

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).

Executive Order No. 66(1978) Expiration Date

Chapter 44K, Occupational Therapy Advisory Council, expires on April 20, 2003.

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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.

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 fulfill the following requirements:

1. Be at least 18 years of age;
2. Be of good moral character;
3. Present evidence to the Director of having successfully 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 programmatic agency;

4. Submit to the Director evidence of having 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 as evidenced in accordance with (a)3 above; and

5. Successfully complete the certification examination administered by the National Board for Certification in Occupational Therapy (NBCOT), or its predecessors, to determine the applicant's competence to practice occupational therapy.

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

1. Be at least 18 years of age;
2. Be of good moral character;
3. Present evidence to the Director of having successfully completed 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 programmatic agency;

4. Submit to the Director evidence of having 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)3 above; and

5. Successfully complete the certification examination administered by the National Board for Certification in Occupational Therapy (NBCOT), or its predecessors, to determine the applicant's competence to practice occupational therapy.

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 information concerning the applicant's educational and experiential background;

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

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

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 information concerning the applicant's educational and experiential background;

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

3. A "Letter of Verification" from the National Board for Certification in Occupational Therapy (NBCOT) indicating that the candidate has successfully completed the NBCOT certification examination for occupational therapy assistants.

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) An applicant for temporary licensure shall submit the following to the Council:

1. A completed application form which contains information concerning the applicant's educational and experiential background;

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

3. A completed "Request for 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.

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.

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.

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;