



OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD
Room N208, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
June 9, 2020

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of March 10, 2020 (4-9)**
- C. Conflicts of Interest
- D. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - 3) Wis. Stat. s. 15.085(3)(b) – Biannual Meeting with the Medical Examining Board
- E. 9:30 A.M. Public Hearing: CR 20-016 – OT 3 – Biennial Registration – Discussion and Consideration (10-21)**
 - 1) Review and Respond to Public Comments, Medical Examining Board Recommendation, and Clearinghouse Report
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration**
 - 1) Scope Statement – OT 1 to 6 – Telehealth **(22-23)**
 - 2) Scope Statement – OT 2 – Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses **(24-26)**
 - 3) Pending and Possible Rulemaking Projects
- H. AOTA/NBCOT Occupational Therapy Licensure Compact Initiative – Discussion and Consideration**
- I. COVID-19 – Discussion and Consideration (26-54)**
- J. Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition

- 2) Administrative Matters
- 3) Election of Officers
- 4) Appointment of Liaisons and Alternates
- 5) Delegation of Authorities
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislative and Policy Matters
- 10) Administrative Rule Matters
- 11) Liaison Reports
- 12) Board Liaison Training and Appointment of Mentors
- 13) Informational Items
- 14) Division of Legal Services and Compliance (DLSC) Matters
- 15) Presentations of Petitions for Summary Suspension
- 16) Petitions for Designation of Hearing Examiner
- 17) Presentation of Stipulations, Final Decisions and Orders
- 18) Presentation of Proposed Final Decisions and Orders
- 19) Presentation of Interim Orders
- 20) Petitions for Re-Hearing
- 21) Petitions for Assessments
- 22) Petitions to Vacate Orders
- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

K. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

L. Credentialing Matters

- 1) **10:30 A.M. APPEARANCE – Full Board Oral Examination**
 - a. Thomas Rothery (**55-102**)

M. Open Cases

N. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings

- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

O. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- P. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- Q. Open Session Items Noticed Above Not Completed in the Initial Open Session
- R. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

ROOM N207

10:00 A.M. OR IMMEDIATELY FOLLOWING FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Examinations of **Zero (0)** (at the time of agenda publication) Candidate for Licensure and Any Additional Examinations Added After Agenda Preparation –Laura O’Brien & Teresa Black

NEXT DATE: SEPTEMBER 15, 2020

 MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
MARCH 10, 2020**

PRESENT: Teresa Black, Terry Erickson, Randi Hanson, Laura O'Brien

EXCUSED: Amy Summers

STAFF: Yolanda McGowan, DPD Division Administrator; Jameson Whitney, Legal Counsel; Dale Kleven, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Laura O'Brien, Chairperson, called the meeting to order at 9:30 a.m. A quorum was confirmed with four (4) board members present.

ADOPTION OF AGENDA

MOTION: Teresa Black moved, seconded by Randi Hanson, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Terry Erickson moved, seconded by Randi Hanson, to approve the Minutes of November 19, 2019 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Terry Erickson nominated Laura O'Brien for the Office of Chairperson.

Yolanda McGowan, DPD Division Administrator, called for nominations three (3) times.

Laura O'Brien was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Terry Erickson nominated Teresa Black for the Office of Vice Chairperson.

Yolanda McGowan, DPD Division Administrator, called for nominations three (3) times.

Teresa Black was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Randi Hanson nominated Terry Erickson for the Office of Secretary.

Yolanda McGowan, DPD Division Administrator, called for nominations three (3) times.

Terry Erickson was elected as Secretary by unanimous voice vote.

2020 ELECTION RESULTS	
Chairperson	Laura O'Brien
Vice Chairperson	Teresa Black
Secretary	Terry Erickson

Appointment of Liaisons and Alternates

2020 LIAISON APPOINTMENTS	
Credentialing Liaisons	Laura O'Brien, Teresa Black <i>Alternate: Amy Summers</i>
Education and Exams Liaisons	Laura O'Brien, Teresa Black <i>Alternate: Randi Hanson</i>
Monitoring Liaisons	Randi Hanson <i>Alternate: Laura O'Brien</i>
Professional Assistance Procedure Liaisons	Randi Hanson <i>Alternate: Laura O'Brien</i>
Legislative Liaisons	Teresa Black <i>Alternate: Terry Erickson</i>
Travel Liaisons	Teresa Black <i>Alternate: Amy Summers</i>
Administrative Rules Liaisons	Laura O'Brien <i>Alternate: Teresa Black</i>
Screening Panel	Terry Erickson, Teresa Black <i>Alternate: Laura O'Brien</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Teresa Black moved, seconded by Terry Erickson, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Teresa Black moved, seconded by Randi Hanson, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking

officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Randi Hanson moved, seconded by Teresa Black, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to of Loss of Quorum

MOTION: Terry Erickson moved, seconded by Teresa Black, to delegate the review of disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum. The Board requests notification at next meeting of any actions taken pursuant to this delegation. Motion carried unanimously.

Monitoring Delegations

MOTION: Randi Hanson moved, seconded by Teresa Black, to adopt the "Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor" as presented in the March 10, 2020 agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Teresa Black moved, seconded by Randi Hanson, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Teresa Black moved, seconded by Randi Hanson, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Teresa Black moved, seconded by Terry Erickson, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the

Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Teresa Black moved, seconded by Terry Erickson, to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
 2. Reciprocal discipline cases.
 3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
 4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
 5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).
- Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Teresa Black moved, seconded by Randi Hanson, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Teresa Black moved, seconded by Terry Erickson, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education, Continuing Education and/or Examination Delegation(s)

MOTION: Randi Hanson moved, seconded by Teresa Black, to delegate authority to the Education, Continuing Education and/or Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Teresa Black moved, seconded by Terry Erickson, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Teresa Black moved, seconded by Randi Hanson to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Terry Erickson moved, seconded by Randi Hanson, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Terry Erickson moved, seconded by Randi Hanson, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Pending or Possible Rulemaking Projects

Practice of Occupational Therapy Using Telehealth

MOTION: Terry Erickson moved, seconded by Randi Hanson, to request DSPS staff draft a Scope Statement relating to telehealth, and to designate Teresa Black to advise DSPS staff. Motion carried unanimously.

DEVELOPING AN OCCUPATIONAL THERAPY LICENSURE EXAMINING BOARD

MOTION: Terry Erickson moved, seconded by Randi Hanson, to express the Board's support for the creation of an Occupational Therapists Examining Board and to designate Teresa Black to take action and assist the process on behalf of the Board as necessary. Motion carried unanimously.

ORAL EXAMINATION QUESTION REVIEW

MOTION: Terry Erickson moved, seconded by Randi Hanson, to designate Teresa Black to work with a Department Exam Specialist to review the current oral examination questions to determine if updates are needed. Motion carried unanimously.

DELEGATION OF RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Terry Erickson moved, seconded by Teresa Black, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Terry Erickson moved, seconded by Randi Hanson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:10 a.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 5/28/20 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Occupational Therapists Affiliated Credentialing Board			
4) Meeting Date: 6/9/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 9:30 A.M. Public Hearing: CR 20-016 – OT 3 – Biennial Registration 1. Review and Respond to Public Comments, Medical Examining Board Recommendation, and Clearinghouse Report Administrative Rule Matters – Discussion and Consideration 1. Scope Statement – OT 1 to 6 – Telehealth 2. Scope Statement – OT 2 – Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses 3. Pending and Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Medical Examining Board Recommendation – CR 20-016 MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to affirm the Board has reviewed the proposed rules revising Wisconsin Administrative Code Chapter OT 3, relating to biennial registration, and has the following comment: the Board recommends the language under OT 3.06(3) be changed from “one or more” to “two or more”. Motion carried unanimously. Scope Statement – OT 2 Under prior law, the spouse of a service member could obtain a temporary reciprocal credential granted by DSPS or a board attached to DSPS. 2019 Wisconsin Act 143 expanded the availability of a reciprocal credential to include service members, former service members, and the spouses of former service members. The Act also provides that a reciprocal credential granted to a service member, former service member, or the spouse of a service member or former service member expires on the same renewal date as the credential that corresponds to the reciprocal credential, and that the reciprocal credential may be renewed by paying the applicable fee and satisfying the requirements that apply to renewing the corresponding credential. Also, under the Act, DSPS or a board attached to DSPS may promulgate rules necessary to implement the Act.			
11) Authorization			
Signature of person making this request <i>Dale Kleven</i>		Date <i>May 28, 2020</i>	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
OCCUPATIONAL THERAPISTS
AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	OCCUPATIONAL THERAPISTS
OCCUPATIONAL THERAPISTS	:	AFFILIATED CREDENTIALING
AFFILIATED CREDENTIALING	:	BOARD
BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Occupational Therapists Affiliated Credentialing Board to **repeal** OT 3.06 (3) (Note); to **amend** ch. OT 3 (title), OT 3.01 to 3.04, 3.05 (intro.), (1), (2), and (3) (intro.) and (a), 3.06 (1) to (3), Table OT 3.06 lines (c), (d), (f), (n), (p), and (q), and 3.06 (4) and (5); and to **create** Table OT 3.06 (title), relating to biennial registration.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.03 (4m), Stats.

