



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health- Occupational Therapy Practice Board

- Preproposal Statement of Inquiry was filed as WSR 12-18-061 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

Chapter 246-847 WAC (Occupational Therapists) - Amending WAC 246-847-010 (Definitions) and WAC 246-847-065 (Continued Competency); and adding new WAC 246-847-066 (Suicide Assessment Training Program Standards). Revising the rules to implement 2012 and 2013 legislation regarding training and continuing education in suicide assessment.

**Hearing location(s):** Department of Health  
Town Center Three  
243 Israel Road SE, Room 265  
Tumwater, WA 98501

Date: 12/16/2013

Time: 10:00 a.m.

**Submit written comments to:**

Name: Janette Benham  
Address: PO Box 47852  
Olympia, WA 98504-7852  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-2901 by (date) 12/05/2013

**Assistance for persons with disabilities:** Contact

Janette Benham by 12/02/2013

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 12/16/2013

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed rules implement RCW 43.70.442, adopted in 2012 by Engrossed Substitute House Bill (ESHB) 2366. RCW 43.70.442 was subsequently amended by Substitute House Bill (SHB) 1376 (chapter 78, Laws of 2013). The proposed rules create new continuing education (CE) requirements for occupational therapists and occupational therapy assistants. The proposed rules establish CE requirements in suicide assessment, including screening and referral, provide clarification related to the standards a program must meet to qualify as a suicide prevention training, and define the use of the term "board". The proposed rules incorporate provisions of SHB 1376 to establish a three-hour training requirement for occupational therapists and occupational therapy assistants and establish a date for initially complying with the CE requirement.

**Reasons supporting proposal:**

It is the legislative intent that educating occupational therapists and occupational therapy assistants in suicide assessment, screening, and referral may help lower the suicide rate in Washington.

**Statutory authority for adoption:**

RCW 43.70.442, RCW 18.59.130

**Statute being implemented:**

RCW 43.70.442, as amended by SHB 1376 (Ch. 78, Laws of 2013)

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE** 11/06/2013

**NAME** (type or print)  
Karin Schulze, OT

**SIGNATURE** *Karin Schulze*

**TITLE**  
Chair, Occupational Therapy Practice Board

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** November 06, 2013

**TIME:** 9:06 AM

**WSR** 13-22-085

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Department of Health Occupational Therapy Practice Board  Private  
 Public  
 Governmental

<b>Name of agency personnel responsible for:</b>		
Name	Office Location	Phone
Drafting..... Janette Benham	111 Israel Rd SE, Tumwater, WA 98501	360-236-4857
Implementation....Janette Benham	111 Israel Rd SE, Tumwater, WA 98501	360-236-4857
Enforcement.....Janette Benham	111 Israel Rd SE, Tumwater, WA 98501	360-236-4857

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Janette Benham

Address: PO Box 47852

Olympia, WA 98504-7852

phone 360-236-4857

fax 360-236-2901

e-mail [janette.benham@doh.wa.gov](mailto:janette.benham@doh.wa.gov)

No: Please explain:

**WAC 246-847-010 Definitions.** The ~~((following terms))~~ definitions in this section apply throughout this chapter ~~((and have the following meanings:))~~ unless the context clearly requires otherwise.

(1) "Adapting environments for individuals with disabilities" includes assessing needs, identifying strategies, implementing and training in the use of strategies, and evaluating outcomes. Occupational therapy focuses on the interaction of an individual's skills and abilities, the features of the environment, and the demands and purposes of activities.

(2) "Board" means the board of occupational therapy practice.

(3) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

~~((3))~~ (4) "Client-related tasks" are routine tasks during which the aide may interact with the client but does not act as a primary service provider of occupational therapy services. The following factors must be present when an occupational therapist or occupational therapy assistant delegates a selected client-related task to the aide:

(a) The outcome anticipated for the delegated task is predictable;

(b) The situation of the client and the environment is stable and will not require that judgment, interpretations, or adaptations be made by the aide;

(c) The client has demonstrated some previous performance ability in executing the task; and

(d) The task routine and process have been clearly established.

~~((4))~~ (5) "Commonly accepted standards for the profession" in RCW 18.59.040 (5)(b) and 18.59.070 shall mean having passed the National Board for Certification in Occupational Therapy or its successor/predecessor organization, not having engaged in unprofessional conduct or gross incompetency as established by the board in WAC 246-847-160 for conduct occurring prior to June 11, 1986, and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986.

~~((5))~~ (6) "Consultation" means that practitioners are expected to function as consultants within the scope of practice appropriate to their level of competence.

~~((6))~~ (7) "Developing prevocational skills and play and avocational capabilities" also involves the scientifically based use of purposeful activity.

~~((7))~~ (8) "Direct supervision" as described in RCW 18.59.040(7) means daily, in-person contact at the site where services are provided by an occupational therapist licensed in the state of Washington.

~~((8))~~ (9) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

~~((9))~~ (10) "In association" as described in RCW 18.59.040(7) means practicing in a setting in which an occupational therapist li-

censed in the state of Washington is available on the premises for supervision, consultation, and assistance as needed to provide protection for the client's health, safety and welfare.

((+10)) (11) "Occupational therapy aide" means a person who is trained by an occupational therapist or occupational therapy assistant to perform client and nonclient related tasks. Occupational therapy aides are not primary service providers of occupational therapy in any practice setting. Occupational therapy aides do not provide skilled occupational therapy services.

