



BOARD OF OCCUPATIONAL THERAPY PRACTICE

Chapter 468, Part III, Florida Statutes

&

Florida Administrative Code

Chapter 64B11

Licensees should also be familiar with the requirements of Chapter 456.

February 2009

Please note that laws are subject to change annually after the Legislative Session. This edition contains the laws current as of the month/year indicated. Visit the Legislature's website at www.leg.state.fl.us to view changes which may occur post-Session.

CHAPTER 468
PART III
OCCUPATIONAL THERAPY

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468.201 Short title; purpose.--

- (1) This act shall be known and may be cited as the "Occupational Therapy Practice Act."
- (2) It is the purpose of this act to provide for the regulation of persons offering occupational therapy services to the public in order to:
 - (a) Safeguard the public health, safety, and welfare.
 - (b) Protect the public from being misled by incompetent, unscrupulous, and unauthorized persons.
 - (c) Assure the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants.
 - (d) Assure the availability of occupational therapy services of high quality to persons in need of such services.

History.--ss. 1, 2, ch. 75-179; s. 2, ch. 81-318; ss. 12, 13, ch. 84-4; s. 4, ch. 91-429.

468.203 Definitions.--As used in this act, the term:

- (1) "Association" means the Florida Occupational Therapy Association.
- (2) "Board" means the Board of Occupational Therapy Practice.
- (3) "Occupational therapist" means a person licensed to practice occupational therapy as defined in this act and whose license is in good standing.
- (4) "Occupational therapy" means the use of purposeful activity or interventions to achieve functional outcomes.
 - (a) For the purposes of this subsection:
 - 1. "Achieving functional outcomes" means to maximize the independence and the maintenance of health of any individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or a learning disability, or an adverse environmental condition.

2. "Assessment" means the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements to identify areas for occupational therapy services.

(b) Occupational therapy services include, but are not limited to:

1. The assessment, treatment, and education of or consultation with the individual, family, or other persons.
2. Interventions directed toward developing daily living skills, work readiness or work performance, play skills or leisure capacities, or enhancing educational performance skills.
3. Providing for the development of: sensory-motor, perceptual, or neuromuscular functioning; range of motion; or emotional, motivational, cognitive, or psychosocial components of performance.

These services may require assessment of the need for use of interventions such as the design, development, adaptation, application, or training in the use of assistive technology devices; the design, fabrication, or application of rehabilitative technology such as selected orthotic devices; training in the use of assistive technology; orthotic or prosthetic devices; the application of physical agent modalities as an adjunct to or in preparation for purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; or the promotion of health and wellness.

(c) The use of devices subject to 21 C.F.R. s. 801.109 and identified by the board is expressly prohibited except by an occupational therapist or occupational therapy assistant who has received training as specified by the board. The board shall adopt rules to carry out the purpose of this provision.

(5) "Occupational therapy aide" means a person who assists in the practice of occupational therapy, who works under the direct supervision of a licensed occupational therapist or occupational therapy assistant, and whose activities require a general understanding of occupational therapy pursuant to board rules.

(6) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy, who works under the supervision of an occupational therapist, and whose license is in good standing.

(7) "Person" means any individual, partnership, unincorporated organization, or corporate body, except that only an individual may be licensed under this act.

(8) "Supervision" means responsible supervision and control, with the licensed occupational therapist providing both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of treatment shall not be altered by the supervised individual without prior consultation with, and the approval of, the supervising occupational therapist. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services; however, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual.

History.--s. 3, ch. 75-179; s. 1, ch. 78-18; s. 333, ch. 81-259; s. 2, ch. 81-318; ss. 1, 12, 13, ch. 84-4; s. 1, ch. 90-22; s. 4, ch. 91-429; s. 107, ch. 92-149; s. 123, ch. 97-264.

468.204 Authority to adopt rules.--The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part conferring duties upon it.

History.--ss. 2, 13, ch. 84-4; s. 4, ch. 91-429; s. 133, ch. 98-200.

468.205 Board of Occupational Therapy Practice.--

- (1) There is created within the department the Board of Occupational Therapy Practice, composed of seven members appointed by the Governor, subject to confirmation by the Senate.
- (2) Four members shall be licensed occupational therapists in good standing in this state who are residents of this state and have been engaged in the practice of occupational therapy for at least 4 years immediately prior to their appointment. One member shall be a licensed occupational therapy assistant in good standing in this state who is a resident of the state and has been engaged in the practice of occupational therapy for at least 4 years immediately prior to the appointment. Two members shall be consumers who are residents of the state who are not connected with the practice of occupational therapy.
- (3) Within 90 days after the effective date of this act, the Governor shall appoint the board as follows:
 - (a) Two members for terms of 2 years each.
 - (b) Two members for terms of 3 years each.
 - (c) Three members for terms of 4 years each.
- (4) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years and such members shall serve until their successors are appointed.
- (5) All provisions of chapter 456 relating to activities of the board shall apply.

History.--s. 6, ch. 75-179; s. 171, ch. 77-104; s. 2, ch. 81-318; s. 1, ch. 82-46; s. 2, ch. 83-265; ss. 3, 12, 13, ch. 84-4; s. 2, ch. 90-22; s. 4, ch. 91-429; s. 124, ch. 97-264; s. 82, ch. 98-166; s. 140, ch. 2000-160.

468.207 License required.--No person shall practice occupational therapy or hold himself or herself out as an occupational therapist or an occupational therapy assistant or as being able to practice occupational therapy or to render occupational therapy services in the state unless he or she is licensed in accordance with the provisions of this act.

History.--s. 4, ch. 75-179; s. 2, ch. 81-318; ss. 12, 13, ch. 84-4; s. 4, ch. 91-429; s. 276, ch. 97-103.

468.209 Requirements for licensure.--

- (1) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application, accompanied by the application for licensure fee prescribed in s. 468.221, on forms provided by the department, showing to the satisfaction of the board that she or he:
 - (a) Is of good moral character.
 - (b) Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the board, with concentration in biologic or physical science, psychology, and sociology, and with education in selected manual skills. Such a program shall be accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, or its successor.
 - (c) Has successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where she or he met the academic requirements. For an occupational therapist, a minimum of 6 months of supervised fieldwork experience is required. For an occupational therapy assistant, a minimum of 2 months of supervised fieldwork experience is required.
 - (d) Has passed an examination conducted or adopted by the board as provided in s. 468.211.
- (2) An applicant who has practiced as a state-licensed or American Occupational Therapy Association-certified occupational therapy assistant for 4 years and who, prior to January 24, 1988, completed a minimum of 6 months of supervised occupational-therapist-level fieldwork

experience may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapists made otherwise applicable under paragraph (1)(b).

(3) If the board determines that an applicant is qualified to be licensed by endorsement under s. 468.213, the board may issue the applicant a temporary permit to practice occupational therapy until the next board meeting at which license applications are to be considered, but not for a longer period of time. Only one temporary permit by endorsement shall be issued to an applicant, and it shall not be renewable.

(4) If the board determines that the applicant has not passed an examination, which examination is recognized by the board, to determine competence to practice occupational therapy and is not qualified to be licensed by endorsement, but has otherwise met all the requirements of this section and has made application for the next scheduled examination, the board may issue the applicant a temporary permit allowing her or him to practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may continue to practice occupational therapy under her or his temporary permit until the next meeting of the board. An individual who has failed the examination shall not continue to practice occupational therapy under her or his temporary permit; and such permit shall be deemed revoked upon notification to the board of the examination results and the subsequent, immediate notification by the board to the applicant of the revocation. Only one temporary permit by examination shall be issued to an applicant, and it shall not be renewable. However, applicants enrolled in a full-time advanced master's occupational therapy education program who have completed all requirements for licensure except examination shall, upon written request, be granted a temporary permit valid for 6 months even if that period extends beyond the next examination, provided the applicant has not failed the examination. This permit shall remain valid only while the applicant remains a full-time student and, upon written request, shall be renewed once for an additional 6 months.

(5) An applicant seeking reentry into the profession who has not been in active practice within the last 5 years must, prior to applying for licensure, submit to the board documentation of continuing education as prescribed by rule.

History.--s. 7, ch. 75-179; s. 1, ch. 77-174; s. 2, ch. 78-18; s. 2, ch. 81-318; ss. 4, 12, 13, ch. 84-4; s. 4, ch. 91-429; s. 277, ch. 97-103; s. 125, ch. 97-264.

468.211 Examination for licensure.--

(1) Any person applying for licensure shall, in addition to demonstrating his or her eligibility in accordance with the requirements of s. 468.209, make application to the board or the appropriate examining entity for examination, upon a form and in such a manner as the board or the examining entity prescribes. Such application shall be accompanied by the nonrefundable fee prescribed by s. 468.221 or by a fee established by the examining entity. A person who fails an examination may make application for reexamination accompanied by the prescribed fee; such person shall also reapply to the board for licensure in the manner prescribed in s. 468.209.

(2) Each applicant for licensure under this act shall be examined in a manner determined by the board in a written examination to test his or her knowledge of the basic and clinical sciences relating to occupational therapy and occupational therapy theory and practice, including the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall establish standards for acceptable performance.

(3) Applicants for licensure shall be examined at such times and places and under such supervision as the board may determine. Examinations shall be given at least twice each year at such places within this state as the board may determine, and the board shall give reasonable public notice of such examinations in accordance with its rules at least 60 days prior to their administration and shall notify by mail each individual examination applicant of the time and place of their administration.

(4) The board may, by rule, adopt the use of a national examination in lieu of part or all of the examination required by this section; and a reasonable passing score shall be set by rule of the board.

(5) Applicants may obtain their examination scores and review their papers in accordance with such rules as the board may establish.

(6) If an applicant fails to pass the examination in three attempts, the applicant shall not be eligible for reexamination unless the applicant completes additional education or training requirements prescribed by the board. An applicant who has completed the additional education or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, the applicant is no longer eligible to take the examination.

History.--s. 8, ch. 75-179; s. 2, ch. 81-318; ss. 5, 12, 13, ch. 84-4; s. 4, ch. 91-429; s. 278, ch. 97-103; s. 126, ch. 97-264.