Statutory authority:

Sections 15.085 (5) (b) and 448.965 (1) (b), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .” The proposed rule will provide guidance concerning the supervision and practice of occupational therapy assistants.

Section 448.965 (1) (b), Stats., provides the Occupational Therapists Affiliated Credentialing Board may promulgate rules that establish “[c]ontinuing education requirements for license renewal for an occupational therapist or occupational therapy assistant under s. 448.967 (2).”

Related statute or rule:

None.

Plain language analysis:

- Section OT 3.05 (2) and (3) (intro.) are revised to clarify the requirements for reinstatement apply to a licensee whose license has been denied at renewal.

- Section OT 3.06 (5) is revised to comply with s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59. Under this provision, the Board may require a credential holder to submit proof of completing continuing education programs or courses only if a complaint is made against the credential holder.
- Other provisions throughout ch. OT 3 have been revised to ensure consistency in terminology and compliance with current renewal methodology, standards for drafting style and format, and applicable Wisconsin statutes.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: 68 Ill. Admin. Code 1315.145 f) 2) provides the requirements for retention and production of evidence of compliance with the continuing education requirements. The Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation may require additional evidence demonstrating compliance with the continuing education requirements. It is the responsibility of each applicant for renewal to retain or otherwise produce evidence of such compliance.

Iowa: 645 IAC 4.11 provides the requirements for retention and production of evidence of compliance with the continuing education requirements. The Iowa Board of Physical and Occupational Therapy may select licensees for audit following license renewal. Upon audit, a licensee is required to provide an individual certificate of completion issued to the licensee or evidence of successful completion of the course from the course sponsor. All licensees must retain documentation of compliance with the continuing education requirements for two years following license renewal.

Michigan: Mich Admin Code, R 338.1251 provides the requirements for certification of compliance and requirements for retention and production of evidence of compliance with the continuing education requirements. Submission of an application for renewal constitutes an applicant's certification of compliance with the continuing education requirements, and all licensees are required to retain documentation of meeting the requirements for a period of 4 years from the date of applying for license renewal. The Michigan Board of Occupational Therapists may require an applicant or licensee to submit evidence to demonstrate compliance with the continuing education requirements.

Minnesota: The Minnesota Statutes provide the requirements for retention and production of evidence of compliance with the continuing education requirements (Minnesota Statutes 2017, section 148.6443, Subds. 5. and 6.). Within one month following licensure expiration, each licensee must submit a continuing education report form provided by the Minnesota Board of Occupational Therapy Practice verifying the continuing education requirements have been met. The Board may audit a percentage of the continuing education reports based on random selection. In addition, renewal applications that are received after the expiration date and any licensee against whom a complaint is filed may be subject to a continuing education report audit. Licensees are required to maintain all required documentation for two years after the last day of the biennial licensure period in which the continuing education was obtained.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. OT 3 to ensure consistency with current standards for drafting style and format and applicable Wisconsin statutes.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held on the proposed rules. Information concerning the date, time, and location of the public hearing will be published in the Wisconsin Administrative Register and posted on the Legislature’s website at <https://docs.legis.wisconsin.gov/code/chr/hearings>.

TEXT OF RULE

SECTION 1. Chapter OT 3 (title) is amended to read:

CHAPTER OT 3

BIENNIAL REGISTRATION LICENSE RENEWAL

SECTION 2. OT 3.01 to 3.04 are amended to read:

OT 3.01 Authority and purpose. The rules in this chapter are adopted by the board under the authority of ss. 15.085 (5) (b), 227.11 (2), and 448.965, Stats., to govern biennial registration renewal requirements for occupational therapists and occupational therapy assistants.

OT 3.02 Registration Renewal required; method of registration renewal. Each licensee shall ~~register renew~~ biennially with the board. ~~Prior to June 1 of each odd numbered year, the department shall mail to each licensee at his or her last known address as it appears in the records of the board an application form for registration.~~ Each licensee shall ~~complete the~~ submit a completed renewal application form and return it with the required renewal fee to the department by the date specified in s. 440.08 (2) (a) 52. or 53., Stats., as applicable. The board shall notify a licensee within 30 business days of receipt of a completed renewal application whether renewal is approved or denied.

OT 3.03 Initial registration renewal. ~~Any~~ A licensee who is initially granted and issued a license ~~during a given calendar year shall register for that biennium renew the license as provided under s. OT 3.02 by the date specified in s. 440.08 (2) (a) 52. or 53., Stats., as applicable.~~ The board shall notify the licensee within 30 business days of receipt of a completed registration form whether the application for registration is approved or denied.

OT 3.04 Registration Renewal prohibited. ~~Any~~ The license of an occupational therapist or occupational therapy assistant ~~required to comply who has not complied with the provisions of s. OT 3.06; and s. 448.967; (2), Stats., and who has not so complied, will~~ may not be permitted to register renewed.

SECTION 3. OT 3.05 (intro.), (1), (2), and (3) (intro.) and (a) are amended to read:

OT 3.05 (intro.) Late renewal and reinstatement. Failure to renew a license ~~by June 1 of an odd numbered year to~~ as required under s. OT 3.02 shall cause ~~the~~ a license to expire. A licensee who allows ~~the~~ a license to expire may apply to the board for late renewal or reinstatement of the license by completing one of the following:

(1) LATE RENEWAL BEFORE WITHIN 5 YEARS. If ~~the~~ a licensee applies for renewal ~~of the license less than within 5 years after its expiration the renewal date,~~ the license shall be renewed upon payment submission of the renewal completed application and fee required under s. OT 3.02, payment of the late fee under s. 440.08 (3) (a), Stats., and fulfillment of the continuing education requirements under s. OT 3.06.

(2) LATE RENEWAL AFTER 5 YEARS. If ~~the~~ a licensee applies for renewal ~~of the license~~ more than 5 years after ~~its expiration the renewal date,~~ the board shall make such inquiry as it finds necessary to determine whether the applicant is competent to practice under the license in this state; ~~and~~ Subject to s. 440.08 (3) (b), Stats., the board shall impose any reasonable conditions on the renewal of the license, including oral examination, as the board deems appropriate. All applicants under this section subsection shall be required to pass the open book examination on statutes and rules, which is the same examination given to initial applicants. This Except as provided under sub. (3) (a), this subsection does not apply to licensees who have unmet disciplinary requirements or whose licenses have been denied at renewal, surrendered, or revoked.

(3) (intro.) REINSTATEMENT. A licensee who has unmet disciplinary requirements and failed to renew within 5 years of the renewal date or whose license has been denied at renewal, surrendered, or revoked, may apply to have the license reinstated. ~~in accordance with~~ An application for reinstatement shall include all of the following:

(a) Evidence of ~~the~~ completion of the requirements under sub. (2).

SECTION 4. OT 3.06 (1) to (3) are amended to read:

OT 3.06 (1) Each holder of a license as an occupational therapist shall, at the time of applying for renewal of ~~a the license of registration under s. 448.967, Stats.,~~ certify that ~~he or she~~ the licensee has, ~~in the 2 years preceding the renewal application,~~ completed at least 24 points of acceptable continuing education during the 2-year period immediately preceding the renewal date under s. 440.08 (2) (a) 52., Stats.

(2) Each holder of a license as an occupational therapy assistant shall, at the time of applying for renewal of ~~a the license of registration under s. 448.967, Stats.,~~ certify that ~~he or she~~ the licensee has, ~~in the 2 years preceding the renewal application,~~ completed at least 24 points of acceptable continuing education during the 2-year period immediately preceding the renewal date under s. 440.08 (2) (a) 53., Stats.

(3) At least 12 ~~of the~~ points of the continuing education required under subs. (1) and (2) shall be accumulated through one or more professional development activities listed under Table OT 3.06 that are related to occupational therapy in the following categories set forth in the following table. In Table OT 3.06, “contact hour” means not less than 50 minutes of actual professional activity.

