of sentence for a felony conviction, the certificate holder shall provide to the Director a copy of the imposition of sentence. Within thirty (30) days of the completion of any terms of the sentence, the certificate holder shall provide written notice to the Director of the completion of the sentence terms.
  3. If the event concerns a civil action or arbitration proceeding, the report to the Director must include the court or arbiter, the jurisdiction, the case name, the case number, a description of the matter or a copy of the complaint, and a copy of the verdict, the court or arbitration decision, or, if settled, the settlement agreement and court's order of dismissal.
- C. In addition to any report required under this rule, the licensee may also submit a written statement of explanation.

**Rule 16 Duty to Report Change of Contact Information to the Director (§24-34-107, C.R.S.)**

A licensee shall report to the Office of Occupational Therapy Licensure any name, address, telephone, or email change within thirty (30) days of the change. The Office of Occupational Therapy Licensure will not change a licensee's information of record without explicit written notification from the licensee. Notification in any written manner approved by the Division is acceptable.

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**Editor's Notes**

**History**

Entire rule eff. 01/01/2009.

Entire rule emer. rule eff. 04/09/2014.

Entire rule eff. 07/30/2014.

Rule 8 emer. rule eff. 01/30/2015.

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