468.213 Licensure by endorsement.--

(1) The board may waive the examination and grant a license to any person who presents proof of current certification as an occupational therapist or occupational therapy assistant by a national certifying organization if the board determines the requirements for such certification to be equivalent to the requirements for licensure in this act.

(2) The board may waive the examination and grant a license to any applicant who presents proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or any territory or jurisdiction of the United States or foreign national jurisdiction which requires standards for licensure determined by the board to be equivalent to the requirements for licensure in this act.

History.--s. 9, ch. 75-179; s. 2, ch. 81-318; ss. 6, 12, 13, ch. 84-4; s. 4, ch. 91-429; s. 127, ch. 97-264.

468.215 Issuance of license.--

(1) The board shall issue a license to any person who meets the requirements of this act upon payment of the license fee prescribed.

(2) Any person who is issued a license as an occupational therapist under the terms of this act may use the words "occupational therapist," "licensed occupational therapist," or "occupational therapist registered," or he or she may use the letters "O.T.," "L.O.T.," or "O.T.R.," in connection with his or her name or place of business to denote his or her registration hereunder.

(3) Any person who is issued a license as an occupational therapy assistant under the terms of this act may use the words "occupational therapy assistant," "licensed occupational therapy assistant," or "certified occupational therapy assistant," or he or she may use the letters, "O.T.A.," "L.O.T.A.," or "C.O.T.A.," in connection with his or her name or place of business to denote his or her registration hereunder.

History.--s. 10, ch. 75-179; s. 2, ch. 81-318; ss. 12, 13, ch. 84-4; s. 4, ch. 91-429; s. 279, ch. 97-103.

468.217 Denial of or refusal to renew license; suspension and revocation of license and other disciplinary measures.--

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(a) Attempting to obtain, obtaining, or renewing a license to practice occupational therapy by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license to practice occupational therapy revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of occupational therapy or to the ability to practice occupational therapy. A plea of nolo contendere shall be considered a conviction for the purposes of this part.

(d) False, deceptive, or misleading advertising.

(e) Advertising, practicing, or attempting to practice under a name other than one's own name.

(f) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or of the board.

(g) Aiding, assisting, procuring, or advising any unlicensed person to practice occupational therapy contrary to this part or to a rule of the department or the board.

(h) Failing to perform any statutory or legal obligation placed upon a licensed occupational therapist or occupational therapy assistant.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those which are signed in the capacity as a licensed occupational therapist or occupational therapy assistant.

(j) Paying or receiving any commission, bonus, kickback, or rebate to or from, or engaging in any split-fee arrangement in any form whatsoever with, a physician, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. The provisions of this paragraph shall not be construed to prevent an occupational therapist or occupational therapy assistant from receiving a fee for professional consultation services.

(k) Exercising influence within a patient-therapist relationship for purposes of engaging a patient in sexual activity. A patient is presumed to be incapable of giving free, full, and informed consent to sexual activity with the patient's occupational therapist or occupational therapy assistant.

(l) Making deceptive, untrue, or fraudulent representations in the practice of occupational therapy or employing a trick or scheme in the practice of occupational therapy if such scheme or trick fails to conform to the generally prevailing standards of treatment in the occupational therapy community.

(m) Soliciting patients, either personally or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. A "solicitation" is any communication which directly or implicitly requests an immediate oral response from the recipient.

(n) Failing to keep written records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

- (o) Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party which includes, but is not limited to, the promoting or selling of services, goods, appliances, or drugs.
 - (p) Performing professional services which have not been duly authorized by the patient or client, or his or her legal representative, except as provided in s. 768.13.
 - (q) Gross or repeated malpractice or the failure to practice occupational therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent similar occupational therapist or occupational therapy assistant as being acceptable under similar conditions and circumstances.
 - (r) Performing any procedure which, by the prevailing standards of occupational therapy practice in the community, would constitute experimentation on a human subject without first obtaining full, informed, and written consent.
 - (s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.
 - (t) Being unable to practice occupational therapy with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon probable cause, authority to compel an occupational therapist or occupational therapy assistant to submit to a mental or physical examination by physicians designated by the department. The failure of an occupational therapist or occupational therapy assistant to submit to such examination when so directed constitutes an admission of the allegations against him or her, upon which a default and final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond his or her control. An occupational therapist or occupational therapy assistant affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice of occupational therapy with reasonable skill and safety to patients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the board shall be used against an occupational therapist or occupational therapy assistant in any other proceeding.
 - (u) Delegating professional responsibilities to a person when the licensee who is delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.
 - (v) Violating a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.
 - (w) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.
 - (x) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.
- (2) The board may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).
- (3) The board may not reinstate the license of an occupational therapist or occupational therapy assistant, or cause a license to be issued to a person it has deemed unqualified, until such time as

the board is satisfied that such person has complied with all the terms and conditions set forth in the final order and is capable of safely engaging in the practice of occupational therapy.

History.--s. 11, ch. 75-179; s. 36, ch. 78-95; s. 2, ch. 81-318; ss. 7, 12, 13, ch. 84-4; s. 4, ch. 91-429; s. 280, ch. 97-103; s. 39, ch. 2001-277; s. 15, ch. 2005-240.

468.219 Renewal of license; continuing education.--

(1) Licenses issued under this part are subject to biennial renewal as provided in s. 456.004.

(2) The board may by rule prescribe continuing education requirements, not to exceed 30 contact hours biennially, as a condition for renewal of licensure. The program criteria for those requirements must be approved by the board.

History.--s. 12, ch. 75-179; s. 2, ch. 81-318; ss. 8, 12, 13, ch. 84-4; s. 4, ch. 91-429; s. 194, ch. 94-119; s. 83, ch. 98-166; s. 141, ch. 2000-160.

468.221 Fees.--

(1) The board shall prescribe, and publish in the manner established by its rules, fees in amounts determined by the board for the following purposes:

- (a) Application for license.
- (b) Examination fee.
- (c) Initial license fee.
- (d) Renewal of active license fee.
- (e) Delinquency fee.
- (f) Application for inactive license fee.
- (g) Renewal of inactive license fee.
- (h) Reactivation fee.

(2) Such fees shall be set in such amounts as to reimburse the state, to the extent feasible, for the cost of the services rendered.

History.--s. 13, ch. 75-179; s. 2, ch. 81-318; ss. 9, 12, 13, ch. 84-4; s. 4, ch. 91-429; s. 195, ch. 94-119.

468.223 Prohibitions; penalties.--

(1) A person may not:

- (a) Practice occupational therapy unless such person is licensed pursuant to ss. 468.201-468.225;
 - (b) Use, in connection with his or her name or place of business, the words "occupational therapist," "licensed occupational therapist," "occupational therapist registered," "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant"; the letters "O.T.," "L.O.T.," "O.T.R.," "O.T.A.," "L.O.T.A.," or "C.O.T.A."; or any other words, letters, abbreviations, or insignia indicating or implying that he or she is an occupational therapist or an occupational therapy assistant or, in any way, orally or in writing, in print or by sign, directly or by implication, to represent himself or herself as an occupational therapist or an occupational therapy assistant unless the person is a holder of a valid license issued pursuant to ss. 468.201-468.225;
 - (c) Present as his or her own the license of another;
 - (d) Knowingly give false or forged evidence to the board or a member thereof;
 - (e) Use or attempt to use a license which has been suspended, revoked, or placed on inactive or delinquent status;
 - (f) Employ unlicensed persons to engage in the practice of occupational therapy; or
 - (g) Conceal information relative to any violation of ss. 468.201-468.225.
- (2) Any person who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 14, ch. 75-179; s. 2, ch. 81-318; ss. 10, 12, 13, ch. 84-4; s. 3, ch. 90-22; s. 4, ch. 91-429; s. 196, ch. 94-119; s. 281, ch. 97-103.

468.225 Exemptions.--

(1) Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(a) Any person licensed in this state by any other law from engaging in the profession or occupation for which he or she is licensed.

(b) Any person employed as an occupational therapist or occupational therapy assistant by the United States, if such person provides occupational therapy solely under the direction or control of the organization by which he or she is employed.

(c) Any person pursuing a course of study leading to a degree or certificate in occupational therapy at an accredited or approved educational program, if such activities and services constitute a part of a supervised course of study and if such a person is designated by a title which clearly indicates his or her status as a student or trainee.

(d) Any person fulfilling the supervised fieldwork experience requirements of s. 468.209, if such activities and services constitute a part of the experience necessary to meet the requirements of that section.

(2) No provision of this act shall be construed to prohibit physicians, physician assistants, nurses, physical therapists, osteopathic physicians or surgeons, clinical psychologists, speech-language pathologists, or audiologists from using occupational therapy as a part of or incidental to their profession, when they practice their profession under the statutes applicable to their profession.

History.--s. 5, ch. 75-179; s. 1, ch. 77-174; s. 2, ch. 81-318; ss. 12, 13, ch. 84-4; s. 4, ch. 90-22; s. 4, ch. 91-429; s. 282, ch. 97-103; s. 128, ch. 97-264.

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Chapter 64B11

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Rules are subject to change at any time. Contact the Department office or visit the website at www.doh.state.fl.us/mqa for periodically updated laws and rules.

February 2009 Updates to Occupational Therapy Rules

Updates to this edition include the following:

CHAPTER 64B11-2 ADMISSION OF OCCUPATIONAL THERAPISTS

64B11-2.003 Fees; Application: Incorporates the licensure application form into rule, by reference, and identifies where applicants may obtain the form.

CHAPTER 64B11-3 ADMISSION OF OCCUPATIONAL THERAPY ASSISTANTS

64B11-3.001 Fees; Application: Incorporates the licensure application form into rule, by reference, and identifies where applicants may obtain the form.

CHAPTER 64B11-4 OCCUPATIONAL THERAPY BOARD - STANDARDS OF PRACTICE

64B11-4.005 Citations: Requires licensees who fail to timely respond to audit/pre-audit requests to, in addition to paying a penalty fine, show proof of compliance with CE requirements within 10 days.

CHAPTER 64B11-1 ORGANIZATION AND GENERAL PROCEDURES

64B11-1.001 Attendance at Board Meetings.