SECTION 5. Table OT 3.06 (title) is created to read:

TABLE OT 3.06

SECTION 6. Table OT 3.06 lines (c), (d), (f), (n), (p), and (q) are amended to read:

PROFESSIONAL DEVELOPMENT ACTIVITIES	PROFESSIONAL DEVELOPMENT POINTS
(c) Satisfactory completion of a self-study course approved by the American occupational therapy association (AOTA) <u>Occupational Therapy Association</u> or other related recognized professional associations.	4 points per continuing education unit.
(d) Satisfactory completion <u>Review</u> of an AOTA American Occupational Therapy Association continuing education article (review and successful completion of the associated examination).	1 point per article.
(f) Initial completion of specialty board certification in occupational therapy, including but not limited to certification in neurorehabilitation, pediatrics, hand therapy, gerontology, driver rehabilitation, advanced practice, neuro-developmental treatment, case management, and rehabilitation counseling.	12 points.
(n) Professional presentations. Note: No additional points are given for subsequent presentations of the same content.	2 points per contact hour. <u>No additional points are given for subsequent presentations of the same content.</u>

(p) Student fieldwork supervision – Level I fieldwork.	2 points.
(q) Student fieldwork supervision – Level II fieldwork.	8 points.

SECTION 7. OT 3.06 (3) (Note) is repealed.

SECTION 8. OT 3.06 (4) and (5) are amended to read:

OT 3.06 (4) ~~Evidence~~ Certificates of completion or other evidence of compliance with this section such as certificates of completion shall be retained by each license holder through the biennium for at least 2 years following the biennium for in which credit is required for renewal of license the continuing education was completed.

(5) ~~The board may require shall audit any license holder to submit evidence of licensee who is under investigation by the board for alleged misconduct for compliance with this section to the board for an audit at any time during the biennium following the biennium for which credit is required for license renewal.~~

SECTION 9. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

 (END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 12/05/2019
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) OT 3	
4. Subject Biennial registration	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The following updates have been made to ch. OT 3: Section OT 3.05 (2) and (3) (intro.) are revised to clarify the requirements for reinstatement apply to a licensee whose license has been denied at renewal. Section OT 3.06 (5) is revised to comply with s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59. Under this provision, the Board may require a credential holder to submit proof of completing continuing education programs or courses only if a complaint is made against the credential holder. Other provisions throughout ch. OT 3 have been revised to ensure consistency in terminology and compliance with current standards for drafting style and format and applicable Wisconsin statutes.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole. The Department estimates one-time administrative costs of \$59.98. These costs may be absorbed in the agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is providing updated requirements for reinstatement of a license and submission of proof of completing continuing education programs or courses. If the rule is not implemented, the requirements will remain outdated.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is updated requirements for reinstatement of a license and submission of proof of completing continuing education programs or courses.

17. Compare With Approaches Being Used by Federal Government

None

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: 68 Ill. Admin. Code 1315.145 f) 2) provides the requirements for retention and production of evidence of compliance with the continuing education requirements. The Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation may require additional evidence demonstrating compliance with the continuing education requirements. It is the responsibility of each applicant for renewal to retain or otherwise produce evidence of such compliance.

Iowa: 645 IAC 4.11 provides the requirements for retention and production of evidence of compliance with the continuing education requirements. The Iowa Board of Physical and Occupational Therapy may select licensees for audit following license renewal. Upon audit, a licensee is required to provide an individual certificate of completion issued to the licensee or evidence of successful completion of the course from the course sponsor. All licensees must retain documentation of compliance with the continuing education requirements for two years following license renewal.

Michigan: Mich Admin Code, R 338.1251 provides the requirements for certification of compliance and requirements for retention and production of evidence of compliance with the continuing education requirements. Submission of an application for renewal constitutes an applicant's certification of compliance with the continuing education requirements, and all licensees are required to retain documentation of meeting the requirements for a period of 4 years from the date of applying for license renewal. The Michigan Board of Occupational Therapists may require an applicant or licensee to submit evidence to demonstrate compliance with the continuing education requirements.

Minnesota: The Minnesota Statutes provide the requirements for retention and production of evidence of compliance with the continuing education requirements (Minnesota Statutes 2017, section 148.6443, Subds. 5. and 6.). Within one month following licensure expiration, each licensee must submit a continuing education report form provided by the Minnesota Board of Occupational Therapy Practice verifying the continuing education requirements have been met. The Board may audit a percentage of the continuing education reports based on random selection. In addition, renewal applications that are received after the expiration date and any licensee against whom a complaint is filed may be subject to a continuing education report audit. Licensees are required to maintain all required documentation for two years after the last day of the biennial licensure period in which the continuing education was obtained.

19. Contact Name

Dale Kleven

20. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 20-016

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. In s. OT 3.02, the period after the underscored word “applicable” should be underscored, and the final period after the word “denied” should not be underscored.

b. In s. OT 3.03, the stricken material beginning with “register for that biennium” should be shown contiguously with the final sentence from the current rule text that is also stricken in the proposed rule. The inserted, underscored material beginning with “renew the license” and ending with “, as applicable” should be shown following the contiguous stricken material. The final period after the word “denied” from the current rule text should be preserved and shown without underscoring at the end of the inserted material, after the underscored word “applicable”.

c. In s. OT 3.05 (3) (intro.), the underscored period after the word “reinstated” should be moved to be shown, with underscoring, after the stricken phrase “in accordance with”.

d. In s. OT 3.06 (3), the period after the stricken word “table” should be underscored, and the final period after the word “activity” should not be underscored.

e. In SECTION 5 of the proposed rule, the intention with titling the table is not entirely clear. Is the table intended to be shown following all of the material in s. OT 3.06, or is it intended to remain embedded with sub. (3)? If it is intended to remain embedded with sub. (3), the treatment clause for SECTION 5 should be revised to identify “OT 3.06 (3) (table) (title)”, and the rule caption’s listing of affected provisions should also be updated to include “(3)” in the citation. If the table is intended to appear at the end of all of the material in s. OT 3.06, the treatment clause

for SECTION 6 of the proposed rule should be revised to “renumber and amend” from sub. (3) to sub. (7).

STATEMENT OF SCOPE

Occupational Therapists Affiliated Credentialing Board

Rule No.: Chapters OT 1 to 6

Relating to: Telehealth

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to establish standards of practice and conduct for providing occupational therapy services using telehealth. This may include revisions to chs. OT 1 to 5, creation of a ch. OT 6, or both.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current administrative rules of the Occupational Therapy Affiliated Credentialing Board do not address telehealth practice. As described above, the proposed rule will establish standards of practice and conduct for providing occupational therapy services using telehealth. The alternative of not updating the rules would be less beneficial to affected entities.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.085 (5) (b), Stats., provides that an affiliated credentialing board, such as the Occupational Therapists Affiliated Credentialing Board, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.965 (1) (c), Stats., provides the Occupational Therapists Affiliated Credentialing Board may promulgate rules that establish “[s]tandards of practice for occupational therapy, including a code of ethics and criteria for referral.”

Section 448.965 (2), Stats., provides “[t]he affiliated credentialing board may promulgate rules that define the scope of practice of occupational therapy or the scope of assisting in the practice of occupational therapy.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

90 hours

6. List with description of all entities that may be affected by the proposed rule:

Occupational therapists and occupational therapy assistants who provide occupational therapy services in Wisconsin.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, Administrative Rules Coordinator, DSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

STATEMENT OF SCOPE

Occupational Therapists Affiliated Credentialing Board

Rule No.: Chapter OT 2

Relating to: Reciprocal credentials for service members, former service members, and their spouses

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

None.

2. Detailed description of the objective of the proposed rule:

The objective of the rule is to implement 2019 Wisconsin Act 143.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

2019 Wisconsin Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and is in good standing with the governmental authorities in every jurisdiction outside Wisconsin that have granted the individual a credential that qualifies the individual to perform acts authorized under the appropriate credential granted by the department or credentialing board. The license may be renewed indefinitely.

This proposed rule will update ch. OT 2 to implement 2019 Wisconsin Act 143.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.085 (5) (b), Stats., provides that an affiliated credentialing board, such as the Occupational Therapists Affiliated Credentialing Board, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

60 hours

6. List with description of all entities that may be affected by the proposed rule:

Service members, former service members, and spouses of service members or former service members applying for a license to practice occupational therapy.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

There is no existing or proposed federal regulation that addresses occupational therapy licensure.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, (608) 261-4472, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted



COVID-19 – Governor Issued Executive Orders

**Implication to Occupational Therapy State Licensure
as of May 13, 2020**

(Please note: Each directive indicated is a result of an executive order issued by the governor of the state and is active until the state of emergency regarding COVID-19 expires. Jurisdictions with no implications indicated do not currently have executive orders specific to occupational therapy.)

