

ARTICLE 55.5-02 OCCUPATIONAL THERAPY PRACTICE LICENSURE

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CHAPTER 55.5-02-01 INITIAL LICENSURE AND RENEWALS

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55.5-02-01-01. Licensure application.

An application for a license to practice occupational therapy must be made to the state board of occupational therapy on forms approved by the board available upon request. The application must contain such information as the board may reasonably require.

1. Each application for a license must be accompanied by:
 - a. A prescribed fee. The initial fee for licensure of an individual who meets the definition of military spouse set forth in North Dakota Century Code section 43-51-01 is waived.
 - b. Official verification of a passing score on an examination by a national occupational therapy certifying agency approved by the board and taken within eighteen months of the application.
2. All applications must be signed by the applicant and notarized.
3. Should any information included in the application change during the application process, the applicant must advise the board of those changes.
4. The board may request additional information or clarification of information provided on the application as it deems necessary, including verification of licensure in good standing from other jurisdictions.
5. The board may direct an applicant to appear before the board concerning the application.
6. The board may require a completed jurisprudence examination of the applicant's or licensee's knowledge of the North Dakota laws, rules, and regulations of occupational therapy.

History: Effective April 1, 1988; amended effective November 1, 2000; February 1, 2004; April 1, 2021.

General Authority: NDCC 43-40-05

Law Implemented: NDCC 43-40-08

55.5-02-01-01.1. Requirements for licensure.

1. To be licensed as an occupational therapist an applicant must meet all of the following requirements:
 - a. The applicant has a degree from an occupational therapy program accredited by the accreditation council for occupational therapy education or a degree from a foreign occupational therapy program which the national board for certification in occupational therapy deems comparable.
 - b. The applicant has passed the occupational therapist registered certification examination administered by the national board for certification in occupational therapy.
 - c. Grounds for denial of the application under North Dakota Century Code section 43-40-16 do not exist.
 - d. The applicant has completed a jurisprudence examination of the applicant's knowledge of North Dakota laws and rules.
2. To be licensed as an occupational therapy assistant an applicant must meet all of the following requirements:
 - a. The applicant has a degree from an occupational therapy program accredited by the accreditation council for occupational therapy education or a degree from a foreign occupational therapy program which the national board for certification in occupational therapy deems comparable.
 - b. The applicant has passed the certified occupational therapy assistant certification examination administered by the national board for certification in occupational therapy.
 - c. Grounds for denial of the application under North Dakota Century Code section 43-40-16 do not exist.
 - d. The applicant has completed a jurisprudence examination of the applicant's knowledge of North Dakota laws and rules.

History: Effective July 1, 2014; amended effective April 1, 2021.

General Authority: NDCC 43-40-05

Law Implemented: NDCC 43-40-08, 43-40-11, 43-40-16

55.5-02-01-01.2. Military spouse initial licensure.

1. The board shall license individuals who meet the definition of military spouse set forth in North Dakota Century Code section 43-51-01 and who meet the following requirements:
 - a. Completes an application for licensure on a form approved by the board and available upon request.
 - b. The military spouse demonstrates competency in occupational therapy or as an occupational therapy assistant through methods or standards determined by the board which must include experience as an occupational therapist or assistant for at least two of the four years preceding application.
 - c. The board determines the issuance of the license will not substantially increase risk of harm to the public and no grounds exist to deny the license pursuant to North Dakota Century Code section 43-40-16.

2. The board may require the submission of any information it deems necessary to assist it in making its determination. The board may deny a license if the board determines the applicant does not meet the above requirements. If the board determines the applicant substantially meets the above requirements, the board may issue a provisional license. When issuing a provisional license, the board may explain the steps necessary for the applicant to fully meet the above requirements and be issued a nonprovisional license. A provisional license must be granted automatically by the board if the board does not deny or grant the license within thirty days of the application. The board may place conditions on any provisional license. Military spouses may not be assessed fees for the issuance of the license or provisional licensee under this section. A provisional license may be valid for up to two years. Provisional licenses expire if:
 - a. The board grants the application for licensure.
 - b. The board denies the application for licensure.
 - c. The provisional license expires.
 - d. The board revokes the provisional license to protect the public safety.
 - e. The applicant fails to meet any steps or conditions the board placed on the provisional license.

