

**CHAPTER 44K**

**OCCUPATIONAL THERAPY ADVISORY COUNCIL**

**Authority**

N.J.S.A. 45:1-15 and 45:9-37.51 et seq.

**Source and Effective Date**

R.2009 d.141, effective March 31, 2009.  
See: 40 N.J.R. 6391(a), 41 N.J.R. 2017(a).

**Chapter Expiration Date**

Chapter 44K, Occupational Therapy Advisory Council, expires on March 31, 2014.

**Chapter Historical Note**

Chapter 44K, Occupational Therapy Advisory Council, was adopted as R.1998 d.203, effective April 20, 1998. See: 29 N.J.R. 4657(a), 30 N.J.R. 1419(a).

Subchapter 1, General Provisions; Subchapter 5, Scope of Practice; Subchapter 6, Supervision of Occupational Therapy Assistants; Subchapter 7, Supervision of Temporary Licensed Occupational Therapist and Temporary Licensed Occupational Therapy Assistant; and Subchapter 8, General Obligations of Licensees, were adopted as new rules by R.2002 d.261, effective August 5, 2002. See: 33 N.J.R. 2410(a), 34 N.J.R. 2844(b).

Subchapter 9, Business Practices; Professional Conduct; and Subchapter 10, Client Records, were adopted as new rules by R.2002 d.257, effective August 5, 2002. See: 33 N.J.R. 2417(a), 34 N.J.R. 2859(a).

Chapter 44K, Occupational Therapy Advisory Council, was readopted as R.2003 d.428, effective October 3, 2003. See: 35 N.J.R. 1784(a), 35 N.J.R. 5124(a).

Chapter 44K, Occupational Therapy Advisory Council, was readopted as R.2009 d.141, effective March 31, 2009. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**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, except as provided in N.J.A.C. 13:44K-1.3.

Amended by R.2009 d.141, effective May 4, 2009.

See: 40 N.J.R. 6391(a), 41 N.J.R. 2017(a).

In (c), inserted “, except as provided in N.J.A.C. 13:44K-1.3”.

### 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 receives 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 to provide occupational therapy services in the State of New Jersey.

“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