STATE	IMPLICATIONS TO OT STATE LICENSURE
ALABAMA	<p>Alabama Medicaid: This provision is to temporarily allow speech and occupational therapy services through telemedicine during COVID-19 emergency for dates of service on or after March 16, 2020. This allowance should only be used for medically necessary services that can be appropriately delivered in a secure, confidential location.</p>
ALASKA	<p>Alaska State Board of Physical Therapy and Occupational Therapy – Enactment of SB 241: Licensees may renew their license for the July 1, 2020, to June 30, 2022, license period without having met all regulatory renewal requirements.</p> <p>Health Mandate 015: Services for Health Care Providers: This Mandate addresses various issues that apply to occupational therapy practitioners including information related to delivery of routine healthcare services, provisions for resuming non-urgent/non-emergent surgeries and procedures, and urgent and emergent services.</p> <p>Division of Healthcare Services Temporary Expansion of Medicaid Telehealth Coverage: For as long as the U.S. Department of Health and Human Services Secretary’s public health emergency remains in effect, Alaska Medicaid is expanding Medicaid telehealth coverage. Information included addresses aspects such as fee schedules and acceptable electronic means.</p>

ARIZONA

[Executive Order 2020-17 Continuity of Work](#): This Order directs state agencies and boards to defer requirements to renew licenses that have an expiration date between March 1, 2020, and September 1, 2020, by six months for the expiration date unless those requirements can be completed online.

[Arizona Board of Occupational Therapy Examiners – Licensing Waivers](#)

- Temporary waiver of the fingerprint requirement for those applying for a new license and cannot have their fingerprints taken due to COVID-19. The Board may issue a six-month provisional license to those applying for a new license who cannot obtain fingerprints.
- Temporary waiver of exam requirement for those who have successfully completed their program but are not able to take the NBCOT exam because the testing centers are closed. The Board may issue a six-month provisional license to new graduates who cannot take the NBCOT exam.
- Temporary waiver of continuing education requirement for those who cannot complete their CEs due to COVID-19. The Board may issue a six-month extension letter to those who cannot complete their continuing education in time because of COVID-19.
- Fee waivers for those who have been financially impacted by COVID-19. You must attest that you have been financially impacted by COVID-19 and cannot afford to pay licensing fees.

[Executive Order 2020-07 Proactive Measures to Protect Against COVID-19](#): The Department of Health Services in conjunction with the Department of Insurance shall require that all insurers regulated by the State cover telemedicine visits at a lower cost-sharing point for consumers than the same in-office service to encourage utilization of telemedicine for the duration of the state's public health emergency.

[Executive Order 2020-15 Expansion of Telemedicine](#): All health insurance plans regulated by the Arizona Department of Insurance are required to cover all healthcare services that are provided through telemedicine if the healthcare service would be covered were it provided through in-

	<p>person visit. This Order also includes additional information such as reimbursement, documentation, and acceptable electronic means of telehealth and telemedicine services.</p> <p>Executive Order 2020-29 Increased Telemedicine Access for Workers' Compensation: Beginning April 14, 2020, and continuing for the duration of the Public Health Emergency, all workers' compensation insurance plans regulated by the Arizona Department of Insurance, self-insurance plans regulated by the Industrial Commission of Arizona, and the Special Fund are required to provide coverage for all healthcare services that can be provided through telemedicine if the healthcare service would be covered were it provided through an in-person visit.</p>
ARKANSAS	<p>Arkansas Department of Human Services Memorandum (DMS-04): In response to the COVID-19 outbreak in Arkansas and consistent with CMS's coverage and payment for COVID-19 diagnostic testing, DMS is suspending the prohibition on use of telemedicine technology for limited occupational, physical or speech therapy services provided to established patients during the COVID-19 outbreak and the declaration of public health emergency.</p> <p>Arkansas Department of Human Services Memorandum (DMS-04a): This addendum expands allowable telemedicine services to include services provided by licensed occupational, physical, or speech therapy assistants.</p>
CALIFORNIA	<p>Executive Order N-39-20: Authorizes the Director of the Department of Consumer Affairs to waive any of the professional licensing requirements relating to healing arts licensees in Division 2 of the Business and Professions Code, and any accompanying regulations. This includes, but is not limited to, education, training requirements necessary to maintain licensure, and requirements governing the practice and permissible activities of licensees.</p> <p>Emergency Medical Services Authority – Out of State Medical Personnel: Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification.</p>

	<p>Department of Consumer Affairs – Order Waiving License Reactivation or Restoration Requirements: The Director may waive any statutory or regulatory requirements with respect to a professional license issued pursuant to Division 2 of the Business and Professions Code, including the requirements to reactivate or restore a license to active status. Waivers may include continuing education requirements and fees for licensure. These waivers apply to individuals who have a retired, inactive, or cancelled status for no longer than five years.</p> <p>Executive Order N-43-20: Health care providers must maximize the number of capable health care workers through the use of telehealth services to ensure that Californians impacted by COVID-19 are able to access medical treatment as necessary. This Order addresses provisions such as consent, good faith, breach of security, and suspension of penalties.</p>
<p>COLORADO</p>	<p>Executive Order D 2020 038 Temporary Suspension of Certain Statutes and Rules to Expand the Healthcare Workforce: This Order suspends statutory and regulatory scope of practice limitations to permit licensed professionals to cross train, supervise, and delegate responsibilities concerning temporary care and treatment of patients.</p> <p>Department of Regulatory Agencies – Guidance for Healthcare Professionals Not Currently Licensed in Colorado: Healthcare providers who are being called upon to assist in caring for patients, but who are wondering if they can lawfully practice without a current Colorado license should consider the following exemptions and provisions that will allow them to immediately resume work in the field:</p> <p>All Healthcare Providers:</p> <ul style="list-style-type: none"> ▪ A provider with an expired or lapsed license, registration, or certification may operate within a 60-day grace period without being subject to penalties or fines under C.R.S. §12-20-202(1)(e). Note: Medical professionals must be aware of reimbursement and liability concerns beyond the date of license expiration. ▪ Any active military personnel, including any National Guard member or reservist, and any veteran who has not been dishonorably discharged may operate under an expired license,

	<p>certificate, or registration of any active military personnel for a minimum of 30 days under C.R.S. §12-20-202(2)(b).</p> <ul style="list-style-type: none"> ▪ A military spouse who has been relocated to Colorado by military orders and has an active license in good standing from another state, can practice in most professions regulated by DPO for up to one year from the date they move before obtaining a Colorado license under C.R.S. §12-20-304. <p>Office of Occupational Therapy: New graduates who are unable to test due to indefinite postponement of exams can work under the supervision of a Colorado licensee until testing centers open.</p> <p>Executive Order D 2020 020: This Order suspends certain statutes and expands the use of telehealth services. Provisions address areas such as health benefit plans, reimbursement, and consultative services.</p>
CONNECTICUT	<p>Executive Order No. 7v: Temporary Permits for Certain Healthcare Providers Extended and Fees Waived - The Order waives any application fees for temporary permits and extends the duration of the temporary permits for care professions governed thereunder, for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated. The Commissioner may issue any implementing order deemed necessary to effectuate this order.</p> <p>Executive Order No. 7G: This Order addresses the flexibility for Medicaid enrolled providers and in-network providers for commercial fully insured health insurance to provide telehealth services.</p> <p>Executive Order No. 7DD – Expansion of Healthcare Workforce: This Order modifies Executive Order No. 7G by addressing areas such as insurance coverage, acceptable electronic means, and HIPAA.</p>
DELAWARE	<p>Division of Professional Regulation: If a licensee is due to renew and is unable to complete required continuing education due to the Governor’s declared state of emergency, the licensee will</p>

	<p>be granted up to 60 days after the lifting of the state of emergency to complete continuing education.</p> <p>Delaware State Medicaid Policies Related to Coronavirus Disease 2019 (COVID-19): To the extent it is practical, Division of Medicaid and Medicare Assistance (DMMA) encourages the use of telehealth to provide COVID–19 related services to Medicaid members. DMMA is revising telehealth policies to remove barriers created by requirements that patients present in-person before telehealth services may be provided and allow out of state healthcare providers to provide services if they hold an active license in another jurisdiction. DMMA will also expand allowable interfaces.</p>
<p>DISTRICT OF COLUMBIA</p>	<p>Administrative Order 2020-02: Licensure, registration, or certification requirements, permits, and fees shall be waived for healthcare practitioners appointed as temporary agents for the District of Columbia.</p> <p>CMS COVID-19 Emergency Declaration Blanket Waivers for Healthcare Providers: This declaration addresses flexibility for Medicare telehealth services. Specific information is provided regarding eligible practitioners and audio-only telehealth services.</p>
<p>FLORIDA</p>	<p>State of Florida Department of Health – Suspension of Statutes, Rules, and Orders Made Necessary by COVID-19: Pursuant to the authority granted by Executive Order 20-52, healthcare professionals holding a valid, unrestricted, and unencumbered license in any state, territory, and/or district may render such services in Florida not to exceed 30 days.</p> <p>Emergency Order 20-003:</p> <ul style="list-style-type: none"> ▪ Any upcoming licensure renewal deadlines between March 21 and April 30, 2020 are extended to May 31, 2020. ▪ Healthcare professionals not licensed in this state may provided healthcare services to a patient in this state using telehealth not to exceed 30 days.