64B11-1.002 Other Business Involving The Board.

64B11-1.001 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court with the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or illness of the member's immediate family, or other similar extenuating circumstances.

(2) No Board member may be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in subsection (1) of this rule. Other absences constitute unexcused absences for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur unless the failure to notify is the result of emergency circumstances that would reasonably tend to preclude timely notification.

Specific Authority 456.011(3) FS. Law Implemented 456.011(3) FS. History--New 11-13-01.

64B11-1.002 Other Business Involving The Board.

For purposes of Board member compensation pursuant to Section 456.011(4), Florida Statutes, "other business involving the Board" does not include telephone conference calls that last less than four hours, but otherwise is defined to include:

- (1) Board meetings;
- (2) Meetings of committees of the Board;
- (3) Meetings of a Board member with staff or with a member or members of other regulatory boards at the request of the Board or the Department;
- (4) Probable cause panel meetings;
- (5) Attendance at legislative workshops or committee meetings at the request of the Board of Department;
- (6) Attendance at meetings of National and State Associations as an authorized representative of the Board;
- (7) Attendance at continuing education programs for the purpose of auditing a Board-approved provider when such attendance has been approved by the Board;
- (8) Attendance at any function relating to Board business and authorized by the Board or Department.

Specific Authority 456.011(4) FS. Law Implemented 456.011(4) FS. History--New 11-13-01.

CHAPTER 64B11-2 ADMISSION OF OCCUPATIONAL THERAPISTS

64B11-2.001 Admission by Examination; Foreign Graduate.

64B11-2.002 Admission by Endorsement.

64B11-2.003 Fees; Application.

64B11-2.004 Application; Photographs.

64B11-2.005 Temporary Permit to Practice Occupational Therapy.

64B11-2.006 Examination; Passing Grade.

64B11-2.007 Medical Error Prevention Education for Initial Licensure.

64B11-2.008 Fees; Initial License.

64B11-2.009 Fees; Renewal of License.

64B11-2.010 Duplicate License Fee.

64B11-2.011 Definition of Supervised Fieldwork Experience.

64B11-2.001 Admission by Examination; Foreign Graduate.

An applicant for licensure through examination who has graduated from an occupational therapy course or school situated in a foreign country may be admitted to the examination by demonstrating to the satisfaction of the Board that his course of training was as high as the standards maintained in Florida. In ascertaining whether such applicant meets such standards, the Board shall consider whether the applicant's credentials have been evaluated and accredited by the National Board for Certification in Occupational Therapy, Inc.

Specific Authority 468.211(2) FS. Law Implemented 468.213(2) FS. History–New 4-28-76, Formerly 21M-13.01, 21M-13.001, 61F6-13.001, 59R-61.001.

64B11-2.002 Application by Endorsement.

The Board shall waive the examination requirements of Section 468.211 Florida Statutes and Section 64B11-2.006, F.A.C. for an occupational therapist by endorsement applicant who demonstrates proof of current certification as an occupational therapist by a national certifying organization, if the requirements for such certification are equivalent to the examination, education, and supervised fieldwork experience requirements contained within Sections 468.209(1)(b), 468.211, Florida Statutes and Sections 64B11- 2.006, 64B11-2.011, F.A.C.

Specific Authority 468.204, 468.213(1) F.S. Law Implemented 468.213(1) FS. History–New 4-28-76, Amended 9-9-85, 6/6/06 Formerly 21M-13.02, 21M-13.002, 61F6-13.002, 59R-61.002.

64B11-2.003 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. This application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form DH-MQA 1152, (revised 09-08), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy’s website at <http://www.doh.state.fl.us/mqa/occupational/>.

Specific Authority 456.013, 468.221, 468.204 FS. Law Implemented 468.209(1), 468.221 FS. History–New 4-28-76, Amended 9-9-85, Formerly 21M-13.07, Amended 6-29-89, Formerly 21M-13.007, 61F6-13.007, 59R-61.007, Amended 1-12-09.

64B11-2.004 Application; Photographs.

A recent passport like photograph of an applicant taken within six months prior to filing shall be submitted with each application. The photograph shall be not less than 2 1/2" square.

Specific Authority 468.211(1), (3) FS. Law Implemented 468.211(1) FS. History–New 4-28-76, Formerly 21M-13.05, 21M-13.005, 61F6-13.005, Amended 4-11-95, Formerly 59R-61.005.

64B11-2.005 Temporary Permit to Practice Occupational Therapy.

(1) An applicant who has been issued a temporary permit based on apparent eligibility for licensure by endorsement may practice as an occupational therapist without supervision, but such practice shall be permitted only until the next available meeting of the Board at which applications are considered, at which time the Board shall either grant or deny the license applied for and the temporary permit shall become void and of no force and effect.

(2) No temporary permit shall be issued to an applicant for licensure by examination who has previously failed the examination and has not subsequently passed the examination.

(3) An applicant who has been issued a temporary permit based on apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may practice occupational therapy under his temporary permit until the next meeting of the Board. The temporary permit of an individual who has failed the examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.

Specific Authority 468.204 FS. Law Implemented 468.209(3), (4) FS. History–New 9-9-85, Formerly 21M-13.13, Amended 3-12-90, Formerly 21M-13.013, 61F6-13.013, 59R-61.013, Amended 4-8-99, 7-9-00, 9-25-02.

64B11-2.006 Examination; Passing Grade.

The examination to be used for licensure by examination shall be that examination developed by the National Board for Certification in Occupational Therapy (NBCOT). Every applicant for licensure by examination shall obtain at least the passing score as determined by NBCOT. Every applicant shall request the scores be sent to the Board by the professional examination service. Licensure shall not be granted without proof of passing score. Applicants

approved for licensure contingent upon passage of the examination shall have twelve months from the date of approval by the Board to take the examination and submit proof of scores. Any requests for information concerning examination results (areas of weakness, if failed, etc.) should be sent directly to the professional examination service.

Specific Authority 468.204, 468.211(4) FS. Law Implemented 468.211(3), (4) FS. History--New 4-28-76, Amended 9-9-85, Formerly 21M-13.11, Amended 7-23-91, Formerly 21M-13.011, 61F6-13.011, Amended 4-11-95, Formerly 59R-61.011, Amended 10-24-04, 5-24-06.

64B11-2.007 Medical Error Prevention Education for Initial Licensure.

All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety, and for applications filed on or after July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.

Specific Authority 456.013(7), 468.204 FS. Law Implemented 456.013(7) FS. History--New 12-11-96, Formerly 59R-61.016, Amended 7-28-99, 6-25-02, 2-19-04, 10-15-06.

64B11-2.008 Fees; Initial License.

Each applicant for occupational therapist licensure shall submit an initial licensure fee in the amount of \$75 to the Department. The initial licensure fee shall be submitted with the application fee set forth in Rule 64B11-2.001, F.A.C. A check or money order shall be payable to the order of the Department of Health.

Specific Authority 456.013(2), 468.204, 468.221 FS. Law Implemented 456.013(2), 468.221 FS. History--New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-13.08, Amended 6-29-89, Formerly 21M-13.008, 61F6-13.008, 59R-61.008, Amended 12-20-98, 12-16-01.

64B11-2.009 Fees; Renewal of License.

Each licensed occupational therapist shall submit a biennial fee of \$55.00 by check or money order made payable to the order of the Department of Health.

Specific Authority 468.204, 468.221 FS. Law Implemented 468.221 FS. History--New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-13.09, Amended 6-29-89, 7-23-91, Formerly 21M-13.009, 61F6-13.009, 59R-61.009, Amended 12-16-01, 12-11-02.

64B11-2.010 Duplicate License Fee.

Licensees may obtain a duplicate license by submitting a written request to the Board along with a \$25.00 fee.

Specific Authority 456.02 468.204 FS. Law Implemented 456.025 FS. History--New 6-3-92, Formerly 21M-13.014, 61F6-13.014, 59R-61.014, Amended 9-23-99, 12-27-05.

64B11-2.011 Definition of Supervised Fieldwork Experience.

The term "supervised fieldwork experience" as provided for in Section 468.209(1)(c), F.S., shall mean experience at an occupational therapist level occurring in a clinical setting affiliated with an educational institution in occupational therapy for a minimum of at least 6 months, with the fieldwork experience supervised by a licensed occupational therapist. Supervision, for purposes of this rule, shall mean that the occupational therapist student has daily direct contact at the worksite with his or her supervisor.

Specific Authority 468.204 FS. Law Implemented 468.209 FS. History--New 12-4-95, Amended 12-11-96, Formerly 59R-61.015, Amended 6-6-07, 10-24-07.

64B11-2.012 Applicants Seeking Reentry.

An applicant seeking reentry into the profession who has not been in active practice within the last five years must submit to the Board documentation of 50 occupational therapy continuing education hours, 12 of which may be home study, taken within the year prior to licensure.

Specific Authority 468.204, 468.209 FS. Law Implemented 468.209(5) FS. History–New 10-29-02, Amended 12-27-05.

CHAPTER 64B11-3 ADMISSION OF OCCUPATIONAL THERAPY ASSISTANTS

64B11-3.001 Fees; Application.

64B11-3.002 Application; Photographs. (Repealed)

64B11-3.003 Temporary Permit to Practice as an Occupational Therapy Assistant.

64B11-3.004 Examination; Passing Grade.

64B11-3.005 Medical Error Prevention Education for Initial Licensure.

64B11-3.006 Fees; Initial License.

64B11-3.007 Fees; Renewal of License.

64B11-3.008 Duplicate License Fee.

64B11-3.001 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form DH-MQA 1152, (revised 09-08), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy's website at <http://www.doh.state.fl.us/mqa/occupational/>.

Specific Authority 456.013, 468.221, 468.204 FS. Law Implemented 468.221, 468.209(1) FS. History–New 4-28-76, Amended 9-9-85, Formerly 21M-14.06, Amended 6-29-89, Formerly 21M-14.006, 61F6-14.006, 59R-62.006, Amended 1-12-09.

64B11-3.0021 Application by Endorsement.

