

**CHAPTER 44K****OCCUPATIONAL THERAPY ADVISORY COUNCIL****Authority**

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.67, 45:9-37.70, and 45:9-37.75.

**Source and Effective Date**

R.1998 d.203, effective April 20, 1998.  
See: 29 N.J.R. 4657(a), 30 N.J.R. 1419(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 44K, Occupational Therapy Advisory Council, expires on October 17, 2003. See: 35 N.J.R. 1784(a).

**CHAPTER TABLE OF CONTENTS****SUBCHAPTER 1. GENERAL PROVISIONS**

- 13:44K-1.1 Purpose and scope
- 13:44K-1.2 Definitions

**SUBCHAPTER 2. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS: ELIGIBILITY REQUIREMENTS**

- 13:44K-2.1 Eligibility requirements; occupational therapist; occupational therapy assistant

**SUBCHAPTER 3. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS: LICENSING PROCEDURE**

- 13:44K-3.1 Licensing procedure: occupational therapist
- 13:44K-3.2 Licensing procedure: occupational therapy assistant

**SUBCHAPTER 4. TEMPORARY LICENSES**

- 13:44K-4.1 Temporary license
- 13:44K-4.2 Expiration of temporary license

**SUBCHAPTER 5. SCOPE OF PRACTICE**

- 13:44K-5.1 Scope of practice of a licensed occupational therapist
- 13:44K-5.2 Scope of practice of a licensed occupational therapy assistant
- 13:44K-5.3 Delegation of occupational therapy services

**SUBCHAPTER 6. SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS**

- 13:44K-6.1 Supervision requirement: occupational therapy assistant
- 13:44K-6.2 Responsibilities of designated supervisor
- 13:44K-6.3 Responsibilities of an occupational therapy assistant
- 13:44K-6.4 Delegation of supervision responsibilities

**SUBCHAPTER 7. SUPERVISION OF TEMPORARY LICENSED OCCUPATIONAL THERAPIST AND TEMPORARY LICENSED OCCUPATIONAL THERAPY ASSISTANT**

- 13:44K-7.1 Supervision requirement: temporary licensed occupational therapist and temporary licensed occupational therapy assistant
- 13:44K-7.2 Responsibilities of designated supervisor

- 13:44K-7.3 Responsibilities of a temporary licensed occupational therapist or a temporary licensed occupational therapy assistant

**SUBCHAPTER 8. GENERAL OBLIGATIONS OF LICENSEES**

- 13:44K-8.1 Notification of change of address; service of process
- 13:44K-8.2 Notification of change of name or practice name
- 13:44K-8.3 Unlicensed practice of occupational therapy
- 13:44K-8.4 Aiding and abetting unlicensed practice

**SUBCHAPTER 9. BUSINESS PRACTICES; PROFESSIONAL CONDUCT**

- 13:44K-9.1 Display of notice of licensure; duplicate license; notification of availability of fee information
- 13:44K-9.2 Financial arrangements with clients and third party payors
- 13:44K-9.3 Professional interactions with clients
- 13:44K-9.4 Prohibition on excessive fees
- 13:44K-9.5 Termination of services

**SUBCHAPTER 10. CLIENT RECORDS**

- 13:44K-10.1 Preparation and maintenance of client records
- 13:44K-10.2 Use of computer to prepare client records
- 13:44K-10.3 Release of client records

**SUBCHAPTER 11. FEES**

- 13:44K-11.1 Fee schedule

**SUBCHAPTER 1. GENERAL PROVISIONS****Authority**

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

**Source and Effective Date**

R.2002 d.261, effective August 5, 2002.  
See: 33 N.J.R. 2410(a), 34 N.J.R. 2844(b).

**13:44K-1.1 Purpose and scope**

(a) The rules in this chapter implement the provisions of the Occupational Therapy Licensing Act (the Act), N.J.S.A. 45:9-37.51 et seq., and regulate the practice of occupational therapy within the State of New Jersey.

(b) Except as set forth in (c) below, this chapter shall apply to all applicants for licensure as an occupational therapist or occupational therapy assistant and licensees who offer or practice occupational therapy in the State of New Jersey.