	<p>Florida Medicaid Telemedicine Guidance for Therapy Services and Early Intervention Services: To ensure that Florida Medicaid providers can maintain continuity of care during the state of emergency, the Agency is expanding coverage of therapy services and early intervention services provided through telemedicine.</p> <p>Executive Order Number 20-85: This Order addresses telehealth for State Group Insurance ensuring all state employees have access to telehealth services.</p>
GEORGIA	<p>Georgia State Board of Occupational Therapy Emergency Rule on Continuing Education (Rule 671-3-0.1-08): Allows licensees until June 30, 2020, to complete any continuing education required in order to renew the license.</p> <p>Georgia Department of Community Health: Georgia Medicaid revisions regarding telehealth address areas such as originating site of services and acceptable modalities.</p>
HAWAII	<p>Executive Order No. 20-02: This Order involves suspension of a law to the extent necessary to allow individuals currently and actively licensed pursuant to chapter 453, HRS, to engage in telehealth without an in-person consultation or a prior existing physician-patient relationship.</p> <p>Department of Human Services Memo No. QI-2010 FFS 20-05: Due to COVID-19 in Hawaii, the Med-QUEST Division will cover additional codes that may be used to deliver services through telehealth technology during and through the public health emergency.</p>
IDAHO	<p>Idaho Office of the Governor: Regulations are waived in the second proclamation aimed at maintaining or improving access to care. Waivers to suspend licensure requirements for out-of-state telehealth providers, remove financial barriers, and improve access to health services are indicated.</p> <p>Idaho Department of Health & Welfare Medicaid Information Release MA20-14: To reduce barriers to medical services for Medicaid participants and administrative burden for providers during this public health emergency, Idaho Medicaid temporarily implemented changes to telehealth for</p>

	therapy service providers. These changes include areas such as place of service, inclusion of evaluations, and billing.
ILLINOIS	Executive Order 2020-09 : This Order expands telehealth services and protects healthcare providers in response to COVID-19. All health insurance issuers regulated by the Department of Insurance are required to cover the costs of telehealth services to deliver medically necessary services.
INDIANA	<p>Executive Order 20-05: Suspension of the requirement that a health care provide hold an Indiana license is he/she holds a professional license from another state and is not suspended or barred from practice in that state or any other state.</p> <p>Executive Order 20-09: The expiration of any state agency-issued license, certification, or permit which expired, or is set to expire, during this public health emergency shall be extended automatically to May 22, 2020.</p> <p>Executive Order 20-13: This Order provides waivers for healthcare providers without an active license in Indiana, including retired and out-of-state healthcare professionals, to obtain temporary authorization to practice. This Order also addresses the use of telemedicine and related aspects of reimbursement, acceptable electronic means, and a request for insurers to provide coverage.</p> <p>Executive Order 20-27: The expiration of any state agency-issued license, certification, or permit which expired, or is set to expire, during this public health emergency shall be further extended automatically to June 4, 2020.</p>
IOWA	<p>Iowa Board of Physical and Occupational Therapy Guidance Related to Governor Reynold's Proclamations & COVID-19: Proclamation of Disaster Emergency Issued March 22, 2020</p> <ul style="list-style-type: none"> ▪ License Renewal - If a license expires while Proclamation is in effect, the licensee will have 60 days after the Proclamation expires to renew license. ▪ Continuing Education – Any board rules that require completion of continuing education in-person are waived for the next renewal, regardless of when license expires.

	<ul style="list-style-type: none"> ▪ Background Checks – Applications will be processed without background check for the duration of the Proclamation. Fingerprint check will need to be completed within 60 days of Proclamation expiration. <p>Department of Human Services: To facilitate clinically appropriate care within the Medicaid program during this public health emergency, services that by definition are direct contact services and are typically rendered in person may now be rendered via telehealth when clinically appropriate.</p>
KANSAS	<p>Executive Order No. 20-19: All state agencies shall extend renewal deadlines for any occupational or professional license, certificate, permit, or registration issued by a state agency or any board, commission, division, or other licensing authority within a state agency to any individual, business, or organization that was in good standing as of March 12, 2020, and that has expired or will expire during the State of Disaster Emergency, and such licenses, certificates, permits, and registrations shall remain valid until 90 days following the termination of the State of Disaster Emergency.</p> <p>Kansas State Board of Healing Arts Emergency Action: The Board is accepting applicants seeking temporary licensure for the purpose of preparing for, responding to, and mitigating any effect of COVID-19. The Emergency Temporary License for the COVID-19 response is available for all healthcare professions regulated by the Board. Those who hold an emergency temporary license are limited to engaging in the practice of their profession for healthcare services relating to COVID-19 response efforts and/or mitigating any effect of COVID-19. The license will cancel in 90 days, if not renewed, and will automatically cancel 30 days after the declared Kansas state of emergency ends. All license fees will be waived for this license.</p> <ul style="list-style-type: none"> ▪ Military service members and their spouses receive prioritized licensing application processing under existing law, pursuant to KSA 48-3406.
KENTUCKY	<p>Kentucky Board of Licensure for Occupational Therapy – The board has voted to suspend the in-person supervision requirement during the declared state of emergency. The licensure board is in agreement to relax the criteria for face-to-face supervision of occupational therapy assistants and</p>

	<p>temporary permit holders, and indirect methods of supervision (text, email, phone call, FaceTime/Skype) may be utilized to meet these needs during this time of restricted contact.</p> <p>SB 150 Section 1(4): This Bill as enacted addresses temporary registration of out-of-state healthcare providers to provide telehealth services to patients in Kentucky during the COVID-19 declared state of emergency.</p>
LOUISIANA	<p>Department of Health Board of Medical Examiners – Medical Professions; Restricted Temporary Permits; Emergency Temporary Permits: The Board may waive procedures and requirements regarding criminal history record information; extend or renew expired emergency temporary permits; and issue a temporary permit to an individual who was a former licensee.</p> <p>Louisiana State Board of Medical Examiners Emergency Temporary Permit: The Board has indicated a specific licensure application for out-of-state medical professionals seeking temporary, voluntary license for an emergency event in the state of Louisiana.</p> <p>Louisiana State Board of Medical Examiners Telehealth Guidance: To reduce the threat posed to health care providers from COVID-19, allocate resources to respond to the disaster, and further the Governor’s Proclamation No. 20-32, guidance is offered to allied providers licensed by the Board to both facilitate the use of telehealth and assure them that services provided during this emergency will not be subject to Board scrutiny merely because they were provided by telehealth.</p>
MAINE	<p>Executive Order No. 35 FY 19/20: Alleviates the following licensing requirements for all healthcare providers:</p> <ul style="list-style-type: none"> ▪ Licensees whose licenses are scheduled to expire on or before March 20, 2021, may renew that license without satisfying any continuing education requirements that would otherwise apply. ▪ Licensees whose licenses are scheduled to expire during the declared state of civil emergency will have their expiration dates extended until 30 days following the conclusion of the declared emergency.

	<ul style="list-style-type: none"> ▪ Licensees may provide necessary health care services permitted by their licenses through the use of all modes of telehealth, including video and audio, audio-only, or other electronic media. To the extent that requirements of any state patient privacy or confidentiality law would in any way prevent, hinder, or delay the provision of health care services through the use of telehealth authorized by this Order, enforcement of that law is hereby suspended. This Order does not expand the scope of practice for any type of licensee. <p>All temporary licenses issued by the Board of Occupational Therapy Practice issued during the state of civil emergency shall not expire prior to 30 days following the conclusion of the declared state of civil emergency.</p>
<p>MARYLAND</p>	<p>Executive Order Relating to Various Healthcare Matters:</p> <ul style="list-style-type: none"> ▪ Any person who holds a valid, unexpired license as a healthcare practitioner that is issued in another state may engage in activities authorized under such license without first obtaining a license or practice letter from the applicable Maryland licensing board if the practitioner meets certain criteria. ▪ All boards and commissions licensing healthcare practitioners are ordered to expedite temporary licenses. Temporary healthcare licenses that would otherwise expire during the state of emergency are extended to the termination date of the emergency is rescinded. ▪ Inactive practitioners in Maryland may engage in activities that would have been authorized without first reinstating his/her license if meeting certain criteria. ▪ Healthcare practitioners may engage in activities that are not authorized by their license in Maryland if safe delivery of services is ensured by qualified supervisory personnel at the healthcare facility concur. <p>Executive Order Number 20-03-20-01: This Order authorizes reimbursement of audio-only healthcare services issues by healthcare providers licensed, certified, or otherwise authorized by law to provide healthcare.</p> <p>Executive Order Number 20-04-01-01: This Order further authorizes additional telehealth services previously addressed in Order Number 20-03-02-01.</p>

MASSACHUSETTS

Order Extending the Registrations of Certain Licensed Professionals:

Extension of License Expiration

- Licenses that were not revoked, suspended, surrendered, cancelled, or subject to non-disciplinary restrictions and which expired between March 10, 2020, and March 17, 2020, will be restored to current status.
- Licenses which are due to expire during the pendency of the State of Emergency shall not expire until 90 days after the Governor issues notice that the State of Emergency no longer exists.