The Board shall waive the examination requirements of Section 468.211 Florida Statutes and Rule 64B11-3.004, F.A.C. for an occupational therapy assistant by endorsement applicant who demonstrates proof of current certification as an occupational therapy assistant by a national certifying organization, if the requirements for such certification are equivalent to the examination, education, and supervised fieldwork experience requirements contained within Sections 468.209(1)(b),(c); 468.211, Florida Statutes and Rules 64B11-2.006; 64B11-2.011, F.A.C.

Specific Authority 468.204, 468.213(1)_FS. Law Implemented 468.213(1) FS. History–New 5-26-06.

64B11-3.003 Temporary Permit to Practice as an Occupational Therapy Assistant.

(1) An applicant who has been issued a temporary permit based on apparent eligibility for licensure by endorsement may practice as an occupational therapy assistant, but such practice shall be permitted only until the next available meeting of the Board at which applications are considered, at which time the Board shall either grant or deny the license applied for and the temporary permit shall become void and of no force and effect.

(2) No temporary permit shall be issued to an applicant for licensure by examination who has previously failed the examination and has not subsequently passed the examination.

(3) An applicant who has been issued a temporary permit based upon apparent eligibility for the next scheduled examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice occupational therapy under the supervision of a licensed occupational therapist until notification of the results of the examination. An individual who has passed the examination may continue to practice as an occupational therapy assistant with the supervision of a licensed occupational therapist under the temporary permit until the next meeting of the Board. The temporary permit of an individual who has failed the examination shall be deemed revoked upon notification to the Board of the examination results and the subsequent, immediate notification to the applicant of the revocation.

Specific Authority 468.204, 468.209(3), (4) FS. Law Implemented 468.209(3), (4) FS. History–New 9-8-85, Formerly 21M-14.12, Amended 3-12-90, Formerly 21M-14.012, 61F6-14.012, 59R-62.012, Amended 4-8-99, 7-5-00, 6-11-02.

64B11-3.004 Examination; Passing Grade.

The examination to be used for licensure by examination shall be that examination developed by the National Board for Certification in Occupational Therapy (NBCOT). Every applicant for licensure by examination shall obtain at least the passing score as determined by NBCOT. Every applicant shall request the scores be sent to the Board by the professional examination service. Licensure shall not be granted without proof of passing score. Applicants approved for licensure contingent upon passage of the examination shall have twelve months from the date of approval by the Board to take the examination and submit proof of scores. Any requests for information concerning examination results (areas of weakness, if failed, etc.) should be sent directly to the professional examination service.

Specific Authority 456.017, 468.204, 468.211(4) FS. Law Implemented 456.017, 468.211(4) FS. History–New 4-28-76, Amended 9-9-85, Formerly 21M-14.10, Amended 7-23-91, Formerly 21M-14.010, 61F6-14.010, 59R-62.010, Amended 10-24-04, 5-24-06.

64B11-3.005 Medical Error Prevention Education for Initial Licensure.

All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety, and for applications filed on or after July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.

Specific Authority 456.013(7), 468.204 FS. Law Implemented 456.013(7) FS. History–New 12-11-96, Formerly 59R-62.013 Amended 4-5-98, 7-28-99, 6-25-02, 2-19-04, 10-15-06.

64B11-3.006 Fees; Initial License.

Each applicant for occupational therapy assistant licensure shall submit an initial licensure fee in the amount of \$75 to the Department. The initial licensure fee shall be submitted with the application fee set forth in Rule 64B11-3.001, F.A.C. A check or money order shall be payable to the order of the Department of Health.

Specific Authority 456.013(2), 468.204, 468.221 FS. Law Implemented 456.013(2), 468.221 FS. History–New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-14.07, Amended 6-29-89, Formerly 21M-14.007, 61F6-14.007, 59R-62.007, Amended 12-20-98, 2-7-02.

64B11-3.007 Fees; Renewal of License.

Each licensed occupational therapy assistant shall submit a biennial fee of \$55.00 by check or money order made payable to the order of the Department of Health.

Specific Authority 468.204, 468.221 FS. Law Implemented 468.221 FS. History–New 4-28-76, Amended 8-9-76, 11-15-78, 9-9-85, Formerly 21M-14.08, Amended 6-29-89, 7-23-91, Formerly 21M-14.008, 61F6-14.008, 59R-62.008, Amended 2-7-02, 12-11-02.

64B11-3.008 Duplicate License Fee.

Licensees may obtain a duplicate license by submitting a written request to the Board along with a \$25.00 fee.

Specific Authority 456.025, 468.204 FS. Law Implemented 456.025 FS. History–New 8-8-00, Amended 12-27-05.

64B11-3.009 Applicants Seeking Reentry.

An applicant seeking reentry into the profession who has not been in active practice within the last five years must submit to the Board documentation of 50 occupational therapy continuing education hours, 12 of which may be home study, taken within the year prior to licensure.

Specific Authority 468.204, 468.209 FS. Law Implemented 468.209(5) FS. History–New 10-29-02, Amended 12-27-05.

64B11-3.010 Definition of Supervised Fieldwork Experience.

The term “supervised fieldwork experience” as provided for in Section 468.209(1)(c), F.S., shall mean experience at an occupational therapy assistant level occurring in a clinical setting affiliated with an educational institution in occupational therapy for a minimum of at least 2 months, with the fieldwork experience supervised by a licensed occupational therapist or by a licensed occupational therapy assistant under the supervision of a licensed occupational therapist. Supervision, for purposes of this rule, shall mean that the occupational therapy assistant student has daily direct contact at the worksite with his or her supervisor.

Specific Authority 468.204 FS. Law Implemented 468.204, 468.207, 468.209(1)(c) FS. History—New 6-6-07, Amended 10-24-07.

CHAPTER 64B11-4 OCCUPATIONAL THERAPY BOARD - STANDARDS OF PRACTICE

64B11-4.001 Use of Prescription Devices.

64B11-4.002 Occupational Therapy Aides and Other Unlicensed Personnel Involved in the Practice of Occupational Therapy.

64B11-4.0025 Probable Cause Determination.

64B11-4.003 Standards of Practice; Discipline.

64B11-4.0035 Payment of Fine.

64B11-4.004 Notice of Noncompliance.

64B11-4.005 Citations.

64B11-4.006 Mediation.

64B11-4.007 Address of Licensee.

64B11-4.001 Use of Prescription Devices.

(1) Electrical Stimulation Device

(a) Use of an electrical stimulation device for which a prescription is required by Federal law, 21 C.F.R. 801.109, is expressly prohibited by Section 468.203(4), F.S., except by an occupational therapist or an occupational therapy assistant who has received training as prescribed in this rule.

(b) For purposes of this rule, an “electrical stimulation device” is any device for which a prescription is required which employs transcutaneous electric current (direct, alternating, or pulsatile) for therapeutic purposes.

(c) The training required to qualify for the use of an electrical stimulation device shall include didactic training of at least four (4) hours and performance of at least five (5) treatments under supervision. The required training may be obtained through educational programs, workshops, or seminars offered at a college or university approved for training of occupational therapists by the American Occupational Therapy Association or of physical therapists by the American Physical Therapy Association or at clinical facilities affiliated with such accredited colleges or universities or through educational programs offered by the American Society of Hand Therapists or Florida Occupational Therapy Association.

(d) Supervised treatment sessions shall be conducted under the supervision of licensed occupational therapists and occupational therapy assistants who have completed four hours of coursework in the use of electrical stimulation devices and five (5) supervised treatments or licensed physical therapists and physical therapist assistants trained in the use of electrical stimulation devices. Treatment supervisors must have a minimum of 24 months prior experience in the use of electrical stimulation devices.

(e) The training provided which teaches the therapeutic uses of electrical stimulation devices shall provide for the following minimum competency level:

1. Standards.

a. The expected outcome of treatments with Therapeutic Electrical Current (hereinafter T.E.C.) must be consistent with the goals of treatment.

b. Treatment with T.E.C. must be safe, administered to the correct area, and be of proper dosage.

c. Treatment with T.E.C. must be adequately documented.

2. Current Duration and Mode.

a. Ability to determine the duration and mode of current appropriate to the patient’s neurophysiological status while understanding Ohm’s Law of electricity, physical laws related to the passage of current through various media, as well as impedance.

b. Ability to describe normal electrophysiology of nerve and muscle; understanding generation of bioelectrical signals in nerve and muscle; recruitment of motor units in normal muscle and in response to a variety of external stimuli.

c. Ability to describe normal and abnormal tissue responses to external electrical stimuli while understanding the differing responses to varieties of current duration, frequency and intensity of stimulation.

3. Selection of Method and Equipment

a. Ability to identify equipment with the capability of producing the preselected duration and mode.

b. Ability to describe characteristics of electrotherapeutic equipment and understanding the therapeutic value of different electrotherapeutic equipment.

c. Ability to describe safety regulations governing the use of electrotherapeutic equipment.

d. Ability to describe principles of electrical currents.

e. Ability to describe requirements/idiosyncrasies of body areas and pathological conditions with respect to electrotherapeutic treatment.

4. Preparation of Treatment.

Ability to prepare the patient for treatment through positioning and adequate instructions.

5. Treatment Administration.

a. Ability to correctly operate equipment and appropriately adjust the intensity and current while understanding rate of stimulation, identification of motor points, and physiological effects desired.

b. Ability to adjust the intensity and rate to achieve the optimal response, based on the pertinent evaluative data.

6. Documentation of Treatments.

Ability to document treatment including immediate and long-term effects of therapeutic electrical current.

(f) Any occupational therapist or occupational therapy assistant who uses such electrical stimulation device shall, upon request of the Board, or the Department, present proof that he or she has obtained the training required by this rule.

(2) Ultrasound Device.

(a) Use of an ultrasound device for which a prescription is required by Federal law, 21 C.F.R. 801.109, is expressly prohibited by Section 468.203(4), F.S., except by an occupational therapist or occupational therapy assistant who has received training as prescribed in this rule.

(b) For purposes of this rule, an "ultrasound device" is any device intended to generate and emit ultrasonic radiation for therapeutic purposes at ultrasonic frequencies above 100 kilohertz (kHz).

