

Part 3 Licensing

58-42a-301 Licensure required -- License classification.

- (1) A license is required to engage in the practice of occupational therapy, except as specifically provided in Section 58-1-307 or 58-42a-304.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of:
 - (a) occupational therapist; or
 - (b) occupational therapy assistant.
- (3) Nothing in this chapter shall permit an individual licensed under this chapter to engage in the practice of mental health therapy.

Enacted by Chapter 240, 1994 General Session

58-42a-302 Qualifications for licensure.

- (1) An applicant for licensure as an occupational therapist shall:
 - (a) submit an application in a form as prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) graduate with a bachelor's or graduate degree for the practice of occupational therapy from an education program accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, a predecessor organization, or an equivalent organization as determined by division rule;
 - (d) if applying for licensure on or after July 1, 2015, complete a minimum of 24 weeks of supervised fieldwork experience;
 - (e) pass an examination approved by the division in consultation with the board and administered by the National Board for Certification in Occupational Therapy, or by another nationally recognized credentialing body as approved by division rule, to demonstrate knowledge of the practice, skills, theory, and professional ethics related to occupational therapy; and
 - (f) if the applicant is applying to participate in the Occupational Therapy Licensure Compact under Chapter 42b, Occupational Therapy Licensure Compact, consent to a criminal background check in accordance with Section 58-42a-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) All applicants for licensure as an occupational therapy assistant shall:
 - (a) submit an application in a form as prescribed by the division;
 - (b) pay a fee as determined by the department under Section 63J-1-504;
 - (c) graduate from an educational program for the practice of occupational therapy as an occupational therapy assistant that is accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, a predecessor organization, or an equivalent organization as determined by division rule;
 - (d) if applying for licensure on or after July 1, 2015, complete a minimum of 16 weeks of supervised fieldwork experience;
 - (e) pass an examination approved by the division in consultation with the board and administered by the National Board for Certification in Occupational Therapy, or by another nationally recognized credentialing body as approved by division rule, to demonstrate knowledge of the practice, skills, theory, and professional ethics related to occupational therapy; and

- (f) if the applicant is applying to participate in the Occupational Therapy Licensure Compact under Chapter 42b, Occupational Therapy Licensure Compact, consent to a criminal background check in accordance with Section 58-42a-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) Notwithstanding the other requirements of this section, the division may issue a license as an occupational therapist or as an occupational therapy assistant to an applicant who:
 - (a) consents to a criminal background check in accordance with Section 58-42a-302 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (b)
 - (i) meets the requirements of receiving a license by endorsement under Section 58-1-302; or
 - (ii) has been licensed in a state, district, or territory of the United States, or in a foreign country, where the education, experience, or examination requirements are not substantially equal to the requirements of this state, if the applicant passes the applicable examination described in Subsection (1)(e) or (2)(e).

Amended by Chapter 221, 2022 General Session

58-42a-302.1 Criminal background check.

- (1) An applicant for licensure under this chapter who requires a criminal background check shall:
 - (a) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and
 - (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
- (2) The division shall:
 - (a) in addition to other fees authorized by this chapter, collect from each applicant submitting fingerprints in accordance with this section the fee that the Bureau of Criminal Identification is authorized to collect for the services provided under Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information;
 - (b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the Bureau of Criminal Identification; and
 - (c) obtain and retain in division records a signed waiver approved by the Bureau of Criminal Identification in accordance with Section 53-10-108 for each applicant.
- (3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section 53-10-108:
 - (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional criminal records databases;
 - (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and
 - (c) provide the results from the state, regional, and nationwide criminal history background checks to the division.
- (4) For purposes of conducting a criminal background check required under this section, the division shall have direct access to criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

- (5) The division may not disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section.
- (6)
 - (a) A new occupational therapist assistant license issued under Subsection 58-42a-302(2) is conditional pending completion of the criminal background check.
 - (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required in Subsection 58-42a-302(2) demonstrates the applicant has failed to accurately disclose a criminal history, the license is immediately and automatically revoked upon notice to the licensee by the division.
 - (c) A person whose conditional license has been revoked under Subsection (6)(b) is entitled to a postrevocation hearing to challenge the revocation.
 - (d) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (7) The division may not issue a letter of qualification to participate in the Occupational Therapy Licensure Compact until the criminal background check described in this section is completed.

Enacted by Chapter 221, 2022 General Session

58-42a-303 Term of license -- Expiration -- Renewal.

- (1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
- (2) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Amended by Chapter 432, 2015 General Session

58-42a-303.5 Continuing education.

- (1) As a condition for renewal of a license under this chapter, a licensee shall complete 24 hours of qualified continuing professional education, in accordance with standards defined by division rule in collaboration with the board, during each two-year licensure cycle.
- (2) If a renewal cycle is extended or shortened under Subsection (1), the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

Enacted by Chapter 432, 2015 General Session

58-42a-304 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the stated limited acts or practices without being licensed under this chapter:

- (1) a person licensed in the state who is engaging in the practice of the person's profession or occupation as defined in statute under which the person is licensed;
- (2) a person pursuing a course of study leading to a degree for the practice of occupational therapy at an accredited education program, if that person is acting under appropriate supervision and is designated by a title that clearly indicates the person's status as a student; and

- (3) a person fulfilling the supervised fieldwork experience requirements for licensure described in Section 58-42a-302, if the person is acting under appropriate supervision and is designated by a title that clearly indicates the person is performing supervised fieldwork experience to qualify for a license under this chapter.

Amended by Chapter 432, 2015 General Session

58-42a-305 Limitation upon occupational therapy services provided by an occupational therapy assistant and an occupational therapy aide.

- (1) An occupational therapy assistant:
 - (a) may only perform occupational therapy services under the supervision of an occupational therapist as described in Section 58-42a-306;
 - (b) may not write an individual treatment plan;
 - (c) may not approve or cosign modifications to an individual treatment plan; and
 - (d) may contribute to and maintain an individual treatment plan.
- (2) An occupational therapy aide:
 - (a) may only perform occupational therapy services under the direct supervision of an occupational therapist or an occupational therapy assistant;
 - (b) may not write, modify, contribute, or maintain an individual treatment plan; and
 - (c) may only perform tasks that are repetitive and routine for which the aide has been trained and has demonstrated competence.

Amended by Chapter 432, 2015 General Session

58-42a-306 Supervision requirements.

An occupational therapist who is supervising an occupational therapy assistant shall:

- (1) write or contribute to an individual treatment plan before referring a client to a supervised occupational therapy assistant for treatment;
- (2) approve and cosign on all modifications to the individual treatment plan;
- (3) meet face to face with the supervised occupational therapy assistant as often as necessary but at least once every two weeks in person or by video conference, and at least one time every month in person, to adequately provide consultation, advice, training, and direction to the occupational therapy assistant;
- (4) meet with each client who has been referred to a supervised occupational therapy assistant at least once each month, to further assess the patient, evaluate the treatment, and modify the individual's treatment plan, except that if the interval of client care occurs one time per month or less, the occupational therapist shall meet with the client at least once every four visits;
- (5) supervise no more than two full-time occupational therapy assistants at one time, or four part-time occupational therapy assistants if the combined work hours of the assistants do not exceed 40 hours per week, unless otherwise approved by the division in collaboration with the board;
- (6) remain responsible for client treatment provided by the occupational therapy assistant; and
- (7) fulfill any other supervisory responsibilities as determined by division rule.

Amended by Chapter 432, 2015 General Session