Renewal of Previously Expired Licenses

- Healthcare providers whose licenses were not revoked, suspended, surrendered, cancelled, or subject to non-disciplinary restrictions and which expired between March 10, 2010, and March 9, 2020, will have their licenses restored to current status upon request.
- Healthcare providers who request renewal or reactivation of their licenses in accordance with these provisions are exempt from any applicable continuing education or reactivation requirements and from payment of the applicable renewal fee. Licenses that are renewed or reactivated in accordance with these provisions shall remain valid until 90 days following the termination of the State of Emergency.

Emergency Reciprocity Licensure

- Healthcare providers who are licensed in another state must provide information to the corresponding Massachusetts Board of Registration sufficient to allow verification that the healthcare provider holds a license in good standing in another state. There is no application fee.
- Licenses that are issued in accordance with these provisions shall remain valid during the State of Emergency and shall authorize the holder to provide services in Massachusetts and across state lines into Massachusetts using telemedicine where appropriate. The services provided in Massachusetts and into Massachusetts using telemedicine must be within the scope of practice authorized by Massachusetts licensure, in accordance with Massachusetts

	<p>laws, regulations, and any applicable Order issued by the Governor or the Commissioner during the State of Emergency.</p> <p>Commonwealth of Massachusetts Order Expanding Access to Telehealth Services and to Protect Healthcare Providers: This Order indicates provisions for health insurance coverage for clinically appropriate, medically necessary services to members via telehealth. Additional provisions address areas such as documentation, record keeping, and reimbursement.</p>
<p>MICHIGAN</p>	<p>Executive Order No. 2020-30:</p> <ul style="list-style-type: none"> ▪ Any and all provisions relating to scope of practice, supervision, and delegation are temporarily suspended to the extent necessary to allow licensed, registered, or certified healthcare professionals to provide medical services necessary to support the facility's response to the COVID-19 pandemic and are appropriate to the professional's education, training, and experience as determined by the facility in consultation with the facility's leadership. ▪ A designated healthcare facility is temporarily authorized to allow students who are enrolled in programs to become licensed, registered, or certified healthcare professionals to volunteer or work within the facility in whatever roles that are necessary to support the facility's response to the COVID-19 pandemic and are appropriate to the student's education, training, experience, as determined by the facility in consultation with the facility's medical leadership. ▪ Healthcare professionals licensed and in good standing in any state or territory in the U. S. can practice in Michigan without penalty regarding lack of licensure. ▪ Any unlicensed volunteers or students at a designated healthcare facility who perform activities in support of this state's response to the COVID-19 pandemic are entitled to the same rights and immunities as provided by law for the employees of this state. ▪ Any law or regulation is temporarily suspended to the extent that requires for any healthcare professional, as a condition of licensure, certification, registration, or the renewal: <ul style="list-style-type: none"> a) an exam to the extent that exam's administration has been cancelled while the emergency declaration is in effect; b) fingerprinting to the extent that, in judgement that

	<p>locations to have fingerprints taken are substantially unavailable; c) and continuing education while the emergency declaration is in effect.</p> <p>Governor Expands Telemedicine: Access to telemedicine for Michiganders is expanded by immediately allowing Medicaid beneficiaries to receive services in their home while the state combats the spread of Novel Coronavirus (COVID-19).</p>
MINNESOTA	<p>Executive Order No. 20-23: An order authorizing Minnesota health-related licensing boards to modify continuing education requirements and process applications without submission of a full set of fingerprints during the COVID-19 Peacetime Emergency.</p> <p>SF 4334: Article 3 indicates a health carrier shall not exclude or reduce coverage for a healthcare service or consultation solely because the service or consultation is provided via telemedicine directly to a patient or patient’s residence.</p>
MISSISSIPPI	<p>Mississippi Division of Medicaid: Telehealth services are extended to expand coverage of telehealth services throughout the state. Revisions include such areas as site of service and acceptable electronic means. An Emergency Telehealth Policy was also implemented to address improved access, provider approval, and billing information.</p>
MISSOURI	<p>Missouri Department of Social Services (MoHealth.Net): Included in the revised telehealth policy is the waiving of the requirement that in order to treat patients in this state with telemedicine or telehealth, healthcare providers shall be fully licensed to practice in this state.</p>
MONTANA	<p>The Montana Department of Labor and Industry – COVID-19 Information for Professional and Occupational Licensees:</p> <ul style="list-style-type: none"> ▪ Emergency Healthcare Registration for out-of-state healthcare licensees – Applications will be evaluated. Those in good standing will be issued a registration to work in Montana during the current state of emergency. ▪ Retired and Non-Disciplinary Terminated Licenses – Healthcare providers who held a Montana license that terminated within the past five years and who have a clean disciplinary record, may receive a temporary permit without paying a fee or demonstrating recent continuing education, certification, or competency evaluation.

	<p>Montana Department of Public Health and Human Services: This agency indicates revisions to the reimbursement policy for telemedicine/telehealth services during the Montana State of Emergency. The revisions also include clarifications for allowable methods and technology as well as requirements for telemedicine/telehealth encounters.</p>
NEBRASKA	<p>Executive Order 20-10: Regulations are temporarily suspended to permit individuals formerly licensed in Nebraska who want to renew a credential after its expiration date or to change from inactive to active status to do so without being subject to continuing competency requirements. Such individuals may be temporarily reinstated to practice upon submission.</p> <p>Nebraska Provider Bulletin 20-09: Nebraska Medicaid is temporarily modifying certain policies to enable delivery of remote care through telehealth. Nebraska Medicaid PT/OT/Speech codes are included as part of the temporary expansion of telehealth services as a result of the COVID-19 public health emergency. Telehealth or teletherapy services include audio and visual contact.</p>
NEVADA	<p>Emergency Directive 009: An order temporarily extending all licenses and permits issued by the State of Nevada, Boards, Commissions, Agencies, or political subdivisions for 90 days.</p> <p>Emergency Directive 011: Waiver of licensing provision - Professional licensing boards regulating providers of medical services shall temporarily waive certain licensing requirements to allow the practice of currently unlicensed skilled medical professionals during the pendency of the COVID-19 crisis. All licensing fees assessed on providers of medical services by the State of Nevada or professional licensing boards shall be waived for all persons applying to practice in the State of Nevada pursuant to this Directive, for the duration that this Directive shall be in effect. No license for a provider of medical services shall be suspended for any administrative reasons, including without limitation, continuing education requirements while this Directive is in effect, and for a period of 60 days thereafter.</p> <p>State of Nevada Board of Occupational Therapy COVID-19 Updates - News:</p>

	<ul style="list-style-type: none"> ▪ Emergency Temporary License – The Board has approved emergency provisions for issuance of a temporary license by endorsement to include the waiver of the license fee and jurisprudence exam; and extended NBCOT certification to allow “inactive status” for new applicants who hold a current license in good standing in another state. ▪ Option to Defer Renewal Fee – The Board has approved the option to defer renewal fees for licensees whose current license expires prior to October 1, 2020. <p>Department of Health and Human Services Update to Telehealth Services: Telehealth is allowable for physical therapy/occupational therapy/speech therapy. Services must be within scope of practice and be appropriate for delivery via a telehealth platform. Additionally, providers must maintain visual sight of recipients when prompting specific care/services.</p>
<p>NEW HAMPSHIRE</p>	<p>Emergency Order # 15 Pursuant to Executive Order 2020-04: Any out-of-state medical provider whose profession is licensed within this State shall be allowed to perform any medically necessary service as if the medical provider were licensed to perform such service within the state of New Hampshire subject to the following conditions: a) The medical provider is licensed and in good standing in another United States jurisdiction. b) The medical services provided within New Hampshire are in-person or through appropriate forms of telehealth, as set forth in Emergency Order #8. c) The medical provider presents to the Office of Professional Licensure & Certification evidence that they are licensed in good standing in another jurisdiction. Such medical providers shall be issued an emergency New Hampshire license at no cost, which shall remain valid during the declared state of emergency. d) Medical providers shall be subject to the jurisdiction of the appropriate state licensing body while providing services within New Hampshire.</p> <p>Emergency Order #8: This Order involves the temporary expansion of access to telehealth services to protect the public and healthcare providers. All health benefit plans authorized under RSA 5-B, and New Hampshire Medicaid coverage, including all Medicaid Managed Care Organizations, are hereby required to allow all in-network providers to deliver clinically appropriate, medically necessary covered services to members via telehealth. This shall include reimbursement for all</p>

