

# ARTICLE 10. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

## Rule 1. Definitions

### 844 IAC 10-1-1 Applicability

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6  
Affected: IC 25-1-5-3; IC 25-23.5

Sec. 1. The definitions in this rule apply throughout this article. (*Medical Licensing Board of Indiana; 844 IAC 10-1-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1064; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

### 844 IAC 10-1-2 "Bureau" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6  
Affected: IC 25-1-5-3; IC 25-23.5

Sec. 2. "Bureau" refers to the health professions bureau established under IC 25-1-5-3. (*Medical Licensing Board of Indiana; 844 IAC 10-1-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1064; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA*)

### 844 IAC 10-1-2.2 "Contact hour" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6  
Affected: IC 25-23.5-5

Sec. 2.2. "Contact hour" means a unit of measure for a continuing competency activity. One (1) contact hour equals at least fifty (50) minutes in a learning activity. (*Medical Licensing Board of Indiana; 844 IAC 10-1-2.2; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

### 844 IAC 10-1-2.3 "Continuing competency" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6  
Affected: IC 25-23.5-5

Sec. 2.3. "Continuing competency" means those activities under category I continuing competency courses and category II continuing competency activities as used in 844 IAC 10-7. (*Medical Licensing Board of Indiana; 844 IAC 10-1-2.3; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

### 844 IAC 10-1-2.5 "Objective tests" defined

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6  
Affected: IC 25-1-5-3; IC 25-23.5

Sec. 2.5. "Objective tests" means, but is not limited to, the following:

- (1) Sensation.
- (2) Range of motion/goniometry.
- (3) Muscle strength.
- (4) Perceptual/visual motor skills.
- (5) Gross and fine motor coordination.
- (6) Vocational/avocational.
- (7) Activities of daily living/instrumental activities of daily living.

(8) Cognition.

(9) Other such tests.

*(Medical Licensing Board of Indiana; 844 IAC 10-1-2.5; filed Nov 14, 1991, 3:30 p.m.: 15 IR 581; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**844 IAC 10-1-2.7 "Permanent record" defined**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 2.7. "Permanent record" means medical charts and/or educational files. *(Medical Licensing Board of Indiana; 844 IAC 10-1-2.7; filed Nov 14, 1991, 3:30 p.m.: 15 IR 581; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**844 IAC 10-1-3 "School or program of occupational therapy or program of occupational therapy assistants approved by the board" defined**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 3. "School or program of occupational therapy or program of occupational therapy assistants approved by the board" means a school or program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE) of the American Occupational Therapy Association, Inc. (AOTA) or predecessor organizations or is deemed by the board to be equivalent to the standards set by ACOTE. *(Medical Licensing Board of Indiana; 844 IAC 10-1-3; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1064; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**Rule 2. Fees**

**844 IAC 10-2-1 Fees (Repealed)**

Sec. 1. *(Repealed by Medical Licensing Board of Indiana; filed Feb 11, 2002, 4:40 p.m.: 25 IR 2247)*

**844 IAC 10-2-2 Fees**

Authority: IC 25-1-8-2; IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-2; IC 25-23.5-5

Sec. 2. (a) The board shall charge and collect the following fees:

Application for license	\$100
License renewal	\$100 biennially
Temporary permit	\$50
Verification of license	\$10
Duplicate wall license	\$10

(b) Applicants required to take the national examination for licensure shall pay a fee directly to a professional examination service in the amount set by the examination service. *(Medical Licensing Board of Indiana; 844 IAC 10-2-2; filed Feb 11, 2002, 4:40 p.m.: 25 IR 2247; readopted filed Oct 10, 2008, 8:55 a.m.: 20081105-IR-844080342RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

### **Rule 3. Admission to Practice**

#### **844 IAC 10-3-1 Application for licensure; deadlines**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 1. All applicants for licensure must apply on such form and in such manner as the committee shall prescribe. Complete applications for licensure must be submitted at least thirty (30) days prior to the examination date. (*Medical Licensing Board of Indiana; 844 IAC 10-3-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