History: Effective April 1, 2021.

General Authority: NDCC 43-40-05

Law Implemented: NDCC 43-40-08, 43-40-11, 43-40-16, 43-51-01, 43-51-11.1

55.5-02-01-02. Licensure renewal.

Licenses are renewable biennially in even-numbered years.

1. Licensure renewal for occupational therapist.

- a. Applications for renewal of occupational therapy licenses will be sent by the board on or before April first of the renewal year to all licenseholders. Renewal applications, continued competency documentation, and fees must be postmarked or delivered to the board's office on or before June first of the renewal year.
- b. Occupational therapists are considered delinquent and a late charge shall be assessed if the renewal application, renewal license fee, and continued competency documentation are not postmarked or delivered to the board's office on or before June first of the renewal year.
- c. Occupational therapy licenses will expire if the renewal application, continued competency documentation, and fees are not postmarked or delivered to the board's office by June thirtieth of the renewal year. To reinstate an expired license, an applicant must submit:
 - (1) A renewal application form;
 - (2) The renewal license fee;
 - (3) Continued competency documentation; and
 - (4) Late charges as assessed by the board.

No late renewal of an occupational therapy license may be granted more than three years after expiration, at which time the initial application process is required.

- d. The renewal of an occupational therapy license will be sent to the applicant by July first of the renewal year if the renewal request is complete and postmarked on or before June first of the renewal year.
- e. The board may require a completed jurisprudence examination of the licensee's knowledge of the North Dakota laws, rules, and regulations of occupational therapy.
- f. The board may extend the renewal deadline or waive continued competency or late fees for an applicant providing proof of medical or other hardship rendering the applicant unable to meet the renewal deadline or complete continued competency.
- g. The board may require evidence of a supervision plan from those who have signatures on a substantiating supervision form of the occupational therapy assistant.

2. Licensure renewal for occupational therapy assistant.

- a. Application for renewal of an occupational therapy assistant license will be sent by the board on or before April first of the renewal year to all licenseholders. Renewal applications, continued competency documentation, and fees must be postmarked or delivered to the board's office on or before June first of the renewal year.
 - (1) An occupational therapy assistant supervised during the renewal period shall submit a renewal application, substantiation of supervision, a renewal license fee, and continued competency documentation.
 - (2) An occupational therapy assistant not practicing occupational therapy during the renewal period shall submit the renewal application, renewal license fee, and continued competency documentation. Upon resumption of occupational therapy practice, the occupational therapy assistant shall submit substantiation of supervision.
 - (3) The board may require evidence of a supervision plan.
- b. Delinquency and late charges.
 - (1) Occupational therapy assistants who are supervised at the time of renewal are considered delinquent and a late charge will be assessed if the renewal application, renewal licensure fee, continued competency documentation, and substantiation of supervision are not submitted and postmarked or delivered to the board's office on or before June first of the renewal year.
 - (2) Occupational therapy assistants who are not practicing occupational therapy at the time of renewal are considered delinquent and a late charge shall be assessed if the renewal application, renewal license fee, and continued competency are not submitted and postmarked or delivered to the board's office on or before June first of the renewal year.
- c. Licenses will expire if the renewal form, renewal license fee, continued competency documentation, and substantiation of supervision form are not postmarked or delivered to the board's office by June thirtieth of the renewal year. To reinstate an expired license, an applicant must submit:
 - (1) A renewal application;
 - (2) The renewal license fee;
 - (3) Substantiation of supervision (if supervised);

(4) Continued competency documentation; and

(5) Late charges as assessed by the board.

No late renewal of a license may be granted more than three years after expiration, at which time the initial application process is required.

