RULE IMPACT STATEMENT
PROPOSED PERMANENT RULE

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 30. OCCUPATIONAL THERAPISTS AND ASSISTANTS

PROPOSED RULES:
435:30-1-2. Definitions [AMENDED]
435:30-1-4. Licensure by endorsement [AMENDED]
435:30-1-5. License renewal; late fees; continuing education; re-entry guidelines [AMENDED]
435:30-1-15. Supervision of students, new graduates, techs and aides [AMENDED]
435:30-1-18. Telehealth Regulations [NEW]

PURPOSE OF PROPOSED RULE:
The Board of Medical Licensure and Supervision with the cooperation of the Occupational Therapy Advisory Committee intends to establish rules regulating the use of telemedicine while providing occupational therapy. In addition to establishing telemedicine rules, there are a number of amendments to a number of sections under Chapter 30 of Title 435. The first amendment allows an applicant for licensure by endorsement to get a temporary license for a period of not more than ninety (90) days once the Board has received an application for licensure. Secondly, another amendment clarifies the potential penalty for failing to comply with the continuing education requirements as well as ramifications for failing to produce records of continuing education. Third, the Occupational Therapy Advisory Committee will now have an audit process to ensure licensees are meeting the continuing education requirements. Finally, an amendment regarding the rule governing supervision makes clear that an occupational therapist is accountable and responsible for the use of unlicensed personnel during a therapy session or service delivery regardless of whether it is in person or by telehealth

CLASSES AFFECTED:
The classes of persons most likely to be affected by the proposed amendments are Occupational Therapists, Occupational Therapy Assistants, and those members of the public receiving care provided from an Occupational Therapist and/or Occupational Therapist Assistant. No information on cost impact has been received by the agency from private or public entities to date.

PERSONS BENEFITTED:
The classes of persons most likely to benefit from the proposed amendments are Occupational Therapists, Occupational Therapy Assistants, and those members of the public receiving care provided from an Occupational Therapist and/or Occupational Therapist Assistant.

PROBABLE ECONOMIC IMPACT:
1. On affected classes: There will be little or no impact due to the proposed changes in these rules.
2. On political subdivision: There will be little or no impact due to the proposed changes in these rules.
3. Fees: There will be little or no impact due to the proposed changes in these rules.

PROBABLE COST TO THE AGENCY:
Minimal administrative only. No additional personnel or budget expenses are anticipated.
WILL THE RULE IMPACT POLITICAL SUBDIVISIONS:
   No economic impact, or a need for cooperation from political subdivisions, is anticipated.

SMALL BUSINESS IMPACT:
   There is no anticipated adverse impact on small business, with reference to Sections 303 (A) (4) and 304 (b) (6) of the APA.

ALTERNATIVE METHODS AND COSTS OF COMPLIANCE:
   There are no apparent alternative methods for compliance. The Agency does not anticipate any additional costs of administration due to implementation of these rule changes.

PUBLIC HEALTH/ SAFETY CONCERNS:
   There will be no adverse impact or concerns with public safety or environment that will result for this proposed rule change.

Prepared 12/10/2019