#### **844 IAC 10-3-2 Licensure by examination**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 2. The committee shall issue a license by examination to an applicant who completes the following:

- (1) Applies in the form and manner prescribed by the committee.
- (2) Submits the fees specified in 844 IAC 10-2-1.
- (3) Successfully completes the examination required by the committee for licensure as an occupational therapist.
- (4) Successfully completes the examination required by the committee for licensure as an occupational therapy assistant.
- (5) Submits two (2) recent passport-quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed by the applicant, shall be submitted with each application.
- (6) Submits an official transcript of grades from which the applicant obtained the applicant's degree that shows that all requirements for graduation have been met.
- (7) Submits a certified copy of a diploma to the committee of the applicant's graduation from a school or program of occupational therapy or a program of occupational therapy assistants approved by the board that meets the standards set by the board under 844 IAC 10-1-2.
- (8) Otherwise meets the requirements of IC 25-23.5-5.

(*Medical Licensing Board of Indiana; 844 IAC 10-3-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

#### **844 IAC 10-3-3 Licensure by endorsement**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 3. The committee may issue a license by endorsement to an applicant who completes the following:

- (1) Applies to the committee in the form and manner required by the board.
- (2) Submits the fees required under 844 IAC 10-2-1.
- (3) Submits a diploma to the committee of the applicant's graduation from a school or program of occupational therapy or a program of occupational therapy assistants approved by the board that meets the standards set by the board under 844 IAC 10-1-2.
- (4) Submits two (2) recent passport-quality photographs of the applicant, not smaller than two (2) inches by two (2) inches, each signed by the applicant, in black ink.
- (5) Submits an official transcript of grades from which the applicant obtained the applicant's degree that shows that all requirements for graduation have been met.
- (6) Submits verification of licensure status from the initial state in which the applicant has been or is currently licensed.
- (7) Submits verification from all states in which the applicant has been or is currently licensed, which statement shall include

whether the applicant has ever been disciplined in any manner.

(8) Otherwise meets the requirements of IC 25-23.5-5.

*(Medical Licensing Board of Indiana; 844 IAC 10-3-3; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1067; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

## **Rule 4. Certification**

### **844 IAC 10-4-1 Mandatory registration; renewal**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5-9; IC 25-23.5-5-12

Sec. 1. Every occupational therapist and occupational therapy assistant holding a license issued by the committee shall renew his or her license biennially on or before December 31 of each even-numbered year. *(Medical Licensing Board of Indiana; 844 IAC 10-4-1; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 12, 2004, 10:12 a.m.: 28 IR 211; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

### **844 IAC 10-4-2 Address; change of name**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5

Sec. 2. (a) Each license holder shall inform the committee, in writing, of all changes of address or name within fifteen (15) days of the change.

(b) A license holder's failure to receive notification of renewal due to failure to notify the board of a change of address or name shall not constitute an error on the part of the committee, board, or Indiana professional licensing agency, nor shall it exonerate or otherwise excuse the license holder from renewing such license. *(Medical Licensing Board of Indiana; 844 IAC 10-4-2; filed Dec 28, 1990, 5:00 p.m.: 14 IR 1068; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

### **844 IAC 10-4-3 Reinstatement of delinquent certificate (Repealed)**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5-10

Sec. 3. *(Repealed by Medical Licensing Board of Indiana; Aug 15, 2008, 1:44 p.m.: 20080910-IR-844070843FRA)*