(c) The training required to qualify for the use of an ultrasonic stimulation device shall include didactic training of at least four (4) hours and performance of at least five (5) treatments under supervision. The required training may be obtained through educational programs, workshops, or seminars offered at a college or university approved for training of occupational therapists by the American Occupational Therapy Association or of physical therapists by the American Physical Therapy Association or at clinical facilities affiliated with such accredited colleges or universities or educational programs offered through the American Society of Hand Therapists or Florida Occupational Therapy Association.

(d) Supervised treatment sessions shall be conducted under the supervision of licensed occupational therapists and occupational therapy assistants who have completed four hours of coursework in the use of ultrasound devices and five (5) supervised treatments or licensed physical therapists and physical therapist assistants trained in the use of ultrasound devices. Treatment supervisors must have a minimum of 24 months prior experience in the use of ultrasound devices.

(e) The training provided which teaches the therapeutic uses of ultrasound devices shall provide for the following minimum competency level:

1. Standards.

a. The expected outcome of treatment with ultrasound must be consistent with the goals of treatment.

b. Treatment with ultrasound must be safely administered to the correct area, and be of proper dosage.

c. Treatment with ultrasound must be adequately documented.

2. Instrumentation.

a. Ability to describe the physiological effects of pulsed versus continuous modes as well as differentiate tissue responses to the modes of application.

b. Ability to describe ultrasound absorption characteristics of various body tissues and identify sources and causes of excessive absorption in normal versus abnormal tissue.

c. Ability to determine the medium to be used and the temperature of that medium.

d. Ability to select the appropriate sound head size and contour considering the area and condition being treated.

e. Ability to describe equipment characteristics, indications and contraindications for treatment, including identifying source and mechanisms of generation of ultrasound energy and its transmission through air and physical matter.

3. Preparation for Treatment. Ability to prepare the patient for treatment through positioning and adequate instruction.

4. Determination of Dosage. Ability to determine dosage through determination of target depth, chronicity versus acuteness of the condition, and application of power/dosage calculation rules.

5. Treatment Administration. Ability to administer treatment through identification of controls, sequence of operation, correct sound head application techniques and application of all safety rules and precautions.

6. Documentation of Treatment. Ability to document treatment, including immediate and long-term effects of clinical ultrasound.

(f) Any occupational therapist or occupational therapy assistant who uses such ultrasound device shall, upon request of the Board, or the Department, present proof that he or she has obtained the training required by this rule.

Specific Authority 468.203(4), 468.204 FS. Law Implemented 468.203(4) FS. History--New 1-1-88, Formerly 21M-15.001, 61F6-15.001, Amended 12-4-95, Formerly 59R-63.001, Amended 8-9-99, 7-2-00.

64B11-4.002 Occupational Therapy Aides and Other Unlicensed Personnel Involved in the Practice of Occupational Therapy.

(1) An occupational therapy aide is an unlicensed person who assists in the practice of occupational therapy, who works under the direct supervision of a licensed occupational therapist or occupational therapy assistant and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy. An occupational therapy aide is a worker who is trained on the job to provide support services to occupational therapists and occupational therapy assistants. The term occupational therapist aide as used in this section means any unlicensed personnel involved in the practice of occupational therapy.

(2) A licensed occupational therapist or occupational therapy assistant may delegate to occupational therapy aides only specific tasks which are neither evaluative, assessive, task selective nor recommending in nature, and only after insuring that the aide has been appropriately trained for the performance of the task. All delegated patient related tasks must be carried out under direct supervision, which means that the aide must be within the line of vision of the supervising occupational therapist or occupational therapy assistant.

(3) Any duties assigned to an occupational therapy aide must be determined and appropriately supervised by a licensed occupational therapist or occupational therapy assistant and must not exceed the level of training, knowledge, skill, and competence of the individual being supervised. The licensed occupational therapist or occupational therapy assistant is totally and wholly responsible for the acts or actions performed by any occupational therapy aide functioning in the occupational therapy setting.

(4) Occupational therapy aides may perform ministerial duties, tasks and functions without direct supervision which shall include, but not be limited to:

- (a) Clerical or secretarial activities;
- (b) Transportation of patients/clients;
- (c) Preparing, maintaining or setting up of treatment equipment and work area;
- (d) Taking care of patients'/clients' personal needs during treatment.

(5) Occupational therapy aides shall not perform tasks that are either evaluative, assessive, task selective or recommending in nature which shall include, but not be limited to:

- (a) Interpret referrals or prescriptions for occupational therapy services;
- (b) Perform evaluative procedures;
- (c) Develop, plan, adjust, or modify treatment procedures;
- (d) Act on behalf of the occupational therapist in any matter related to direct patient care which requires judgment or decision making except when an emergency condition exists;
- (e) Act independently or without direct supervision of an occupational therapist;
- (f) Patient treatment;
- (g) Any activities which an occupational therapy aide has not demonstrated competence in performing.

Specific Authority 468.204 FS. Law Implemented 468.203(5) FS. History--New 9-12-88, Formerly 21M-15.003, 61F6-15.003, Amended 8-12-96, Formerly 59R-63.003, Amended 6-15-98, 8-9-99.

64B11-4.0025 Probable Cause Determination.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapters 456 and 468, F.S., Part III, and the rules promulgated pursuant thereto, has occurred shall be made by majority vote of the probable cause panel.

(2) The probable cause panel shall be composed of two (2) members, one of which must be a current board member.

(3) The probable cause panel members shall be selected by the Chairman of the Board. One (1) of the panel members shall be designated by the Chairman of the Board to serve as the presiding officer.

(4) The probable cause panel shall meet at such times as called by the presiding officer of the panel.

Specific Authority 456.073, 468.204 FS. Law Implemented 456.073 FS. History--New 9-22-98.

64B11-4.003 Standards of Practice; Discipline.

(1) Purpose. The legislature created the Board to assure protection of the public from persons who do not meet minimum requirements for safe practice or who pose a danger to the public. Pursuant to Section 456.079, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Part III, Chapter 468, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Among the range of punishments including any and all in Section 456.072(2), F.S., in increasing severity are:

(a) Letter of concern and a minimum administrative fine of \$100, remedial education, and/or refund of fees billed.

(b) Probation with conditions to include limitations on the type of practice or practice setting, requirement of supervision by a licensee of the Board, employer and self reports, periodic appearances before the Board, counseling or participation in the Professionals Resource Network (PRN), payment of administrative fines, and such conditions to assure protection of the public.

(c) Suspension for a minimum of ninety days and thereafter until the licensee appears before the Board to demonstrate current competency and ability to practice safely and compliance with any previous Board orders.

(d) Denial of licensure with conditions to be met prior to any reapplication.

(e) Permanent Revocation, with limited ability to reapply.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended below. The Board shall consider as aggravating or mitigating factors the following:

(a) Exposure of patients or public to injury or potential injury, physical or otherwise; none, slight, severe, or death;

(b) Legal status at the time of the offense; no restraints, or legal constraints;

(c) The number of counts or separate offenses established;

(d) The disciplinary history of the applicant or licensee in any jurisdiction and the length of practice;

(e) Pecuniary benefit or self-gain inuring to the applicant or licensee;

(f) Any efforts at rehabilitation, attempts by the licensee to correct or to stop violations, or refusal by the licensee to correct or to stop violations;

(g) Any other relevant mitigating factors.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal

to certify an application for licensure.

In addition to the penalty imposed, the Board shall recover the costs of investigation and prosecution of the case. Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
<p>(a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board. (468.217(1)(a), 456.072(1)(h), F.S.)</p> <p style="text-align: center;">First Offense</p> <p style="text-align: center;">Second Offense</p> <p style="text-align: center;">Third Offense</p> <p>However, if the violation is not through an error but is for making a false or fraudulent representation, the fine is increased to \$10,000 per count or offense.</p>	<p>Revocation with ability to reapply and \$1,000 fine</p> <p>Revocation with ability to reapply and \$3,000 fine</p> <p>Revocation with ability to reapply and \$6,000 fine</p>	<p>Revocation with ability to reapply and \$3,000 fine.</p> <p>Revocation with ability to reapply and \$6,000 fine</p> <p>Revocation with no ability to reapply and \$10,000 fine</p>
<p>(b) Action taken against license by another jurisdiction. (468.217(1)(b), 456.072(1)(f), F.S.)</p> <p style="text-align: center;">First Offense</p> <p style="text-align: center;">Second Offense</p>	<p>Imposition of discipline which would have been if the substantive violation occurred in Florida and \$100 fine</p> <p>Imposition of discipline which</p>	<p>Suspension/denial until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$1,000 fine. Impaired practitioners working in Florida may be ordered into the PRN</p> <p>Revocation until the license is</p>

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
	would have been if the substantive violation occurred in Florida and a \$1,000 fine	unencumbered in the jurisdiction in which disciplinary action was originally taken and \$2,000 fine. Impaired practitioners working in Florida may be ordered into the PRN
Third Offense	Revocation and \$10,000 fine	
(c) Guilt of a crime directly relating to practice or ability to practice. (468.217(1)(c), F.S.)		
First Offense	6 months probation with conditions and \$1,000 fine	Revocation and \$5,000 fine
Second Offense	1 year suspension and \$5,000 fine	Revocation and \$10,000 fine
(d) False, deceptive, or misleading advertising. (468.217(1)(d), F.S.)		
First Offense	Reprimand	6 months suspension and \$250 fine
Second Offense	6 months suspension and \$250 fine	9 months suspension and \$500 fine
Third Offense	9 months suspension and \$500 fine	1 year suspension and \$5,000 fine
(e) Advertising, practicing under a name other than one's own name. (468.217(1)(e), F.S.)		
First Offense	Reprimand	6 months suspension and \$100 fine
Second Offense	6 months suspension	9 months suspension

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
	and \$100 fine	and \$500 fine
Third Offense	9 months suspension and \$500 fine	1 year suspension and \$5,000 fine
(f) Failure to report another licensee in violation. (468.217(1)(f), 456.072(1)(i), F.S.)		
First Offense	Reprimand and \$100 fine	Reprimand and \$500 fine
Second Offense	Reprimand and \$500 fine	6 months probation with conditions and \$1,000 fine
Third Offense	6 months probation with conditions and \$1,000 fine	6 months probation with conditions and \$5,000 fine
(g) Aiding unlicensed practice. (468.217(1)(g), 456.072(1)(j), F.S.)		
First Offense	1 year probation with conditions and \$1,000 fine	6 months suspension, 1 year probation with conditions and \$3,000 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$3,000 fine	1 year suspension, 2 years probation with conditions and \$6,000 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$6,000 fine	Revocation and \$10,000 fine
(h) Failure to perform legal obligation. (468.217(1)(h), 456.072(1)(k), F.S.)		