(c) This chapter shall not apply to those individuals exempt from the licensure requirements of the Act pursuant to N.J.S.A. 45:9-37.60.

**13:44K-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

“Act” means the Occupational Therapy Licensing Act codified at N.J.S.A. 45:9-37.51 et seq.

“Client” means a person, group of persons or a system, that are the recipients of professional services rendered by a licensed occupational therapist, a licensed occupational therapy assistant or a temporary licensed occupational therapist or assistant in medical, health, educational, vocational or social settings.

“Consultative services” means the provision of expert or professional advice to a client or other interested party with regard to therapeutic activities or approaches which may be utilized in order to improve the occupational performance of a client.

“Council” means the Occupational Therapy Advisory Council established pursuant to N.J.S.A. 45:9-37.54.

“Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

“Direct services” means occupational therapy techniques that are individually designed and that are provided by an occupational therapist, an occupational therapy assistant or a temporary licensed occupational therapist or assistant to a client in order to improve the occupational performance of the client.

“Indirect services” means occupational therapy techniques that are individually designed, but which do not require direct interaction with the client, for the purpose of directing or advising others in therapeutic activities or approaches which may be used in order to improve the occupational performance of the client.

“Licensee” means any individual holding a license issued by the Council.

“Occupational performance” means the performance of life skills, roles and functions, including work, recreation and leisure skills and the activities of daily living that are affected by sensory, motor, perceptual, cognitive and/or psycho-social abilities.

“Occupational therapist” means a person licensed to practice occupational therapy pursuant to the provisions of the Act and this chapter.

“Occupational therapy” means the evaluation, planning and implementation of a program of purposeful activities to develop or maintain functional skills necessary to achieve the maximum physical and/or mental functioning of the client for optimum occupational performance.

“Occupational therapy assistant” means a person licensed pursuant to the provisions of the Act and this chapter to assist in the practice of occupational therapy under the supervision of an occupational therapist on a regularly scheduled basis for the purpose of planning, review or evaluation of occupational therapy services.

“Occupational therapy services” means the use of specific techniques which enhance the functional performance of a client, including the evaluation and assessment of a client’s self care, lifestyle performance patterns, work skills, performance related cognitive, sensory, motor, perceptual, affective, interpersonal and social functioning, vocational and prevocational capacities. Occupational therapy services also includes the design, fabrication and application of adaptive equipment or prosthetic or orthotic devices, excluding dental devices, the utilization of physical agent modalities, the administration of standardized and non-standardized assessments and consultation, including recommendations for the adaptation of physical environments.

“Program” means a procedure for solving a problem, including the collection of data, the processing and presentation of test results and the recommended use of purposeful activities, in order to achieve optimal occupational performance.

“Purposeful activities” means acts and occupations of craftsmanship and workmanship, as well as creative, educational, or other activities, which in whole or in part are used to correct, compensate for or prevent dysfunction in the tasks and activities of everyday living, and which simultaneously incorporate personally and culturally relevant biological, psychological and social elements that produce positive adaptation and motivational behavior.

“Short term goals” means occupational therapy goals established for no longer than one year.

“Supervision” means the responsible and direct involvement of a licensed occupational therapist with an occupational therapy assistant, a temporary licensed occupational therapist, a temporary licensed occupational therapy assistant, or an occupational therapy student fulfilling the required fieldwork component of his or her educational training, for the development of an occupational therapy treatment plan and the periodic review of the implementation of that plan.

“Task oriented activities” means purposeful activities having an explicit, observable and measurable short-term goal which contributes to the well-being of clients.

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## SUBCHAPTER 2. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS: ELIGIBILITY REQUIREMENTS

### 13:44K-2.1 Eligibility requirements; occupational therapist; occupational therapy assistant

(a) To be eligible for licensure as an occupational therapist, an applicant shall:

1. Be at least 18 years of age;
2. Be of good moral character;
3. Have successfully completed:

i. A bachelor's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor; or

ii. A bachelor's degree or its equivalent in any field other than occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor and have fulfilled the academic requirements of an educational program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency;

4. Have successfully completed at least 24 weeks of supervised fieldwork experience approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (a)3i and ii above; and

5. Have successfully completed the certification examination administered by the National Board for Certification in Occupational Therapy (NBCOT), or its predecessors.