## **Rule 5. Standards of Competent Practice of Occupational Therapy**

### **844 IAC 10-5-1 Applicability**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 1. An occupational therapist in the conduct of his or her practice of occupational therapy shall abide by, and comply with, the standards of competent practice in this rule. *(Medical Licensing Board of Indiana; 844 IAC 10-5-1; filed Nov 14, 1991, 3:30 p.m.: 15 IR 581; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**844 IAC 10-5-2 Confidentiality**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 2. An occupational therapist shall maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's diagnosis, treatment, and prognosis, and of all records relating thereto, about which the practitioner may learn or otherwise be informed during the course of, or as a result of, the patient-practitioner relationship. Information about a patient shall be disclosed by an occupational therapist when required by law or when authorized by the patient or those responsible for the patient's care. (*Medical Licensing Board of Indiana; 844 IAC 10-5-2; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-3 Professional practice**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 3. When the occupational therapist refers a patient to another professional or suggests purchase or rental of therapy or rehabilitative equipment, the occupational therapist shall allow the patient a choice of qualified professionals or equipment companies. (*Medical Licensing Board of Indiana; 844 IAC 10-5-3; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-4 Information to patient**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 4. An occupational therapist shall give a truthful, candid, and reasonably complete account of the patient's condition to the patient or to those responsible for the patient's care. (*Medical Licensing Board of Indiana; 844 IAC 10-5-4; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-5 Supervision of occupational therapy assistant**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 5. Under the supervision of an occupational therapist, an occupational therapy assistant may contribute to the screening and evaluation process. The occupational therapy assistant may also contribute to the following:

- (1) The development and implementation of the intervention plan.
- (2) The monitoring and documentation of progress.
- (3) The discontinuation or discharge from care or transitioning to another level of care.

The occupational therapy assistant may not independently develop the intervention plan or initiate treatment. (*Medical Licensing Board of Indiana; 844 IAC 10-5-5; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-6 Documentation**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 6. The occupational therapist shall countersign within seven (7) calendar days all documentation written by the occupational therapy assistant, which will become part of the patient's permanent record. *(Medical Licensing Board of Indiana; 844 IAC 10-5-6; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**844 IAC 10-5-7 Fees**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 7. Fees charged by an occupational therapist for his or her professional services shall be reasonable and shall reasonably compensate the practitioner only for services actually rendered. *(Medical Licensing Board of Indiana; 844 IAC 10-5-7; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**844 IAC 10-5-8 Fee division**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 8. An occupational therapist shall not divide a fee for professional services with another practitioner who is not a partner, employee, or shareholder in a professional corporation, unless:

(1) the patient consents to the employment of the other practitioner after a full disclosure that a division of fees will be made; and

(2) the division of fees is made in proportion to actual services performed and responsibility assumed by each practitioner. *(Medical Licensing Board of Indiana; 844 IAC 10-5-8; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**844 IAC 10-5-9 Advertising**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 9. (a) An occupational therapist shall not, on behalf of himself or herself, a partner, an associate, a shareholder in a professional corporation, or any other practitioner or specific health care provider affiliated with the practitioner, use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive, or unfair statement or claim.

(b) Subject to the requirements of subsection (a), and in order to facilitate the process of informed selection of a practitioner by the public, an occupational therapist may advertise services through the public media, provided that the advertisement is dignified and confines itself to the existence, scope, nature, and field of practice of occupational therapy.

(c) If the advertisement is communicated to the public by radio, cable, or television, it shall be prerecorded, approved for broadcast by the occupational therapist, and a recording and transcript of the actual transmission shall be retained by the occupational therapist for a period of five (5) years from the last date of broadcast.

(d) If an occupational therapist advertises a fee for a service, treatment, consultation, examination, or other procedure, the practitioner must render that service or procedure for no more than the fee advertised.

(e) Unless otherwise specified in the advertisement, if an occupational therapist publishes or communicates any fee information in a publication which has no fixed date for publication of a succeeding issue, the occupational therapist shall be bound by any

representation made therein for thirty (30) days. (*Medical Licensing Board of Indiana; 844 IAC 10-5-9; filed Nov 14, 1991, 3:30 p.m.: 15 IR 582; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-10 Contingency fee prohibited**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 10. An occupational therapist shall not base his or her fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition which may or may not develop, occur, or happen. (*Medical Licensing Board of Indiana; 844 IAC 10-5-10; filed Nov 14, 1991, 3:30 p.m.: 15 IR 583; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-11 Liability to patients**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 11. An occupational therapist shall not attempt to exonerate himself or herself from or limit his or her liability to a patient for his or her personal malpractice except that an occupational therapist may enter into agreements which contain informed, voluntary releases and/or waivers of liability in settlement of a claim made by a patient or by those responsible for a patient's care. (*Medical Licensing Board of Indiana; 844 IAC 10-5-11; filed Nov 14, 1991, 3:30 p.m.: 15 IR 583; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-12 Patient complaints**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-5-3; IC 25-23.5