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
First Offense	Letter of Concern and \$100 fine	6 months probation with conditions and \$100 fine
Second Offense	6 months probation with conditions and \$100 fine	6 months suspension, 1 year probation with conditions and \$1,000 fine
Third Offense	6 months suspension, 1 year probation with	Revocation and \$5,000 fine conditions and \$500 fine
(i) Failing to file a report as required. (468.217(1)(i), 456.072(1)(l), F.S.)		
First Offense	1 year probation with conditions and \$100 fine	6 months suspension, 1 year probation with conditions and \$250 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$250 fine	Revocation and \$1,000 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$1,000 fine	Revocation and \$10,000 fine
However, if the violation is for making a false or fraudulent representation, a fine of \$10,000 per count or offense.		
(j) Kickbacks or split fee arrangements. (468.217(1)(j), F.S.)		
First Offense	6 months suspension, 1 year probation with conditions and \$500 fine	Revocation and \$5,000 fine
Second Offense	1 year suspension, 2 years probation with conditions and \$1,000	Revocation and \$8,000 fine

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
	fine	
Third Offense	2 years suspension, 3 years probation with conditions and \$2,500 fine	Revocation and \$10,000 fine
(k) Exercising influence to engage patient in sex. (468.217(1)(k), F.S.)		
First Offense	1 year suspension, 4 years probation with conditions referral to PRN and \$5,000 fine	Revocation and \$7,500 fine
Second Offense	Revocation and \$7,500 Fine	Revocation and \$10,000 fine
(l) Deceptive, untrue, or fraudulent representations in the practice. (468.217(1)(l), 456.072(1)(a), F.S.)		
First Offense	1 year probation with conditions and \$10,000 fine	1 year suspension, 1 year probation with conditions and \$10,000 fine
Second Offense	1 year suspension, 1 year probation with conditions and \$10,000 fine	Revocation and \$10,000 fine
Third Offense	2 years suspension, 2 years probation with conditions and \$10,000 fine	Revocation and \$10,000 fine
(m) Improper solicitation of patients. (468.217(1)(m), F.S.)		
First Offense	1 year probation with conditions and \$500 fine	6 months suspension, 1 year probation with conditions and

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
		\$2,000 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$1,500 fine	1 year suspension, 2 years probation with conditions and \$5,000 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$3,000 fine	Revocation and \$10,000 fine
(n) Failure to keep written medical records, justifying the course of treatment of the patient, including but not limited to patient history, examination results and test results. (468.217(1)(n), F.S.)		
First Offense	Reprimand and \$300 fine	Reprimand and \$1,000 fine
Second Offense	Reprimand and \$1,000 fine	6 months suspension, 1 year probation with conditions and \$5,000 fine
Third Offense	6 months suspension, 1 year probation with conditions and \$3,000 fine	1 year suspension, 2 years probation with conditions and \$10,000 fine
(o) Exercising influence on patient for financial gain. (468.217(1)(o), 456.072(1)(n), F.S.)		
First Offense	1 year probation with conditions and \$1,000 fine	1 year suspension, 2 years probation with conditions and \$7,500 fine

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
Second Offense	Revocation and \$5,000 Fine	Revocation and \$10,000 fine
(p) Performing professional services not authorized by patient. (468.217(1)(p), F.S.)		
First Offense	Reprimand and \$500 fine	Reprimand and \$1,000 fine
Second Offense	Reprimand and \$1,000 fine	6 months probation with conditions and \$5,000 fine
Third Offense	6 months probation with conditions and \$3,000 fine	Revocation and \$10,000 fine
(q) Malpractice. (468.217(1)(q), F.S.)		
First Offense	1 year probation with conditions and \$1,000 fine	1 year suspension, 2 years probation with conditions or denial and \$5,000 fine
Second Offense	1 year suspension, 2 years probation with conditions and \$5,000 fine	Revocation and \$10,000 fine
(r) Performing of experimental treatment without informed consent. (468.217(1)(r), F.S.)		
First Offense	1 year suspension, 1 year probation with conditions and \$1,000 fine	2 years suspension, 2 years probation with conditions or denial and \$5,000 fine
Second Offense	Revocation and \$5,000	Revocation and

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
	fine	\$10,000 fine
(s) Practicing beyond scope permitted. (468.217(1)(s), 456.072(1)(o), F.S.)		
First Offense	Reprimand and \$100 fine	6 months suspension, 6 months probation with conditions or denial and \$1,500 fine
Second Offense	6 months suspension, 6 months probation with conditions and \$1,500 fine	1 year suspension, 1 year probation with conditions and \$7,500 fine
Third Offense	1 year suspension, 1 year probation with conditions and \$3,000 fine	Revocation and \$10,000 fine
(t) Inability to practice occupational therapy with skill and safety. (468.217(1)(t), F.S.)		
First Offense	Submit to mental/physical examination and impose conditions on practice	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with reasonable skill and safety
Second Offense	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with	Submit to mental/physical examination and suspension until able to demonstrate ability to practice with

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
	reasonable skill and safety	reasonable skill and safety and \$3,000 fine
Third Offense	Submit to mental/physical examination, suspension until able to demonstrate ability to practice with reasonable skill and safety and \$3,000 fine	Revocation and \$5,000 fine
(u) Delegation of professional responsibilities to unqualified person. (468.217(1)(u), 456.072(1)(p), F.S.)		
First Offense	1 year probation with conditions and \$1,000 fine	6 months suspension, 1 year probation with conditions and \$3,000 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$3,000 fine	1 year suspension, 2 years probation with conditions and \$6,000 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$6,000 fine	Revocation and \$10,000 fine
(v) Violation of order, or failure to comply with subpoena. (468.217(1)(v), 456.072(1)(q), F.S.)		
First Offense	Suspension until order or subpoena complied with and \$500 fine	Revocation and \$1,500 fine

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
Second Offense	6 months suspension, 1 year probation with conditions and \$1,500 fine	Revocation and \$5,000 fine
(w) Conspiring to restrict another from lawfully advertising services. (468.217(1)(w), F.S.)		
First Offense	Reprimand	Reprimand and \$100 fine
Second Offense	Reprimand and \$100 fine	Reprimand and \$500 fine
Third Offense	Reprimand and \$500 fine	Reprimand and \$1,000 fine
(x) Violating Chapters 468, 456, F.S., or any rules adopted pursuant thereto. (468.217(1)(x), 456.072(1)(cc), F.S.)		
First Offense	Suspension until law or rule complied with and \$500 fine	Revocation and \$1,500 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$1,500 fine	Revocation and \$5,000 fine
(y) Performing or attempting health care services on the wrong patient, wrong site wrong procedure, or unauthorized or medically unnecessary procedure including preparation of the patient. (456.072(1)(bb), F.S.)		
First Offense	1 year probation with conditions and \$1,000 fine	1 year suspension, 2 years probation with conditions and \$5,000 fine
Second Offense	1 year suspension, 2	Revocation and

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
	years probation with conditions and \$5,000 fine	\$10,000 fine
(z) Intentionally violating any rule adopted by the Board or the Department as appropriate. (456.072(1)(b), F.S.) First Offense	6 months suspension, 1 year probation with conditions and \$1,000 fine	1 year suspension, 2 years probation with conditions and \$3,000 fine
(aa) Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice a licensee's profession. (456.072(1)(c), F.S.) First Offense Second Offense	6 months probation with conditions and \$1,000 fine 1 year suspension and \$5,000 fine	Revocation and \$5,000 fine Revocation and \$10,000 fine
(bb) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.) First Offense	Letter of Concern	6 months probation with conditions and \$500 fine
(cc) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (456.072(1)(g), F.S.)		

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
First Offense	1 year probation with conditions and \$1,000 fine	6 months suspension, 1 year probation with conditions and \$5,000 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$2,000 fine	1 year suspension, 2 years probation with conditions and \$10,000 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$4,000 fine	Revocation and \$10,000 fine
(dd) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (456.072(1)(a) and (m), F.S.)		
First Offense	1 year probation with conditions and \$10,000 fine	1 year suspension, 1 year probation with conditions and \$10,000 fine
Second Offense	1 year suspension, 1 year probation with conditions and \$10,000 fine	Revocation and \$10,000 fine
Third Offense	2 years suspension, 2 years probation with conditions and \$10,000 fine	Revocation and \$10,000 fine
(ee) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (456.072(1)(r), F.S.)		
First Offense	6 months probation with conditions and	6 months suspension, 1 year probation with

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
	\$1,000 fine	conditions and \$2,000 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$2,000 fine	1 year suspension, 2 years probation with conditions and \$5,000 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$4,000 fine	Revocation and \$10,000 fine
(ff) Engaging or attempting to engage a patient in verbal or physical sexual activity. (456.072(1)(v), F.S.)		
First Offense	1 year suspension, 4 years probation with conditions referral to PRN and \$5,000 fine	Revocation and \$7,500 fine
Second Offense	Revocation and \$7,500 fine	Revocation and \$10,000 fine
(gg) Failing to report to the board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of no contendere to, regardless of adjudication, a crime in any jurisdiction. (456.072(1)(x), F.S.)		
First Offense	Reprimand	6 months suspension, 1 year probation with conditions and \$500 fine
Second Offense	6 months suspension, 1 year probation with conditions and \$500 fine	1 year suspension, 2 years probation with conditions and \$1,000 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$1,000	Revocation and \$5,000 fine

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
	fine	
(hh) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents. (456.072(1)(y), F.S.)		
First Offense	1 year probation with conditions and \$1,000 fine	6 months suspension, 1 year probation with conditions and \$4,000 fine
Second Offense	6 months suspension, 2 years probation with conditions and \$2,000 fine	1 year suspension, 2 years probation with conditions and \$7,500 fine
Third Offense	1 year suspension, 2 years probation with conditions and \$4,000 fine	Revocation and \$10,000 fine
(ii) Failing to finish PRN treatment program or failing without just cause to comply with PRN contract First Offense 456.072(1) (hh), F.S.	Suspension until compliant with program; up to suspension until compliant with program, followed by up to 5 years probation with conditions	
Second or Subsequent Offense	Up to \$2000 fine, suspension until compliant with program followed by up to 5 years probation with conditions, or revocation	

(5) Stipulations or Settlements. The provisions of this rule are not intended and shall not be construed to limit the ability of the Board to dispose informally of disciplinary actions by stipulation, agreed settlement, or consent

order pursuant to Section 120.57(4), F.S.