(b) To be eligible for licensure as an occupational therapy assistant, an applicant shall:

1. Be at least 18 years of age;
2. Be of good moral character;
3. Have successfully completed:

i. An associate's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor; or

ii. An associate's degree or its equivalent in any field other than occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor and have fulfilled the academic requirements of an educational program for occupational therapy assistant accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency;

4. Have successfully completed at least 12 weeks of supervised fieldwork experience approved by the educational institution at which the applicant completed the occupational therapy education program as evidenced in accordance with (b)3i and ii above; and

5. Have successfully completed the certification examination administered by the National Board for Certification

in Occupational Therapy (NBCOT), or its predecessors.

Amended by R.2002 d.275, effective August 19, 2002.  
See: 33 N.J.R. 2602(a), 34 N.J.R. 3010(a).  
Rewrote the section.

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### SUBCHAPTER 3. OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS: LICENSING PROCEDURE

#### 13:44K-3.1 Licensing procedure: occupational therapist

(a) An applicant for licensure as an occupational therapist shall submit the following to the Council:

1. A completed application form which contains the following:

i. Documentation of the applicant's education, including official transcripts, which indicate that the applicant received a bachelor's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor, which shall be forwarded to the Council directly by the college or university. If the applicant has completed all academic and administrative requirements necessary for the degree, but has not had the degree conferred by the university or college, the applicant may apply for a temporary license pursuant to N.J.A.C. 13:44K-4.1(b);

ii. If the applicant has received a bachelor's degree or its equivalent in any field other than occupational therapy, documentation of the applicant's education, including official transcripts, which indicate that the applicant has completed the academic requirements of an educational program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency, which shall be forwarded to the Council directly by the educational program. If the applicant has completed all academic and administrative requirements necessary for completion of an educational program in occupational therapy, but has not had the program certificate conferred by the educational institution, the applicant may apply for a temporary license pursuant to N.J.A.C. 13:44K-4.1(b);

iii. Documentation which indicates that the applicant has successfully completed at least 24 weeks of supervised fieldwork experience, with a minimum of 720 hours, approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (a)1i or ii above, which shall be submitted to the Council directly by the educational institution. The applicant shall have com-

pleted the 24 weeks of supervised fieldwork experience within 24 months of completing the academic requirements of the educational institution. Documentation of the supervised fieldwork experience shall contain, at a minimum, the number of hours per week the applicant worked and the location where the supervised fieldwork was conducted;

iv. A "Verification of Certification" letter from the National Board for Certification in Occupational Therapy (NBCOT) indicating that the candidate has successfully completed the certification examination for occupational therapists;

v. Two completed "Certificates of Good Moral Character";

vi. A "Verification of State License" form from any state in which the applicant is now or has ever been licensed to practice as an occupational therapist which shall be forwarded to the Council directly by the state in which the license is or was held; and

vii. A certified verification of name change, if applicable;

2. The application fee set forth in N.J.A.C. 13:44K-11.1; and

3. A two inch by two inch, recent head and shoulder photo of the applicant, certified by a Notary Public, and signed by the applicant.

Amended by R.2002 d.275, effective August 19, 2002.

See: 33 N.J.R. 2602(a), 34 N.J.R. 3010(a).

Rewrote the section.

### **13:44K-3.2 Licensing procedure: occupational therapy assistant**

(a) An applicant for licensure as an occupational therapy assistant shall submit the following to the Council:

1. A completed application form which contains the following:

i. Documentation of the applicant's education, including official transcripts, which indicate that the applicant received an associate's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor, which shall be forwarded to the Council directly by the college or university. If the applicant has completed all academic and administrative requirements necessary for the degree, but has not had the degree conferred by the university or college, the applicant may apply for a temporary license pursuant to N.J.A.C. 13:44K-4.1(b);

ii. If the applicant has received an associate's degree or its equivalent in any field other than occupational therapy, documentation, including official transcripts, which indicate that the applicant has completed the academic requirements of an educational program for occupational therapy assistants accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency, which shall be forwarded to the Council directly by the educational program. If the applicant has completed all academic and administrative requirements necessary for completion of an educational program in occupational therapy, but has not had the program certificate conferred by the educational institution, the applicant may apply for a temporary license pursuant to N.J.A.C. 13:44K-4.1(b);

iii. Documentation which indicates that applicant has successfully completed at least 12 weeks of supervised fieldwork experience, with a minimum of 360 hours, approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (a)1ii above, which shall be forwarded to the Council directly by the educational institution. The applicant shall have completed the 12 weeks of supervised fieldwork experience within 12 months of completing the academic requirements of the educational institution. Documentation of the supervised fieldwork experience shall contain, at a minimum, the number of hours per week the applicant worked and the location where the supervised fieldwork was conducted;

iv. A "Verification of Certification" letter from the National Board for Certification in Occupational Therapy (NBCOT) indicating that the applicant has successfully completed the certification examination for occupational therapy assistants;

v. Two completed "Certificates of Good Moral Character";

vi. A "Verification of State License" form from any state in which the applicant is now or has ever been licensed to practice as an occupational therapy assistant which shall be forwarded to the Council directly by the state in which the license is or was held;

vii. A "Verification of Supervision" form from all current employers if the applicant is currently employed. If the applicant is not currently employed, a "Verification of Supervision" form from all employers shall be submitted to the Council before employment commences; and

viii. A certified verification of name change, if applicable;

2. The application fee set forth in N.J.A.C. 13:44K-11.1; and

3. One two inch by two inch, recent head and shoulder photo of the applicant, certified by a Notary Public, and signed by the applicant.

Amended by R.2002 d.275, effective August 19, 2002.  
See: 33 N.J.R. 2602(a), 34 N.J.R. 3010(a).  
Rewrote the section.

## SUBCHAPTER 4. TEMPORARY LICENSES

### 13:44K-4.1 Temporary license

(a) A temporary license shall be available to an applicant for examination as an occupational therapist or occupational therapy assistant with his or her initial application for examination. The holder of a temporary license may practice only under the direct supervision of a licensed occupational therapist.

(b) A temporary license shall be available to an applicant for permanent licensure as an occupational therapist or an occupational therapy assistant who has completed all academic and administrative requirements for a degree or certificate in occupational therapy but has not had the degree of certificate conferred by the university or college, provided that the applicant satisfies the requirements of (c) or (d) below.

(c) An applicant for temporary licensure as an occupational therapist shall submit the following to the Council:

1. A completed application form which contains the following:

i. Documentation of the applicant's education, including official transcripts, which indicate that the applicant received a bachelor's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor, which shall be forwarded to the Council directly by the college or university. If the applicant has completed all academic and administrative requirements necessary for the degree, but has not had the degree conferred by the university or college, the applicant may submit a letter from the director of the occupational therapy program, until the official transcript becomes available, verifying that all requirements for the academic degree have been completed;

ii. If the applicant has received a bachelor's degree or its equivalent in any field other than occupational therapy, documentation, including official transcripts, which indicate that the applicant has completed the academic requirements of an educational program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency, which shall be forwarded

to the Council directly by the educational program. If the applicant has completed all academic and administrative requirements necessary for completion of an educational program in occupational therapy, but has not had the program certificate conferred by the educational institution, the applicant may submit a letter from the director of the occupational therapy program, until the official transcript becomes available, verifying that all requirements of the educational program have been completed;

iii. Documentation which indicates that the applicant has successfully completed at least 24 weeks of supervised fieldwork experience, with a minimum of 720 hours, approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (b)1i or ii above, which shall be submitted to the Council directly by the educational institution. The applicant shall have completed the 24 weeks of supervised fieldwork experience within 24 months of completing the academic requirements of the educational institution. Documentation of the supervised fieldwork experience shall contain, at a minimum, the number of hours per week the applicant worked and the location where the supervised fieldwork was conducted;

iv. A "Confirmation of Examination Registration and Eligibility to Examine Notice," sent to the Council directly by the National Board for Certification in Occupational Therapy (NBCOT) indicating that the applicant is eligible to sit for his or her initial examination for licensure;

v. Two completed "Certificates of Good Moral Character";

vi. A "Verification of State License" form from any state in which the applicant is now or has ever been licensed to practice as an occupational therapist which shall be forwarded to the Council by the state in which the license is or was held;

vii. A "Verification of Supervision" form from all current employers; and

viii. A certified verification of name change, if applicable;

2. The application fee set forth in N.J.A.C. 13:44K-11.1; and

3. One two inch by two inch, recent head and shoulder photo of the applicant, certified by a Notary Public, and signed by the applicant.