Sec. 12. An occupational therapist shall not attempt to preclude, prohibit, or otherwise prevent the filing of a complaint against him or her by a patient or other practitioner for the alleged violation of any law. (*Medical Licensing Board of Indiana; 844 IAC 10-5-12; filed Nov 14, 1991, 3:30 p.m.: 15 IR 583; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-13 Supervision of a holder of a temporary permit**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5-11

Sec. 13. The supervising occupational therapist shall be reasonably available and responsible at all times for the direction and action of the person supervised when services are performed by the holder of a temporary permit issued under IC 25-23.5-5-11(a)(3). Unless the supervising occupational therapist is on the premises to provide constant supervision, the holder of the temporary permit shall meet once each working day to review all patients' treatments. This meeting must include the actual presence of the occupational therapist or the designated occupational therapist. The patient's care shall always be the responsibility of the supervising occupational therapist. Reports written by the holder of a temporary permit issued under IC 25-23.5-5-11(a)(3) for inclusion in the patient's permanent record shall be countersigned by the supervising occupational therapist who may enter any remarks, revisions, or additions as the occupational therapist deems appropriate. The occupational therapist shall countersign within seven (7) calendar days all documentation written by the holder of the temporary permit issued under IC 25-23.5-5-11(a)(3). The supervising occupational therapist shall, within fourteen (14) days, notify the committee in writing when the supervising relationship with the holder of the

temporary permit has changed or been terminated. The notification to the committee shall indicate the reason for the change or termination in supervision. It shall be the responsibility of the holder of the temporary permit to notify the committee in writing of the name and license number of a new supervisor. (*Medical Licensing Board of Indiana; 844 IAC 10-5-13; filed Apr 22, 1994, 5:00 p.m.: 17 IR 2076; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-14 Limit on number of temporary permit holders supervised**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5-11

Sec. 14. An occupational therapist may not supervise more than three (3) holders of temporary permits issued under IC 25-23.5-5-11(a)(3) at one (1) time. (*Medical Licensing Board of Indiana; 844 IAC 10-5-14; filed Apr 22, 1994, 5:00 p.m.: 17 IR 2076; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-5-15 Limit on number of temporary permit applications**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-5-11

Sec. 15. Under IC 25-23.5-5-11, temporary permits of applicants who fail to appear for the scheduled examination will be invalidated. If the applicant shows good cause to the committee in writing for missing the scheduled examination, the committee may allow the applicant to submit a new application for a temporary permit. The applicant may make up to two (2) applications for a temporary permit. (*Medical Licensing Board of Indiana; 844 IAC 10-5-15; filed Apr 22, 1994, 5:00 p.m.: 17 IR 2076; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:34 p.m.: 20071031-IR-844070053RFA; readopted filed Nov 25, 2013, 9:24 a.m.: 20131225-IR-844130307RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**Rule 6. Occupational Therapy Aides; Training and Supervision****844 IAC 10-6-1 Training programs (*Expired*)**

Sec. 1. (*Expired under IC 4-22-2.5, effective January 1, 2013.*)

**844 IAC 10-6-2 Indirect and direct patient services**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-2

Sec. 2. An occupational therapy aide may contribute to indirect patient services through the provision of the following:

- (1) Routine department maintenance.
- (2) Transportation of patients.
- (3) Preparation and setting up of treatment equipment.
- (4) Performing clerical activities.

An aide, with direct on-site supervision of a licensed occupational therapist or, when appropriate, a licensed occupational therapy assistant, may provide direct patient service. (*Medical Licensing Board of Indiana; 844 IAC 10-6-2; filed Sep 1, 2000, 2:04 p.m.: 24 IR 23; readopted filed Nov 16, 2006, 10:52 a.m.: 20061129-IR-844060240RFA; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

**844 IAC 10-6-3 Direct supervision (*Expired*)**



Sec. 3. (Expired under IC 4-22-2.5, effective January 1, 2013.)