(6) Letters of Guidance. The provisions of this rule cannot and shall not be construed to limit the authority of the probable cause panel of the Board to direct the Department to send a letter of guidance pursuant to Section 456.073(3), F.S., in any case for which it finds such action appropriate.

(7) Other Action. The provisions of this rule are not intended to and shall not be construed to limit the ability of the Board to pursue or recommend that the Department pursue collateral civil or criminal actions when appropriate.

Specific Authority 456.079, 468.204 FS. Law Implemented 456.072, 456.079, 468.217 FS. History—New 9-12-88, Amended 11-9-92, Formerly 21M-15.002, 61F6-15.002, 59R-63.002, Amended 1-27-00, 12-27-01, 12-27-05, 4-10-08.

64B11-4.0035 Payment of Fine.

All fines and assessments of costs imposed by the Board shall be paid within thirty (30) days from the date of the final order entered by the Board unless the final order extends the deadline in any given case.

Specific Authority 456.072(4), 468.204, 468.217 FS. Law Implemented 456.072(4), 468.217 FS. History—New 8-27-98.

64B11-4.004 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), F.S., the Board provides within this rule guidelines regarding when a notice of noncompliance may be issued for minor violations under Part III, Chapter 468, F.S.

(2) Minor violations do not endanger the public health, safety and welfare and do not demonstrate a serious inability to practice the profession. A minor violation under this provision shall include failure to notify the Board of a change of address.

(3) Failure of a licensee to take corrective action within 15 days after notice may result in disciplinary proceedings, as provided in Section 468.217, F.S.

Specific Authority 456.073(3), 468.204 FS. Law Implemented 456.073(3), FS. History—New 9-3-90, Formerly 21M-15.004, 61F6-15.004, 59R-63.004, Amended 6-11-02.

64B11-4.005 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department may issue a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) The citation may be served upon the licensee by personal service or certified mail, restricted delivery, at the licensee's last known address.

(4) The Board designates the following as citation violations:

(a) Practicing with an inactive license, up to six months, for which the Board shall impose a \$100 per month penalty for each full month or partial month that the license is inactive.

(b) Practicing with a delinquent license, up to six months, for which the Board shall impose a \$100 per month penalty for each full month or partial month the license is delinquent.

(c) Practicing with a retired status license, up to six months, for which the Board shall impose a \$100.00 per month penalty for each full month or partial month the license is in retired status.

(d) Violating Section 468.217(1)(a), F.S., by submitting a worthless check to the Board or the Department. The penalty shall be \$100.00 dollars, replacement of the amount of the check if a license was issued based on it, and costs incurred by processing the check. All payments due based on the citation shall be paid within 30 days of the date the citation is filed.

(e) First time failure to complete required continuing education hours, which includes but is not limited to required HIV/AIDS, during the biennial licensure period. The fine shall be \$50.00 per hour for each hour of deficiency, up to a maximum fine of \$1,000.00. In addition, licensees shall make up the deficient continuing education and take one additional hour of continuing education for each of the continuing education deficiencies, which shall not count towards meeting the continuing education renewal requirements for the next biennium. All such made up continuing education hours and additional continuing education hours shall be completed and documentation of same shall be provided to the department within 90 days of the date the citation is filed.

(f) Failure to timely respond to a continuing education audit/pre-audit request as required by subsection 64B11-5.001(7), F.A.C., for which the Board shall impose a penalty of \$50.00, and shall require the licensee to provide within 10 (ten) days the documents showing proof of compliance with the continuing education requirements.

(g) Failure to maintain on file a current address, or failure to timely notify the Board of a change of address, as required by Rule 64B11-4.007, F.A.C.

(5) The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's costs of investigation and prosecution as described in Section 456.072(4), F.S.

(6) If the subject disputes any matter contained in the citation, within thirty days after service, the Department shall follow the procedure set forth in Section 456.073, F.S. Otherwise, the citation shall become a final order of the Board.

Specific Authority 456.077, 468.204 FS. Law Implemented 456.072, 456.077 FS. History--New 1-1-92, Formerly 21M-15.005, 61F6-15.005, Amended 11-13-96, Formerly 59R-63.005, Amended 2-20-02, 7-26-04, 8-2-05, 5-29-06, 4-10-08, 1-12-09.

64B11-4.006 Mediation.

For purposes of Section 456.078, F.S., the Board finds the following offenses appropriate for mediation:

- (1) Failure to timely respond to a continuing education audit as required by Rule 64B11-5.001, F.A.C.;
- (2) Failure to timely notify the Board of a change of address as required by Rule 64B11-4.007, F.A.C.;
- (3) Unintentional violation of Section 456.072(1)(h), F.S. by submitting a worthless check to the Department or Board.

Specific Authority 456.078, 468.204 FS. Law Implemented 456.078 FS. History--New 12-20-98, Amended 6-11-02, 5-10-05.

64B11-4.007 Address of Licensee.

Each person holding a license issued pursuant to Part III of Chapter 468, F.S., must maintain on file with the Board a current mailing address at which any notice required by law may be served by the Department, the Board, or its agents, and the address of the current place of practice if different from the current mailing address. The licensee shall notify the Board in writing of any change of address within 60 days, whether or not within this state.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History--New 11-13-01.

CHAPTER 64B11-5 LICENSURE STATUS AND FEES

64B11-5.001 Requirements for License Renewal of an Active License.

64B11-5.002 Inactive Status and Renewal of Inactive License. (Repealed)

64B11-5.003 Requirements for Reactivation of an Inactive License.

64B11-5.004 Delinquent Status Licenses. (Repealed)

64B11-5.005 Unlicensed Activity Fee.

64B11-5.006 Inactive and Delinquent Status Fees.

64B11-5.0065 Exemption of Spouse of Member of Armed Forces from License Renewal Requirements.

64B11-5.001 Requirements for License Renewal of an Active License; Continuing Education.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles. An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) As a condition to the renewal of an active license, an occupational therapist must complete twenty-six (26) hours of approved continuing education per biennium.

(2) As a condition to the renewal of an active license, an occupational therapist assistant must complete twenty-six (26) hours of approved continuing education per biennium.

(3) Home Study – A licensee may perform no more than twelve (12) hours of continuing education as home study education per biennium. Home study education is independent study and requires a certificate of completion. Home study education does not include a web-based, satellite transmitted or online instruction program that allows

or requires the licensee to interact or communicate back and forth with the instructor during the presentation of the program.

(4) HIV/AIDS – The licensee shall complete one (1) hour of HIV/AIDS education as set forth in Section 456.033, F.S., no later than upon first renewal. Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, F.S., are approved by this Board.

(5) Medical Errors – Each licensee shall attend and certify attending a Board-approved 2-hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for licensure renewal. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety and must include contraindications and indications specific to occupational therapy management including medication and side effects.

(6) Laws and Rules – As part of the twenty-six (26) hours of continuing education required herein for licensure renewal, each licensee shall attend a two (2) hour Board approved course on laws and rules, i.e., Chapters 456 and 468, Part III, F.S., and Chapter 64B11, F.A.C.

(7) Documentation – The licensee must retain such receipts, vouchers, certificates or other papers necessary to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will audit licensees at random to assure that the continuing education requirements have been met. Upon being audited, a licensee shall, within 30 days, or longer period of time if specified in the audit notice, provide documentation to the Board that shows proof of compliance with the continuing education requirements imposed by this chapter and Chapter 64B11-6, F.A.C.

(8) Exemption – Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium, except for the two (2) hour prevention of medical errors course requirement referenced above and required by Section 456.013, F.S., and the one (1) hour of HIV/AIDS education required no later than upon first renewal, as set forth in Section 456.033, F.S.

(9) Changes of Status – Active status licensees may apply to the Board for inactive license status at any time by paying a \$50.00 fee to change licensure status. Additionally, the licensee shall pay any applicable inactive status renewal fee or delinquent fee.

(10) Alternative Media – A maximum of five contact hours may be awarded per biennium for approved alternative media, such as video, audio and/or software programs, prepared or updated not more than five years prior to the date of viewing or presentation. At time of course presentation, rental, or sale, the course vendor, in lieu of the certificate of completion, shall provide the licensee with a signed course validation form. The licensee shall sign this form on the date that the course is actually taken or viewed indicating full attendance and successful completion. It shall be retained by the licensee for four years.

(11) Course Presentation and Attendance at Board Meetings – A maximum of eight contact hours may be awarded per biennium for each of the following:

(a) The presentation of a continuing education course or program, academic course, peer-reviewed or non peer-reviewed workshop, seminar, in-service, electronic or web-based course that is directly related to the practice of occupational therapy as either the lecturer of the course or program or as the author of the course materials. Each licensee who is participating as either a lecturer or author of a continuing education course or program may receive credit for the portion of the offering he/she presented or authored up to the total hours awarded for the offering.

1. Continuing education credit may be awarded to a lecturer or author for the initial presentation of each course or program only; repeat presentations of the same continuing education course or program shall not be granted credit.

2. In order for a continuing education credit to be awarded to each licensee participating as either lecturer or author, the format of the continuing education course or program must conform with all applicable sections of this rule chapter.

3. Documentation shall include a copy of the official program/schedule/syllabus including presentation title, date, hours of presentation, and type of audience or verification of such signed by the sponsor.