(d) An applicant for temporary licensure as an occupational therapy assistant shall submit the following to the Council:

1. A completed application form which contains the following:

i. Documentation of the applicant's education, including official transcripts, which indicate that the applicant received an associate's degree or its equivalent in occupational therapy from an accredited college or university approved by the Commission on Higher Education or its successor, which shall be forwarded to the Council directly by the college or university. If the applicant has completed all academic and administrative requirements necessary for the degree, but has not had the degree conferred by the university or college, the applicant may submit a letter from the director of the occupational therapy program, until the official transcript becomes available, verifying that all requirements of the educational program have been completed;

ii. If the applicant has received an associate's degree or its equivalent in any field other than occupational therapy, documentation, including official transcripts, which indicate that the applicant has completed the academic requirements of an educational program in occupational therapy accredited by the Accreditation Council for Occupational Therapy Education, the World Federation of Occupational Therapy, or other nationally recognized agency, which shall be forwarded to the Council directly by the educational program. If the applicant has completed all academic and administrative requirements necessary for completion of an educational program in occupational therapy, but has not had the program certificate conferred by the educational institution, the applicant may submit a letter from the director of the occupational therapy program, until the official transcript becomes available, verifying that all requirements of the educational program have been completed;

iii. Documentation which indicates that the applicant has successfully completed at least 12 weeks of supervised fieldwork experience, with a minimum of 360 hours, approved by the educational institution at which the applicant completed the occupational therapy education program in accordance with (c)1ii above, which shall be forwarded to the Council directly by the educational institution. The applicant shall have completed the 12 weeks of supervised fieldwork experience within 12 months of completing the academic requirements of the educational institution. Documentation of the supervised fieldwork experience shall contain, at a minimum, the number of hours per week the applicant worked and the location where the supervised fieldwork was conducted;

iv. A "Confirmation of Examination Registration and Eligibility to Examine Notice," sent to the Council directly by the National Board for Certification in Occupational Therapy (NBCOT) indicating that the candidate is eligible to sit for his or her initial examination for licensure;

v. Two completed "Certificates of Good Moral Character";

vi. A "Verification of State License" form from any state in which the applicant is now or has ever been licensed to practice as an occupational therapist which shall be forwarded to the Council by the state in which the license is or was held;

vii. A "Verification of Supervision" form from all current employers; and

viii. A certified verification of name change, if applicable;

2. The application fee set forth in N.J.A.C. 13:44K-11.1; and

3. One two inch by two inch, recent head and shoulder photo of the applicant, certified by a Notary Public, and signed by the applicant.

Amended by R.2002 d.275, effective August 19, 2002.  
See: 33 N.J.R. 2602(a), 34 N.J.R. 3010(a).  
Rewrote the section.

#### 13:44K-4.2 Expiration of temporary license

(a) A temporary license issued to a candidate who does not take the first examination subsequent to the issuance of the temporary license shall expire on that examination date.

(b) A temporary license shall expire automatically upon the holder being notified of failure of the licensure examination.

(c) The temporary license may be renewed for an additional period to permit the candidate to take the next available examination.

### SUBCHAPTER 5. SCOPE OF PRACTICE

#### Authority

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

#### Source and Effective Date

R.2002 d.261, effective August 5, 2002.  
See: 33 N.J.R. 2410(a), 34 N.J.R. 2844(b).