## **Rule 7. Continuing Competency Requirements**

### **844 IAC 10-7-1 Continuing competency requirements**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-1-4; IC 25-23.5-2

Sec. 1. (a) Eighteen (18) hours of continuing competency are required for license renewal.

(b) Programs that have not been approved under this article will not be accepted as credit for license renewal.

(c) Continuing competency hours:

(1) must be obtained within the biennial renewal period; and

(2) may not be carried over from one (1) licensure period to another.

(d) If a license is valid for less than twelve (12) months, no continuing competency is required for renewal. If the license is valid for twelve (12) to twenty-four (24) months, nine (9) hours of continuing competency is required for renewal.

(e) Audits for compliance with continuing competency requirements and actions regarding noncompliance will be conducted as provided for in IC 25-1-4. (*Medical Licensing Board of Indiana; 844 IAC 10-7-1; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

### **844 IAC 10-7-2 Responsibilities of licensees**

Authority: IC 25-23.5-2-5; IC 25-23.5-2-6

Affected: IC 25-23.5-2

Sec. 2. A license holder must do the following:

(1) Certify completion of continuing competency required by this rule at the time of license renewal.

(2) Retain verification of completion of continuing competency required by this rule for three (3) years after the last renewal date.

(3) Present verification of completion of continuing competency required by this rule at the request of the committee.

(*Medical Licensing Board of Indiana; 844 IAC 10-7-2; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

### **844 IAC 10-7-3 License period; number of hours required**

Authority: IC 25-1-4-8; IC 25-23.5-2-5

Affected: IC 25-23.5-2

Sec. 3. (a) During each two (2) year license period, an occupational therapist or occupational therapy assistant must complete at least eighteen (18) hours of continuing competency of which at least nine (9) hours must be in category I courses.

(b) An occupational therapist or occupational therapy assistant may not earn more than nine (9) category II credit hours towards the requirements under this section.

(c) All eighteen (18) hours of the continuing competency requirements may be obtained through distance learning methods.

(*Medical Licensing Board of Indiana; 844 IAC 10-7-3; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; readopted filed Nov 13, 2015, 11:20 a.m.: 20151209-IR-844150245RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA*)

### **844 IAC 10-7-4 "Category I continuing competency courses" and "category II continuing competency activities" defined**

Authority: IC 25-23.5-2-5

Affected: IC 25-23.5-2

Sec. 4. (a) As used in this rule, "category I continuing competency courses" includes the following and must be at least one

(1) contact hour in length:

- (1) Formally organized courses.
- (2) Workshops.
- (3) Seminars.
- (4) Symposia.
- (5) Home study programs, including approved online or web-based, audio, and video instructional programs.
- (6) Undergraduate or graduate courses from an accredited institution related to the management, practice, and education of occupational therapy.
- (b) As used in this rule, "category II continuing competency activities" includes the following:
  - (1) Publications of books, articles, or films related to practice, management, or education of occupational therapy. A maximum of five (5) contact hours will be awarded under this subdivision.
  - (2) Preparation for teaching a course in occupational therapy in an accredited program. A maximum of six (6) contact hours will be awarded under this subdivision.
  - (3) Supervision of fieldwork for Level I and Level II students. One (1) contact hour will be awarded for every thirty-two (32) hours of supervision with a maximum of six (6) contact hours.
  - (4) In-house or in-service seminars specifically designed for training or teaching.
  - (5) Actively participating with professional organizations as an officer or committee chairperson.
  - (6) Supervising occupational therapy students when doing their observational hours as a pre-OT student applicant.
  - (7) Research activities other than publications and presentations.

*(Medical Licensing Board of Indiana; 844 IAC 10-7-4; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; readopted filed Nov 13, 2015, 11:20 a.m.: 20151209-IR-844150245RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**844 IAC 10-7-5 Approved organizations; standards for approval**

Authority: IC 25-1-4; IC 25-23.5-2-5  
Affected: IC 25-1-4-0.2; IC 25-23.5-2

Sec. 5. (a) In addition to those approved organizations approved under IC 25-1-4-0.2, the following organizations are approved organizations for the purpose of sponsoring continuing competency courses without making further application to the committee:

- (1) American Occupational Therapy Association or AOTA approved providers.
- (2) National Board for Certification in Occupational Therapy.
- (3) Indiana Occupational Therapy Association or IOTA approved providers.