4. The number of contact hours to be awarded to each licensee who participates in a continuing education course or program as either a lecturer or author is based on the 50 minute contact hour employed within this rule

chapter.

(b) Attendance at Florida Board of Occupational Therapy Practice meetings. The number of contact hours awarded for such attendance is based on the definition of a contact hour as set forth in paragraph 64B11-6.001(5)(d), F.A.C.

(12) Fieldwork Experience – A licensee may earn up to 6 continuing education hours per biennium for supervision of a Level II Occupational Therapy or Occupational Therapy Assistant fieldwork student at the rate of no more than 3 hours per student. To be eligible for the credit, the licensee must participate as the primary clinical fieldwork educator for the student. Documentation shall include verification provided by the school to the fieldwork educator with the name of the student, school, and dates of fieldwork or the signature page of the completed student evaluation form. Evaluation scores and comments shall be deleted or blocked out.

(13) Publications – A licensee may earn the following continuing education credit for publication of a peer-reviewed or non peer-reviewed book, chapter, article, or publication of instructional materials using alternative media directly related to the practice of occupational therapy:

- (a) 10 hours as the author of a book;
- (b) 5 hours as author of a chapter;
- (c) 3 hours as author of a peer-reviewed article;
- (d) 1 hour as author of a non peer-reviewed article;
- (e) 5 hours as an editor of a book; and

(f) 3 hours in publication of instructional material using alternative media. Documentation shall consist of full reference for publication including title, author, editor, and date of publication; or copy of acceptance letter if not yet published.

(14) Research – A licensee may earn 1 hour of continuing education credit for each 10 hours spent in development of or participation in a research project specific to and directly related to the practice of occupational therapy, up to a limit of 5 hours of credit per biennium. Documentation shall include verification from the primary investigator indicating the name of the research project, dates of participation, major hypotheses or objectives of the project, and the licensee's role in the project.

(15) Volunteer Expert Witness – In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 468, Part III, F.S., the Occupational Therapy Practice Act, shall receive 3.0 hours of credit for each case reviewed. A volunteer expert witness may not accrue in excess of 6.0 hours of credit per biennium pursuant to this paragraph.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History—New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, 5-7-03, 3-28-04, 10-24-04, 8-30-06, 10-15-06, 6-6-07, 7-27-08.

64B11-5.003 Requirements for Reactivation of an Inactive License.

(1) An inactive license for an occupational therapist or occupational therapist assistant shall be reactivated upon demonstration that the licensee has satisfied the following requirements:

(a) Paid the reactivation fee and any applicable delinquent or renewal fees as set forth in Rule 64B11-5.006, F.A.C.;

(b) Unless exempted by subsection 64B11-5.001(8), F.A.C., completed 26 hours of approved continuing education for each full biennium in which the license was in an inactive status and for the last biennium in which the licensee held an active status license;

(c) Unless exempted by subsection 64B11-5.001(8), F.A.C., completed a two hour course on laws and rules (as required by subsection 64B11-5.001(6), F.A.C.) for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license. This requirement shall count towards the 26 total biennial hourly requirements, as applicable;

(d) Completion of two (2) hours of approved continuing education relating to the prevention of medical errors, as authorized and prescribed in subsection 64B11-5.001(5), F.A.C., for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.

(2) A licensee may perform no more than twelve (12) hours of continuing education as home study education for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.

(3) No provision of this section shall be construed to require the completion of continuing education in any specific subject area, for any biennial period in which continuing education in that subject area was not specifically required by law for renewal of an active license.

(4) The continuing education credits required by this section for reactivation may be earned at any time during the inactive licensure period. Credits allowed to meet this requirement may also include up to 26 hours of approved continuing education credits earned during the last biennium in which the licensee held an active status license.

(5) The provisions of Sections 64B11-2.012, 64B11-3.009, F.A.C., are not applicable to licensees reactivating inactive licenses.

Specific Authority 456.036, 468.214, 468.219 FS. Law Implemented 456.036, 468.219 FS. History--New 4-17-95, Formerly 59R-64.020, Amended 10-18-01, 8-2-05, 5-26-06, 10-15-06.

64B11- 5.004 Retired Status and Reactivation of Retired Status License; Fees

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal the licensee shall pay the retired status fee of \$50.00. If the license is placed in retired status at any time other than at the time of license renewal the licensee shall pay the change of status processing fee of \$50.00 and the retired status fee of \$50.00.

(2) A licensee may reactivate a retired status license at any time, subject to meeting the following requirements:

(a) paying the reactivation fee, which shall be the same amount as the renewal fee for an active status licensee under these rules for each biennial licensure period in which the licensee was in retired status;

(b) demonstrating satisfaction of the continuing education requirements of Section 64B11-5.001, F.A.C. for each licensure biennial period in which the licensee was in retired status.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History – New 12/27/05.

64B11-5.005 Unlicensed Activity Fee.

(1) Occupational therapists obtaining initial licensure or renewal of licensure must pay an unlicensed activity fee of \$5.00 in addition to the fee for initial licensure set forth in Rule 64B11-2.008, F.A.C., for renewal of active licensure set forth in Rule 64B11-2.009, F.A.C., or renewal of inactive status set forth in Rule 64B11-5.006, F.A.C.

(2) Occupational therapists assistants obtaining initial licensure or renewal of licensure must pay an unlicensed activity fee of \$5.00 in addition to the fee for initial licensure set forth in Rule 64B11-3.006, F.A.C., renewal of active licensure set forth in Rule 64B11-3.007, F.A.C., or renewal of inactive status set forth in Rule 64B11-5.006, F.A.C.

Specific Authority 456.065, 468.204 FS. Law Implemented 456.065 FS. History--New 4-11-95, Formerly 59R-64.050.

64B11-5.006 Inactive and Delinquent Status Fees.

The fees for individuals holding a license pursuant to Section 468.221, F.S., shall be as follows:

- (1) The fee for delinquent status as set forth in subsection 456.036(7), F.S., shall be \$55.00
- (2) The fee for reactivation of an inactive license shall be \$100.00.
- (3) The fee for renewal of an inactive license shall be \$55.00.

Specific Authority 468.221 FS. Law Implemented 456.036, 468.221 FS. History--New 4-17-95, Formerly 59R-64.040, Amended 2-7-02, 2-10-03, 7-27-03.

64B11-5.0065 Exemption of Spouse of Member of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board. If the change of status occurs within the second half of the biennium, the licensee is exempt from the continuing education requirement for that biennium.

Specific Authority 456.024(2), 468.204, 468.219 FS. Law Implemented 456.024(2), 468.219 FS. History--New 12-21-99, Amended 6-24-08.

CHAPTER 64B11-6 CONTINUING EDUCATION

64B11-6.001 Continuing Education Program Approval.

64B11-6.001 Continuing Education Program Approval.

(1) Continuing education credit will be awarded only for completion of licensed programs or those that are Board-approved as provided in this rule. Continuing education program providers seeking initial licensure approval by the Board shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Board approval, a continuing education program:

(a) Should be submitted for the Board's approval not less than 90 days prior to the date the initial offering is scheduled;

(b) Shall be relevant to the practice of occupational therapy as defined in Section 468.203(4), Florida Statutes, must be offered for the purpose of keeping the licensee apprised of advancements and new development in occupational therapy, and shall be designed to enhance learning and skills consistent with contemporary standards for occupational therapy practice.

(c) Shall have its sponsor submit to the Board at least the following:

1. A statement of the educational goals and objectives of the program;
2. A detailed course outline or syllabus, including such items as method of instruction, testing materials, if any;
3. A current curriculum vitae of each speaker or lecturer appearing in the program;
4. The procedure to be used for recording attendance of these attendees seeking to apply for continuing education credit and the procedure for certification by the program's registrar of attendance; and
5. A sample certificate of completion.

(2) When attending an approved program, a licensee must attest by signature that he or she has attended the workshop and attendance must be certified by the program's registrar.

(3) The provider shall maintain records of each course offering for 4 years following each licensure biennium during which the course was offered. Course records shall include a detailed course outline which reflects its educational objectives, the instructor's name, the date and location of the course, the participants' evaluations of the course, the hours of continuing education credit awarded for each participant and a roster of participants by name and license number. The Board, as a condition of a program or provider approval, may audit an approved provider. Upon being audited by the Board, the provider shall provide within 30 days all the documentation listed above in this subsection and such additional information as requested by the Board.

(4)(a) Programs meeting the above criteria and offered by the Florida Occupational Therapy Association (FOTA), the American Occupational Therapy Association (AOTA) and occupational therapy courses, meeting the above criteria, provided by an education program approved by an accrediting body for occupational therapy shall be approved by this Board for continuing education and shall not pay the fees required in subsection (1) of this rule.

(b) Courses sponsored by a college or university when providing a curriculum for occupational therapists or occupational therapy assistants shall be awarded 10 hours of continuing education credit per semester hour and shall be verified by official transcripts.

(5) Courses and programs not approved in subsection (1) or (4) above shall be approved as appropriate continuing education if said course or program meets the following criteria:

(a) The content of the course or program is relevant to the practice of occupational therapy as defined in paragraph (1)(b) of this rule.

(b) The course or program is presented by instructor(s) who possess appropriate education, experience and credentials relevant to the course or program's subject matter.

(c) The course or program's educational goals, objectives and teaching methods are adequately identified in promotional materials.

(d) The course or program must be presented in a time block of at least one contact hour. "One (1) contact hour" equals a minimum of fifty (50) minutes. One half (1/2 or .5) contact hours equals a minimum of twenty-five (25) minutes.

(e) The provider of the course or program must present a certificate indicating full attendance and successful completion of the course or program to each licensee.

(f) The licensee must retain such receipts, vouchers, certificates, or other papers to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will randomly audit licensees to assure the continuing education requirements have been met. Upon being

audited, the licensee shall provide documentation to the Board within 30 days that shows proof of compliance with the continuing education requirements imposed herein.

Specific Authority 456.013(8), 456.025, 468.204, 468.219(2) FS. Law Implemented 468.219(2), 468.221 FS. History—New 8-1-95, Amended 8-27-96, Formerly 59R-65.001, Amended 7-21-98, 4-25-01, 6-25-02, 10-29-02, 3-28-04.