#### 13:44K-5.1 Scope of practice of a licensed occupational therapist

(a) The scope of practice of a licensed occupational therapist shall include:

1. The provision of direct, indirect and/or consultative services to a client affected by physical, psycho-social, cognitive, congenital and/or developmental disorders or the aging process, to improve and/or prevent loss of physical or mental functioning and to promote wellness;

2. The administration of standardized and/or non-standardized assessments and/or the observation of a client and the environment to identify areas of functional abilities or deficits. Areas which may be assessed shall include the performance of activities of daily living, including recreation, leisure or work related skills which are affected by sensory, motor, perceptual, cognitive and/or psycho-social abilities;

3. The interpretation of the results of the assessment process described in (a)2 above, to determine the need for an intervention plan for the client. Such a plan shall be developed and administered by the occupational therapist in collaboration with the client, the client's family and related medical, health, educational or social agencies or professionals;

4. The development and utilization of, and education and training in, purposeful, task-oriented activities for the client to improve, restore and/or maintain optimal performance of life skills, roles and functions including work, recreation, leisure skills and activities of daily living;

5. The design, fabrication, application and/or selection of adaptive equipment, prosthetics and/or orthotic devices, except dental devices;

6. Consultation concerning the adaptation of physical environments; and

7. The utilization of physical modalities, as an adjunct to, or in preparation for, purposeful activities to enhance occupational performance with which the licensee is familiar as a result of training and experience.

#### **13:44K-5.2 Scope of practice of a licensed occupational therapy assistant**

(a) The scope of practice of a licensed occupational therapy assistant, working under the supervision of a licensed occupational therapist as provided in N.J.A.C. 13:44K-6.1, shall include:

1. The provision of direct, indirect and/or consultative services to a client affected by physical, psycho-social, cognitive, congenital and/or developmental disorders or the aging process, to improve and/or prevent loss of physical or mental functioning and to promote wellness;

2. The administration of standardized and/or non-standardized assessments and/or the observation of a client and the environment to assist in the identification of functional abilities or deficits. Areas which may be assessed shall include the performance of activities of daily living, including recreation, leisure or work related skills which are affected by sensory, motor, perceptual, cognitive and/or psycho-social abilities;

3. Assisting in the development and implementation of an intervention plan for the client;

4. The development and utilization of, and education and training in, purposeful, task-oriented activities for the client to improve, restore and/or maintain optimal performance of life skills, roles and functions including work, recreation, leisure skills and the activities of daily living;

5. The design, fabrication, application and/or selection of adaptive equipment, prosthetics and/or orthotic devices, except dental devices;

6. Consultation concerning the adaptation of physical environments; and

7. The utilization of physical modalities, as an adjunct to, or in preparation for, purposeful activity to enhance occupational performance with which the licensee is familiar as a result of training and experience.

#### **13:44K-5.3 Delegation of occupational therapy services**

(a) A licensed occupational therapist may delegate selected occupational therapy services within his or her lawful scope of practice to licensed occupational therapy assistants, temporary licensed occupational therapists, temporary licensed occupational therapy assistants and to occupational therapy students fulfilling the required fieldwork component of their educational training.

**13:44K-7.2 Responsibilities of designated supervisor**

(a) An occupational therapist shall not supervise more than five persons, including occupational therapy assistants, temporary licensed occupational therapists or temporary licensed occupational therapy assistants.

(b) A licensed occupational therapist may supervise five occupational therapy students who are fulfilling the required fieldwork component of their educational training.

(c) Notwithstanding the provisions of (a) and (b) above, a licensed occupational therapist shall not supervise more than seven persons at one time.

(d) A designated supervisor shall be responsible for the **close supervision** of a temporary licensed occupational therapist or temporary licensed occupational therapy assistant. For purposes of this subsection, "close supervision" means daily, face to face contact with and frequent observation of the performance of a temporary licensee at the location where his or her services are being rendered.

(e) A designated supervisor shall maintain a plan of supervision which shall include evidence of the ongoing supervision of each temporary licensee for whom the supervisor is responsible.

(f) A designated supervisor who is unavailable to provide licensees with supervision as required by (a) through (c) above, for more than one day, shall arrange for substitute supervision by a licensed occupational therapist, who shall follow the established plan of supervision.