(b) Continuing education courses offered by accredited colleges are acceptable for purposes of this rule if the course content is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practice of occupational therapy. The following conversion will be used for this type of credit:

- (1) One (1) semester hour equals fifteen (15) contact hours.
- (2) One (1) quarter hour equals ten (10) contact hours.
- (c) The committee will approve continuing competency activities if it determines that it:
  - (1) contributes directly to professional competency;
  - (2) relates directly to the practice or management of education of occupational therapy practitioners; and
  - (3) is conducted by individuals who have demonstrated expertise in the subject matter of the program.

(A) Prior approval by the committee is not required.

(B) Proof of content shall be demonstrated by the original workshop or conference brochure, agenda, notes, or materials given to participants during the presentations.

*(Medical Licensing Board of Indiana; 844 IAC 10-7-5; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; readopted filed Nov 13, 2015, 11:20 a.m.: 20151209-IR-844150245RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**844 IAC 10-7-6 Application for approval as continuing education sponsor**

Authority: IC 25-23.5-2-5

Affected: IC 25-23.5-2

Sec. 6. (a) Individuals or organizations applying for approval as sponsors of category I continuing competency courses must submit a written application for approval at least thirty (30) days prior to the date of the individual's or organization's presentation of a program for continuing competency credit. Programs presented:

- (1) prior to the receipt of approval; or
  - (2) after the withdrawal or termination of approval of the individual or organization;
- by the committee shall not count toward continuing competency requirements.
- (b) The written request for approval shall include the following:
    - (1) The name of the sponsoring individual or organization.
    - (2) The address and telephone number of the individual or organization.
    - (3) The following for organizations:
      - (A) A description of the specific purposes for which the organization was formed.
      - (B) For each individual in the organization with direct responsibility for the training activities of the organization, a vita or resume listing all educational and relevant work experience.
    - (4) For individuals, a vita or resume listing all educational and relevant work experience.
    - (5) A list of each educational program presented or sponsored by the individual or organization for one (1) year prior to the date of the request for approval.
    - (6) For each program listed under subdivision (5), the following:
      - (A) The date and location of the program.
      - (B) A brief summary of the content of the program.
      - (C) The name and the academic and professional background of the lecturer.
      - (D) The number of clock hours of continuing education credit granted by a state licensing or similar regulatory authority for the program.
    - (7) A description of the course evaluation technique utilized for all educational programs.
    - (8) A sample of the certificate awarded for the completion of all educational programs, if available.
    - (9) A list of all programs anticipated to be presented or sponsored during the requested approval period, if available.
    - (10) A description of the procedure to be utilized for monitoring and documenting attendance.
  - (c) The individual or organization is responsible for monitoring attendance in such a way that verification of attendance throughout the program can be reliably assured.
  - (d) Approval of the individual or organization will be valid for a maximum period of two (2) years. The individual or organization is responsible for applying to the committee for approval. *(Medical Licensing Board of Indiana; 844 IAC 10-7-6; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; readopted filed Nov 13, 2015, 11:20 a.m.: 20151209-IR-844150245RFA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

**844 IAC 10-7-7 Renewal; sworn statement**

Authority: IC 25-23.5-2-5

Affected: IC 25-23.5-2

Sec. 7. An application for renewal of a license must contain a sworn statement by the licensee attesting that the continuing competency requirements as required by this section have been fulfilled. *(Medical Licensing Board of Indiana; 844 IAC 10-7-7; filed Mar 24, 2009, 11:38 a.m.: 20090422-IR-844080418FRA; filed Aug 2, 2013, 2:54 p.m.: 20130828-IR-844120452FRA; readopted filed Nov 12, 2019, 9:11 a.m.: 20191211-IR-844190074RFA)*

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