- d. The renewal of license will be sent to the applicant by July first of the renewal year if the renewal request is completed and postmarked on or before June first of the renewal year.
- e. The board may require a completed jurisprudence examination of the licensee's knowledge of the North Dakota laws, rules, and regulations of occupational therapy.
- f. The board may extend the renewal deadline or waive continued competency or late fees for an applicant providing proof of medical or other hardship rendering the applicant unable to meet the renewal deadline or complete continued competency.

History: Effective April 1, 1988; amended effective November 1, 2000; February 1, 2004; April 1, 2014; April 1, 2021.

General Authority: NDCC 43-40-05

Law Implemented: NDCC 43-40-15

55.5-02-01-03. Fees.

The board has adopted the following fee payment schedule:

- 1. Initial application fees for occupational therapist license and occupational therapy assistant license \$50.00
- 2. Initial occupational therapist license fee:
 - a. Application for license received after June thirtieth of the even-numbered year and before July first of the odd-numbered year \$150.00
 - b. Application for license received after June thirtieth and on or before December thirty-first of the odd-numbered year \$75.00
 - c. Application for license received on or after January first of an even-numbered year \$150.00
- 3. Initial occupational therapy assistant license fee:
 - a. Application for license received after June thirtieth of the even-numbered year and before July first of the odd-numbered year \$110.00
 - b. Application for license received after June thirtieth and on or before December thirty-first of the odd-numbered year \$55.00
 - c. Application for license received on or after January first of an even-numbered year \$110.00
- 4. Occupational therapists and occupational therapy assistants whose applications for licensure are received on or after January first and on or before June thirtieth of the even-numbered year are exempt from the renewal of license for the next licensing period.
- 5. Renewal fee:
 - a. Occupational therapist \$150.00
 - b. Occupational therapy assistant \$110.00
- 6. Student limited permit fee:

a. Occupational therapist	\$40.00
b. Occupational therapy assistant	\$30.00
Student limited permit fees will be applied to the initial license fee.	
7. Late fee	\$100.00
8. Copy of license	\$10.00
9. Change of license	\$10.00
10. Verification of license	\$20.00

History: Effective April 1, 1988; amended effective November 1, 2000; February 1, 2004.

General Authority: NDCC 43-40-05, 43-40-07

Law Implemented: NDCC 43-40-05, 43-40-07

55.5-02-01-04. Continued competency.

Continued competency is the ongoing application and integration of knowledge, critical thinking, interpersonal, and psychomotor skills essential to safely and effectively deliver occupational therapy services within the context of a licensee's role and environment.

1. The board requires a minimum of twenty contact hours within the twenty-four months prior to the completed application for renewal of licensure. One contact hour is equal to one clock-hour.
2. Any licensee initially licensed between July first and December thirty-first of the odd-numbered year is required to complete ten contact hours for that licensing period with twenty contact hours for each subsequent licensing period.
3. Any licensee initially licensed on or after January first of the even-numbered year has no contact hour requirement until the following licensing period when the licensee is required to complete twenty contact hours for that licensing period and each subsequent licensing period.
4. When an applicant for renewal has not been licensed for up to three years, the applicant must submit evidence of a minimum of twenty contact hours of continued competency earned within the twenty-four months prior to the completed application for renewal of license.
5. Board-approved continued competency must meet all the following requirements:
 - a. Be directly related to or supportive of occupational therapy practice.
 - b. Enhance the licensee's professional development and competence.
 - c. Be specific to the licensee's current area of practice or an intended area of practice within the next year.
6. Continued competency includes:
 - a. Workshops, refresher courses, professional conferences, seminars, or education programs presented by organizations such as the American occupational therapy association, the national board for certification in occupational therapy, the North Dakota occupational therapy association, medical associations, or educational and national or state health organizations or approved by the North Dakota board of occupational therapy practice. There is no limit on hours that may be earned under this subdivision.
 - b. Presentations by licensee:

- (1) Professional presentations, for example, inservices, workshops, or institutes. A presentation may be counted only one time. There is no limit on hours that may be earned under this paragraph.
 - (2) Community or service organization presentations. A presentation may be counted only one time. No more than eight hours may be earned under this paragraph.
- c. Formal academic coursework.
- (1) One or two credit hour class is equal to five contact hours.
 - (2) Three or four credit hour class is equal to ten contact hours.
- d. Authoring professional publications. There is no limit on hours that may be earned under this subdivision. Publications include:
- (1) Book chapter.