**13:44K-7.3 Responsibilities of a temporary licensed occupational therapist or a temporary licensed occupational therapy assistant**

(a) A temporary licensed occupational therapist or a temporary licensed occupational therapy assistant shall not render nor continue to render care unless he or she has obtained ongoing direction from his or her designated supervisor.

(b) A temporary licensed occupational therapist shall be responsible for client care within the limits of his or her scope of practice pursuant to N.J.A.C. 13:44K-5.1. A temporary licensed occupational therapy assistant shall be responsible for care within the limits of his or her scope of practice pursuant to N.J.A.C. 13:44K-5.2.

(c) A temporary licensed occupational therapy assistant or a temporary licensed occupational therapy assistant shall maintain a record of supervision which shall include the name and license number of his or her designated supervisor, the date when the temporary licensee received supervision and the type of supervision that was provided.

**SUBCHAPTER 8. GENERAL OBLIGATIONS OF LICENSEES****Authority**

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

**Source and Effective Date**

R.2002 d.261, effective August 5, 2002.  
See: 33 N.J.R. 2410(a), 34 N.J.R. 2844(b).

**13:44K-8.1 Notification of change of address; service of process**

(a) A licensee shall notify the Council, within 30 days, of any change in address on file with the Council by certified mail, return receipt requested, and shall specify whether the address is a residence or employment address.

(b) Service of an administrative complaint or other process initiated by the Attorney General, the Director or the Council at the address on file with the Council shall be deemed adequate notice for the commencement of an inquiry or disciplinary proceeding.

(c) A licensee shall, within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction, report to the Council in writing his or her receipt of such notification.

**13:44K-8.2 Notification of change of name or practice name**

(a) A licensee whose name has been legally changed shall forward to the Council by certified mail, return receipt requested, no later than 30 days following the change of name, the following:

1. Legal evidence of such change; and
2. A copy of the licensee's original license with proof that he or she is the same person to whom the Council issued the license.

(b) Upon receipt of the items set forth in (a) above and upon payment of the fees specified in N.J.A.C. 13:44K-11.1(a)10 and 11, the Council shall issue to the individual a new license.

(c) Upon receipt of the new license as set forth in (b) above, the licensee shall immediately remit the original license to the Council.

(d) A licensee shall notify the Council by certified mail, return receipt requested, within 30 days, of any change in a professional practice name on file with the Council.

**13:44K-8.3 Unlicensed practice of occupational therapy**

(a) The following acts or practices shall be deemed to be the unlicensed practice of occupational therapy:

1. Offering or rendering occupational therapy services by any person other than a licensed occupational therapist, a licensed occupational therapy assistant or a person who is exempt from licensure under the Occupational Therapy Licensing Act, pursuant to N.J.S.A. 45:9-37.60;

2. The use by any person other than a licensed occupational therapist or a licensed occupational therapy assistant of:

i. Any title or designation which includes the words occupational therapist or occupational therapy assistant which may mislead the public; or

ii. The abbreviations O.T. or O.T.A., or any similar abbreviations.

(b) A licensee shall use only the title or designation corresponding to his or her license.

#### 13:44K-8.4 Aiding and abetting unlicensed practice

It shall be professional misconduct for a licensee to aid or assist any person engaging in conduct that violates N.J.A.C. 13:44K-8.3 and shall constitute a deviation from the normal standards of practice required of a license, which may subject the licensee to the penalties of N.J.S.A. 45:1-21.

### SUBCHAPTER 9. BUSINESS PRACTICES; PROFESSIONAL CONDUCT

#### Authority

N.J.S.A. 45:9-37.51 et seq., specifically 45:9-37.75.

#### Source and Effective Date

R.2002 d.257, effective August 5, 2002.  
See: 33 N.J.R. 2417(a), 34 N.J.R. 2859(a).

#### 13:44K-9.1 Display of notice of licensure; duplicate license; notification of availability of fee information

(a) All licensed occupational therapists and occupational therapy assistants shall make their licenses available to clients upon request. Duplicate licenses may be obtained upon payment of the fees provided in N.J.A.C. 13:44K-11.1(a)10 and 11.