	<p>modes of telehealth, including video and audio, audio-only, or other electronic media provided by medical providers to treat all members for all medically necessary covered services beginning today March 17, 2020, and shall remain in effect until rescinded, or until the State of Emergency is terminated, whichever happens first.</p> <p>Emergency Order #15: This Order indicates that to further the temporary remote instruction and support of New Hampshire children, in-state and out-of-state medical providers shall be allowed to perform health care services through the use of all modes of telehealth, including video and audio, audio-only, and/or other electronic media to New Hampshire children enrolled within a New Hampshire school or in a school in another state.</p>
<p>NEW JERSEY</p>	<p>Executive Order No. 112: The Disaster Control Act is authorized to reactivate, on a temporary basis for the duration of the State of Emergency or Public Health Emergency, whichever is longer, the license of any healthcare professional previously licensed to practice in New Jersey who retired from active practice within the last five years, either by electing to place their license in inactive status or by allowing their license to lapse, provided that such healthcare professional submits an application on a form adopted by the Director of the DCA (the "Director") for such purpose and containing such information and certifications as the Director may require, and the Director or the relevant licensing board determines that such application should be granted.</p> <p>New Jersey Legislation A3680: This Act addresses the use of telemedicine and telehealth to respond to the coronavirus disease 2019 (COVID-19). Included are provisions such as any health care practitioner shall be authorized to provide and bill for services using telemedicine and telehealth, which may include all services included in the definitions of telemedicine and telehealth. Additional information includes provisions for healthcare practitioners who are not licensed in New Jersey to provide telehealth services.</p>
<p>NEW MEXICO</p>	<p>Executive Order 2020-007: The Department of Health and Department of Homeland Security and Emergency Management shall credential out-of-state professionals who can render aid and necessary services pendency of this Order.</p>

	<p>Public Notice Regarding Boards and Commissions Process and Procedures During the COVID-19 Public Health Emergency Executive Order 2020-04:</p> <ul style="list-style-type: none"> ▪ Callers with questions or concerns related to COVID-19 or requesting an exception to any licensure requirements due to COVID-19 concerns, will be directed to send their concerns in writing to the appropriate board or commission email address, to ensure that all matters are properly tracked and submitted to the appropriate board or commission. ▪ The Boards and Commissions staff have no authority to make any exceptions to board or commission requirements on behalf of the board. ▪ Boards and Commissions staff will communicate all written concerns to the appropriate board or commission. ▪ The appropriate board or commission will address all concerns on a case by case basis at its next board or commission meeting. <p>New Mexico State Medicaid Program: New Mexico’s Medicaid Program is now requiring managed care organizations to reimburse healthcare providers for telephone and video patient visits until the end of the COVID-19 public health emergency.</p>
<p>NEW YORK</p>	<p>Executive Order #202.10:</p> <ul style="list-style-type: none"> ▪ Any healthcare facility is authorized to allow students, in programs to become licensed in New York State to practice as a healthcare professional, to volunteer at the healthcare facility for educational credit as if the student had secured a placement under a clinical affiliation agreement, without entering into any such clinical affiliation agreement. <p>Notwithstanding any law or regulation to the contrary, healthcare providers are relieved of recordkeeping requirements to the extent necessary for healthcare providers to perform tasks as may be necessary to respond to the COVID-19 outbreak, including, but not limited to, requirements to maintain medical records that accurately reflect the evaluation and treatment of patients, or requirements to assign diagnostic codes or to create or maintain other records for billing purposes. Any person acting reasonably and in good faith under this provision shall be afforded absolute immunity from liability for any failure to comply with any recordkeeping requirement.</p>

	<p>Pre-license supervised experience - The Board of Regents approved an emergency regulation that allows the Department to excuse the requirement for occupational therapy to be provided on a continuous basis if such continuous experience cannot be completed during the State of Emergency declared by Governor Cuomo in Executive Order 202 relating to the COVID-19 health crisis. For the duration of the current state of emergency, the requirement that supervised experience be obtained on a “continuous” basis has been suspended. You can resume your supervised experience where you left off before it was interrupted by COVID-19.</p> <p>Executive Order No. 202.1 Section 2999-cc: This order allows additional telehealth provider categories and modalities, to permit other types of practitioners to deliver services within their scopes of practice, and to authorize the use of certain technologies for the delivery of health care services to established patients, pursuant to such limitations as the commissioners of such agencies may determine appropriate.</p> <p>Executive Order No. 202.27: Individuals who are validly licensed in another state or Canada can practice for an extended period of thirty days to allow those professionals the ability to continue to provide services necessary for the State’s COVID-19 response.</p>
<p>NORTH CAROLINA</p>	<p>Executive Order 130: Each professional healthcare licensure board has the authority to waive or modify enforcement of any legal or regulatory constraints that would prevent or impair the following:</p> <ul style="list-style-type: none"> i. Allowing persons to provide care if they are licensed in other states, territories, or the District of Columbia, but not licensed in North Carolina; ii. Allowing persons to provide care if they are retired or if their licenses are inactive; iii. Allowing skilled, but unlicensed volunteers to provide care; and iv. Allowing students at an appropriately advanced stage of professional study to provide care.

	<p>In each case, the professional healthcare licensure board shall have the authority to allow or not allow, in its discretion, these waivers or modifications, and the board shall have the authority to impose conditions on any persons authorized to provide care under this Subsection.</p> <p>North Carolina Medicaid Division of Health Benefits Special Bulletin COVID-19 #2: Effective March 13, 2020, North Carolina Medicaid will reimburse for virtual patient communication and telephonic evaluation and management for the beneficiaries seeking care where they are already and established patient.</p> <p>North Carolina Medicaid Division of Health Benefits Special Bulletin COVID-19 #36: North Carolina Medicaid will cover teletherapy delivered via any HIPAA-compliant, secure technology with audio and video capabilities. Outpatient specialized therapy services including occupational therapy are covered.</p>
<p>NORTH DAKOTA</p>	<p>Executive Order 2020-05.1: Hereby suspends the licensure requirements for healthcare or behavioral health professionals and certain healthcare facility licensure requirements. Licensure requirements for healthcare practitioners (Chapter 43-30 Occupational Therapists) and any other licensure requirements set forth in related sections of the North Dakota Administrative Code, who are licensed in good standing in other states, as needed to provide healthcare and behavioral health services, to include telehealth, for citizens impacted by COVID-19, subject to identification, verification of credentials and other temporary emergency requirements approved by the State Health Officer and the Director of Emergency Services, in consultation with the Executive Director, North Dakota Department of Human Services.</p> <p>Executive Order 2020-20: The nationwide criminal history record check requirements under North Dakota healthcare or behavioral health licensing status set forth are temporarily suspended during this declared state of emergency, until such time as law enforcement agencies in North Dakota have the ability to safely conduct fingerprinting.</p>

	<p>Executive Order 2020-05.01: For purposes of providing expanded services across the state through telehealth, this Order suspends certain statutory and regulatory requirements to facilitate the delivery of healthcare and behavioral health services.</p>
OHIO	<p>House Bill 197: Extends the deadline for expiration of all licenses issued by the state of Ohio until either 90 days after the emergency declared by the Governor’s Executive Order 2020-01D or December 1, 2020, whichever date is earlier.</p> <p>Emergency Action 5160-1-21: This emergency rule is being implemented to expand access to medical and behavioral health services using telehealth. New and established patients may be provided services through telehealth, and no initial face-to-face visit is necessary to initiate services through telehealth.</p>
OKLAHOMA	<p>Executive Order 2020-07: Any medical professional who holds a license, certificate, or other permit issued by any state that is a party to the Emergency Management Compact shall be deemed licensed to practice in OK so long as this Order shall be in effect. This Order applies to Medical and Allied Licenses issued by the Board of Medical Licensure and Supervision. The medical professional shall first apply with and receive approval from the appropriate board. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All occupational licenses extended during this Order will expire 14 days following the withdrawal or termination of this Order.</p> <p>Executive Order 2020-12: All state agencies with licensing and certificate responsibility over medical professionals shall by April 15, 2020, promulgate emergency rules necessary to increase the number of medical professionals able to practice the in the State. Such action may include, but is not limited to, the following:</p> <ol style="list-style-type: none"> a. Reduction in supervisory requirements or limitations place on non-physicians; b. Removal of barriers of entry for retired medical professionals from re-entering the workforce. Medical professionals who have lapsed or inactive licenses or certifications may have their single-state license or certification reinstated if they submit a reinstatement application and fee proscribed by their respective licensing boards and meet the