Primary or coauthor of chapter in practice area-related professional textbook. One chapter is equal to ten contact hours as evidenced by a copy of published chapter or letter from the editor.
 - (2) Article.

Primary or coauthor of practice area-related article in nonpeer-reviewed professional publication. One article is equal to five contact hours as evidenced by a copy of published article.

Primary or coauthor of practice area-related article in peer-reviewed professional publication. One article is equal to ten contact hours.

Primary or coauthor of practice area-related article in lay publication (e.g., community newspaper or newsletter). One article is equal to two contact hours.
 - (3) Multimedia.

Developing instructional materials - training manuals, multimedia, or software programs - that advance the professional skills of others (not for proprietary use; must not be part of one's primary role) as evidenced by program description (materials may be requested by the board). Five contact hours.
 - (4) Research activities.

Primary or coprimary investigator in extensive scholarly research activities or outcomes studies. Method of substantiation includes a copy of a research study that indicates certificant as primary or coprimary investigator. Ten contact hours.

Externally funding service or training projects associated with grants or postgraduate studies. Method of substantiation includes grant funding number or abstract or executive summary or completed report. Ten contact hours.
- e. Formal self-study course with a completion certificate. There is no limit on hours that may be earned under this subdivision.
- f. Direct supervision of occupational therapy students performing level II fieldwork or experiential component in an occupational therapy program accredited by the accreditation council for occupational therapy education. The licensee must be the primary supervisor. The supervision may not be the primary responsibility of the

licensee's employment. The licensee must submit to the board a record of the students supervised and the dates and times of supervision and a certification of the supervision from the occupational therapy program. No more than twelve contact hours in a licensing period may be earned under this subdivision.

- g. Professional leadership. This category encompasses leadership responsibilities or committee involvement in professional organizations, including officer or committee chairperson in an occupational therapy or related practice area of a professional organization or item writing for a professional certification examination. No more than six hours may be earned under this subdivision.
 - h. Employer-based continued competency education program with measurable learning outcomes at least one hour in length. No more than six hours may be earned under this subdivision.
 - i. Distance learning activities.
- 7. Licensees and continuing education providers may submit continuing education courses to the board for preapproval.
 - 8. A copy of a continuing education certificate must be submitted for board approval. The continuing education certificate must contain the person's name, dates of attendance, title of the course, and contact hours. If the program was not formally granted contact hours, the licensee must submit written verification of attendance signed by a supervisor or program coordinator which includes the name of the participant, dates of attendance, title of the course, and hours of the course, not including breaks and lunch.
 - 9. Failure to meet the continuing competency requirements as outlined in this section will result in denial of an application for renewal and may subject a licensee to disciplinary action. The board may waive or allow exceptions due to extraordinary circumstances.
 - 10. Continued competency hours may only be used once to satisfy the requirements of this section.

History: Effective April 1, 1988; amended effective November 1, 2000; February 1, 2004; April 1, 2014; April 1, 2021.

General Authority: NDCC 43-40-05

Law Implemented: NDCC 43-40-15

55.5-02-01-05. Passing score.

The successful passing of a national examination means obtaining a score equal to or greater than the passing score established by a national occupational therapy certifying agency approved by the board which is in effect at the time of the administration of the test.

History: Effective April 1, 1988; amended effective November 1, 2000.

General Authority: NDCC 43-40-05

Law Implemented: NDCC 43-40-11

55.5-02-01-06. Duration of limited permit.

As used in subsections 2 and 3 of North Dakota Century Code section 43-40-13, "next available examination" and "next examination" mean examination within four months of completion of the education and experience requirements.

History: Effective February 1, 2004.

General Authority: NDCC 43-40-05

Law Implemented: NDCC 43-40-13