((+11)) (12) "Professional supervision" of an occupational therapy aide as described in RCW 18.59.020(5) means in-person contact at the treatment site by an occupational therapist or occupational therapy assistant licensed in the state of Washington. When client related tasks are provided by an occupational therapy aide more than once a week, professional supervision must occur at least weekly. When client related tasks are provided by an occupational therapy aide once a week or less, professional supervision must occur at least once every two weeks.

((+12)) (13) "Regular consultation" as described in RCW 18.59.020(4) means in-person contact at least monthly by an occupational therapist licensed in the state of Washington with supervision available as needed by other methods which include but are not limited to phone and e-mail.

((+13)) (14) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. "Occupations" are activities having unique meaning and purpose in an individual's life.

((+14)) (15) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation.

((+15)) (16) "Working days" in RCW 18.59.040(5) shall mean consecutive calendar days.

((+16)) (17) "Work site" in RCW 18.59.080 means the primary work location.

AMENDATORY SECTION (Amending WSR 05-24-105, filed 12/7/05, effective 1/7/06)

**WAC 246-847-065 Continued competency.** ((As required in chapter 246-12 WAC, Part 7,)) Licensed occupational therapists and licensed occupational therapy assistants must complete thirty hours of ((continuing education)) continued competency every two years.

(1) A minimum of twenty hours must be directly related to the practice of occupational therapy as defined in RCW 18.59.020 and WAC 246-847-010.

((The)) (2) Any remaining ((ten)) hours may be in professional development activities that enhance the practice of the licensed occupational therapist or licensed occupational therapy assistant.

(3) Beginning January 1, 2014, as part of their continued competency, occupational therapists and occupational therapy assistants are required to obtain at least three hours of training every six years in suicide assessment as specified in WAC 246-847-066.

(a) Except as provided in (b) of this subsection, an occupational therapist or occupational therapy assistant must complete the first training required by this section during the first full continued competency reporting period after January 1, 2014, or the first full continued competency reporting period after initial licensure, whichever occurs later.

(b) An occupational therapist or occupational therapy assistant applying for initial licensure on or after January 1, 2014, may delay completion of the first training required by this section for six years after initial licensure if:

(i) He or she can demonstrate successful completion of a three-hour training program in suicide assessment that was completed no more than six years prior to the application for initial licensure; and

(ii) The training meets the qualifications listed in WAC 246-847-066.

(4) The thirty (~~contact~~) continued competency hours must be obtained through two or more of the activities listed (~~below~~) in this subsection. Documentation for all activities must include licensee's name, date of activity, and number of hours. Additional specific documentation is defined below:

(~~(1)~~) (a) Continuing education course work. The required documentation for this activity is a certificate or documentation of attendance.

(~~(2)~~) (b) In-service training. The required documentation for this activity is a certificate or documentation of attendance.

(~~(3)~~) (c) Professional conference or workshop. The required documentation for this activity is a certificate or documentation of attendance.

(~~(4)~~) (d) Course work offered by an accredited college or university, provided that the course work is taken after the licensee has obtained a degree in occupational therapy, and the course work provides skills and knowledge beyond entry-level skills or knowledge. The required documentation for this activity is a transcript.

(~~(5)~~) (e) Publications. The required documentation for this activity is a copy of the publication.

(~~(6)~~) (f) Presentations. The required documentation for this activity is a copy of the presentation or program listing. Any particular presentation may be reported only once per reporting period.

(~~(7)~~) (g) Interactive online courses. The required documentation for this activity is a certificate or documentation of completion.

(~~(8)~~) (h) Development of instructional materials incorporating alternative media such as: Video, audio and/or software programs to advance professional skills of others. The required documentation for this activity is a program description. The media/software materials must be available if requested during audit process.

(~~(9)~~) (i) Professional manuscript review. The required documentation for this activity is a letter from publishing organization verifying review of manuscript. A maximum of ten hours is allowed per reporting period for this category.

(~~(10)~~) (j) Guest lecturer for occupational therapy related academic course work (academia not primary role). The required documenta-

tion for this activity is a letter or other documentation from instructor.

~~((11))~~ (k) Serving on a professional board, committee, disciplinary panel, or association. The required documentation for this activity is a letter or other documentation from the organization. A maximum of ten hours is allowed per reporting period for this category.

~~((12))~~ (l) Self-study of cassette, tape, video tape, or other multimedia device, or book. The required documentation for this activity is a two page synopsis of each item written by the licensee. A maximum of ten hours is allowed per reporting period for this category.

~~((13))~~ (m) Level II fieldwork direct supervision of an occupational therapy student or occupational therapy assistant student by site designated supervisor(s). The required documentation for this activity is a name of student(s), letter of verification from school, and dates of fieldwork. A maximum of ten hours per supervisor is allowed per reporting period for this category.

#### NEW SECTION

**WAC 246-847-066 Suicide assessment training standards.** (1) A qualifying training in suicide assessment must:

(a) Be an empirically supported training in suicide assessment that includes risk assessment, screening, and referral;

(b) Be provided by a single provider and must be at least three hours in length which may be provided in one or more sessions.

(2) The hours spent completing a training program in suicide assessment under this section count toward meeting any applicable continued competency requirements.

(3) Nothing in this section is intended to expand or limit the occupational therapist or occupational therapy assistant scope of practice.