(b) All licensed occupational therapists and occupational therapy assistants shall ensure that the following notices are prominently displayed in a public area in any office or facility at which the licensee practices occupational therapy services:

1. "Occupational therapists and occupational therapy assistants are licensed by the Occupational Therapy Advisory Council, an agency of the Division of Consumer Affairs. Any member of the public may notify the Council of any complaint relative to the practice conducted by an occupational therapist or an occupational therapy assistant. The Council address is: Division of Consumer Affairs, Occupational Therapy Advisory Council, PO Box 45037, 124 Halsey Street, Newark, New Jersey 07101."

2. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU UPON REQUEST."

(c) A licensee shall not alter or obscure any information on the biennial license in any manner.

#### 13:44K-9.2 Financial arrangements with clients and third party payors

(a) Fees for occupational therapy services shall be reasonable and commensurate with the status and experience of the occupational therapist offering like services or treatment in the geographic area and shall be consistent with the provisions of N.J.A.C. 13:44K-9.4 prohibiting excessive fees.

(b) Prior to the initiation of occupational therapy services, the occupational therapist or his or her designee shall explain to the client in an understandable manner the financial arrangements for the services that will be provided. The information provided to the client shall include the following:

1. The fee for services or the basis for determining the fee to be charged;

2. Whether the licensee will accept installment payments or assignment of benefits from a third party payor;

3. That insurance coverage may not be available in all circumstances; and

4. The financial consequences, if any, of missed sessions.

(c) An occupational therapist shall not require a client or a third party payor to pay:

1. A fee for preparing an insurance claim form;

2. Interest on an unpaid account unless the client has been notified of this policy, in writing, prior to the initiation of occupational therapy services;

3. A full or partial fee for unkept appointments unless the client has been notified of this policy, in writing, prior to the initiation of occupational therapy services; or

4. A fee for any occupational therapy service not documented in a client record in a manner consistent with N.J.A.C. 13:44K-10.1.

(c) An occupational therapist may provide a summary of the client record, unless otherwise required by law, provided that the summary adequately reflects the history of the occupational therapy services provided to the client. If a summary is provided, the charge for the summary shall not exceed \$1.00 per page or \$100.00, whichever is less. If the summary provided is less than 10 pages, the occupational therapist may charge up to \$10.00 to cover postage and the miscellaneous costs associated with producing the summary.

(d) An occupational therapist may charge a reasonable fee, consistent with the provisions of N.J.A.C. 13:44K-9.4, for the completion of reports, other than the summary provided for in (c) above, when a separate request for such reports is made.

(e) When a report is needed to enable a client to receive ongoing care by another practitioner or for use in judicial proceedings, an occupational therapist shall not require advance payment as a condition for releasing the report, except that an occupational therapist may require advance payment for release of a report prepared by the occupational therapist for use by the occupational therapist as an expert witness on behalf of the client.

(f) The provisions of this section shall not apply to an occupational therapist who provides or offers occupational therapy services in connection with a medical, health, educational or social agency when the occupational therapist does not have control over or authority to release client records pursuant to agency policy.

SUBCHAPTER 11. FEES

13:44K-11.1 Fee schedule

(a) The following fees shall be charged by the Occupational Therapy Advisory Council:

- 1. Application fee ..... \$100.00
- 2. Initial license fee—occupational therapist:
  - i. If paid during the first year of the biennial renewal period ..... 160.00
  - ii. If paid during the second year of the biennial renewal period ..... 80.00
- 3. Initial fee—occupational therapy assistant:
  - i. If paid during the first year of the biennial renewal period ..... 100.00
  - ii. If paid during the second year of the biennial renewal period ..... 50.00
- 4. Biennial license renewal—occupational therapist ..... 160.00
- 5. Biennial license renewal—occupational therapy assistant ..... 100.00
- 6. Temporary license—occupational therapist ..... 50.00
- 7. Temporary license—occupational therapy assistant ..... 50.00
- 8. Late renewal (up to 60 days after renewal deadline) ..... 40.00
- 9. Reinstatement fee (over 60 days from renewal deadline) ..... 80.00
- 10. Duplicate biennial registration fee ..... 25.00
- 11. Duplicate wall certificate ..... 40.00