

## AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 7902-a, 7903, 7904-a, 7905, 7906, and 7907 of the Education Law and Chapter 470 of the Laws of 2015

1. Subdivision (a) section 76.6 of the Regulations of the Commissioner of Education is amended, effective May 18, 2016, as follows:

(a) An occupational therapy assistant shall mean a person licensed or otherwise authorized in accordance with this Part who provides occupational therapy services under the direction and supervision of an occupational therapist or licensed physician and performs client related activities assigned by the supervising occupational therapist or licensed physician. Only a person licensed or otherwise authorized under this Part shall participate in the practice of occupational therapy as an occupational therapy assistant, and only a person licensed or otherwise authorized under this Part shall use the title occupational therapy assistant.

2. Section 76.7 of the Regulations of the Commissioner of Education is amended, effective May 18, 2016, as follows:

§76.7 Requirements for [authorization] licensure as an occupational therapy assistant.

To qualify for [authorization] licensure as an occupational therapy assistant pursuant to section [7906(7)] 7904-a of the Education Law, an applicant shall fulfill the following requirements:

(a) . . .

(b) have received an education as follows:

(1) completion of a two-year associate degree program for occupational therapy assistants registered by the department or accredited by a national accreditation agency which is satisfactory to the department; or

(2) completion of a postsecondary program [in occupational therapy satisfactory to the department and] of at least two years duration that has been determined by the Board of Regents pursuant to Education Law section 6506(5) to substantially meet the requirements of Education Law section 7904-a(b);

(c) have a minimum of [three months] sixteen weeks clinical experience satisfactory to the State board for occupational therapy and in accordance with standards established by a national accreditation agency which is satisfactory to the department;

(d) . . .

(e) . . .

[(f) register triennially with the department in accordance with the provisions of subdivision (h) of this section, sections 6502 and 7906(8) of the Education Law, and sections 59.7 and 59.8 of this Title;]

[(g)f] pay a fee for an initial license and a fee for each triennial registration period that shall be one half of the fee for initial license and for each triennial registration period established [in Education law] for occupational therapists; and

[(h)g] except as otherwise provided by Education Law section 7907(2), pass an examination acceptable to the department.

3. Subdivision (a) of section 76.8 of the Regulations of the Commissioner of Education is amended, effective May 18, 2016, as follows:

(a) A written supervision plan, acceptable to the occupational therapist or licensed physician providing direction and supervision, shall be required for each occupational therapy assistant providing services pursuant to section [7906(7)] 7902-a of the Education Law. The written supervision plan shall specify the names, professions and other credentials of the persons participating in the supervisory process, the frequency of formal supervisory contacts, the methods (e.g., in-person, by telephone) and types (e.g., review of charts, discussion with occupational therapy assistant) of supervision, the content areas to be addressed, how written treatment notes and reports will be reviewed, including, but not limited to, whether such notes and reports will be initialed or co-signed by the supervisor, and how professional development will be fostered.

4. Subdivision (b) of section 76.9 of the Regulations of the Commissioner of Education is amended, effective May 18, 2016, as follows:

To be permitted to practice as an exempt person pursuant to section 7906(4) of the Education Law, an occupational therapy assistant student shall be enrolled in a program as set forth in section 76.7(b)(1) of this Part and shall practice under the direction and supervision of:

(a) an occupational therapist; or

(b) an occupational therapy assistant who [has obtained authorization] is licensed or otherwise authorized pursuant to section [7906(7)] 7904-a of the Education Law and who is under the supervision of an occupational therapist.

5. Paragraph (3) of subdivision (a) of section 76.10 of the Regulations of the Commissioner of Education is amended, effective May 18, 2016, as follows:

(a) Definitions. As used in this section:

(1) . . .

(2) . . .

(3) Licensee means an individual licensed to practice occupational therapy pursuant to section 7904 of the Education Law or [authorized] licensed to practice as an occupational therapy assistant pursuant to section [7906(7)] 7904-a of the Education Law.

(4) . . .

(5) . . .

(6) . . .

(7) . . .

6. Paragraph (1) of subdivision (j) of section 76.10 of the Regulations of the Commissioner of Education is amended, effective May 18, 2016, as follows:

(j) Fees.

(1) At the beginning of each registration period, a mandatory continuing competency fee of \$45 shall be collected from [licensees] each licensed occupational therapist engaged in the practice of occupational therapy in New York State and a mandatory continuing competency fee of \$25 shall be collected from [licensees] each person licensed or otherwise authorized to practice as an occupational therapy assistant in New York State, except for those exempt from the requirement pursuant to subparagraph (b)(2)(i) of this section. This fee shall be in addition to the registration fee required by section 7904 of the Education Law for [licensees] licensed occupational therapists [engaged in the practice of occupational therapy], and the registration fee

required by section [76.7 of this Part] 7904-a of the Education Law for [individuals]  
persons licensed or otherwise authorized to practice as [an] occupational therapy  
assistants.