	<p>qualifications for licensure or certification. The continuing qualifications as required for licensure or certification are hereby waived as long as this Order remains in effect. It is strongly recommended any required fees be waived to the fullest extent possible; and</p> <p>c. Increased opportunities for students and recent graduates who are not yet fully licensed to practice.</p> <p>All occupational licenses issued by an agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended so long as this Order is in effect. All licenses extended will expire fourteen days following the withdrawal or termination of this Order.</p> <p>Oklahoma Health Care Authority: Effective immediately and only as long as the national emergency surrounding COVID-19 exists, Oklahoma Health Care Authority has expanded the list of occupational therapy services allowed to be rendered via telehealth, when appropriate.</p>
OREGON	<p>Occupational Therapy Licensing Board:</p> <ul style="list-style-type: none"> ▪ License Renewals Extended – In light of COVID-19 and the impact it is having on occupational therapy practitioners, the Occupational Therapy Licensing Board has now implemented temporary rules extending license renewals. All licenses currently set to lapse on 5/31/2020 will automatically extend to 6/30/2020. ▪ Continuing Education – If NBCOT certified, the practitioners CE automatically meets the CE requirement of Oregon. In light of the current COVID-19 outbreak, and the impact on many in-person continuing education opportunities, the Board wants to highlight that there is no limit to the number of online classes that can count towards licensure renewal requirements. <p>Temporary Administrative Order DMAP 19-2020: The Health Evidence Review Commission (HERC) has updated guidelines for coverage of telehealth services. These updates support appropriate response to an outbreak or epidemic of an infectious disease through increased access to appropriate health care resources. This temporary rule amendment authorizes the Authority and Division to operationalize the intent of the revisions to telehealth services.</p>

	<p>Temporary Administrative Order DMAP 20-2020: The amended rule authorizes the Division of Medical Assistance Programs to operationalize intended coverage of telemedicine services as described in the Health Evidence Review Committee guideline notes. The amended rule incorporates guidance from Center for Medicare and Medicaid Services policy and regulatory revisions in response to the COVID-19 public health emergency.</p>
<p>PENNSYLVANIA</p>	<p>Pennsylvania Department of State:</p> <ul style="list-style-type: none"> ▪ Waiving of licensing requirements for military personnel – For those Reserve medical specialists who do not qualify for state licensure, temporary waivers can be granted allowing them to practice in Pennsylvania as long as they are employed by the Armed Forces, the U.S. Public Health Service, the Department of Veterans Affairs, or the federal government. ▪ Changes to supervision requirements for Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs) – Where direct supervision or in-person contact is called for practitioners can utilize indirect supervision, including electronic means; where a statute or regulation calls for indirect supervision, practitioners may act without supervision but are strongly encouraged to at least have access to a supervisor via electronic means in the event supervision is needed. ▪ Waiving of license reactivation requirements – Temporary waivers of the reactivation requirements for the duration of the COVID-19 emergency and 90 days thereafter: For OTs and OTAs who have expired licenses of four years or less, this waives all continuing education/continued competency requirements. ▪ Authorization of licensed healthcare professionals to provide services via telemedicine – Due to the COVID-19 emergency, the Department requested authority to issue guidance to licensees under any of BPOA’s health-licensing boards permitting them to provide services via telemedicine when appropriate.
<p>PUERTO RICO</p>	
<p>RHODE ISLAND</p>	<p>State of Rhode Island Department of Health: Emergency Reciprocal Licensing Professions and Procedures – Allows for issuance of a 90-day temporary license (beginning March 18) to professionals holding a valid out-of-state license. This license can be renewed one time with no associated cost.</p>

	<p>Executive Order 20-29: This Order relaxes regulations and eliminates barriers of access to healthcare during the COVID-19 crises.</p> <ul style="list-style-type: none"> ▪ Provider Referrals – Insurers will need to relax the requirement of primary physician referrals for a patient to receive healthcare services from a specialist. Provisions are to be made to allow for much more time and leniency in gaining approvals. ▪ Prior Authorization – Patient hospitalization and rehabilitation, long-term care, and telemedicine in network services are not to be suspended secondary to not receiving prior authorization. Additionally, there will be no prior authorization needed for testing or treatment of COVID-19. ▪ Behavioral Healthcare – No referrals or other benefit review approvals will be necessary for a patient to access needed mental and behavioral healthcare. <p>Executive Order 20-06: This Order expands access to telemedicine services and addresses issues such as patient location, acceptable electronic means, and insurance coverage.</p>
<p>SOUTH CAROLINA</p>	<p>South Carolina Department of Health and Human Services (SCDHHS): SCDHHS will reimburse for the services indicated when they are rendered by a physical therapist, occupational therapist or speech therapist. These services may only be provided to an established patient. Up to three encounters will be allowed every 30 days, and services may be provided regardless of the Medicaid member’s location.</p> <p>SCDHHS COVID-19 Telehealth Policy Update: Initial guidance on some telehealth flexibilities focused on expanding SCDHHS coverage to established patients. To facilitate patient care as the social distancing standards increase, SCDHHS will reimburse for additional services when provided to a new patient.</p>
<p>SOUTH DAKOTA</p>	<p>Executive Order 2020-16:</p> <ul style="list-style-type: none"> ▪ Supervision of Occupational Therapy Assistant – Temporarily suspends the provision requiring the physical presence of an occupational therapist on the premises where a patient is being cared for by an occupational therapy assistant.

	<ul style="list-style-type: none"> ▪ Continuing Education – Temporarily suspends the regulatory provision limiting the number of credit hours by correspondence or interactive online continuing education courses. <p>South Dakota Department of Social Services: South Dakota Medicaid has added temporary coverage of physical therapy, occupational therapy, and speech-language pathology services provided via telemedicine for recipients and providers at high risk for COVID-19 or under quarantine or social distancing during a declared emergency for COVID-19. The service must be provided by means of “real-time” interactive telecommunications system.</p>
<p>TENNESSEE</p>	<p>Executive Order No. 15: This Order expands the number of providers who are eligible to provide telehealth services by loosening regulations around technology and geographic area. This Order also urges insurers to provide coverage.</p> <p>Executive Order No. 20:</p> <ul style="list-style-type: none"> ▪ Waives requirements of licensure fees, notarized applications, and continuing education for healthcare professionals. ▪ Gives authority to the Commissioner of Health to grant a license, certificate, or registration to a healthcare professional who has been out of practice. <p>Executive Order No. 36:</p> <ul style="list-style-type: none"> ▪ Allows the Commissioner of Health the discretion to allow a healthcare professional who is licensed in another state, and who would otherwise be subject to licensing requirements in Tennessee to engage in the practice of such individual’s profession in Tennessee. ▪ Extends the current expiration dates for health care professionals to renew their license until August 31, 2020. ▪ Application for licensure fees have been extended until June 30, 2020. ▪ Notarization is not required for healthcare practitioners’ applications. ▪ Retired medical professionals can reenter the healthcare workforce without requiring them to demonstrate continued competency or submit to an interview before a licensing board provided all other requirements are met.

	<ul style="list-style-type: none"> ▪ Continuing education requirements are suspended so healthcare professionals can keep practicing. ▪ Temporarily reduces barriers to the delivery of existing telehealth services and added restorative therapy as an appropriate reimbursable service.
TEXAS	<p>Office of the Texas Governor – Governor Abbott Waives Certain Regulations for Telemedicine Care in Texas: Coordinated efforts between the Office of the Governor, the Texas Department of Insurance, the Texas Medical Board, and health insurance plans will increase access to health care for all Texans. This action will expand telemedicine options by giving health care providers greater flexibility to perform audio-only telephone consultations with their patients.</p> <p>Texas Department of Insurance COVID-19 Emergency Rules 28 TAC §35.1: The new rule is intended to reduce barriers and expand telemedicine by implementing parity with payment and documentation requirements applicable to in-person services.</p>
UTAH	<p>State of Utah Department of Commerce Division of Occupational and Professional Licensing:</p> <ul style="list-style-type: none"> ▪ Temporary Suspension of Live Requirements for Division of Occupational and Professional Licensing (DOPL) Continuing Education – Temporary waiver of “live” CE requirements for those whose license expiration dates are between March 25, 2020, and October 1, 2020. ▪ Temporary Suspension of Fingerprinting Requirements for Licensure – Temporary licenses based on Utah-only background checks. At this time, applicants will be required to obtain the FBI fingerprint check within 180 days of receiving their temporary license. <p>Executive Order Suspending Enforcement of Statutes Regulating to Telehealth Services: This Order suspends statutes that create difficulties for healthcare providers when providing telehealth services.</p>
VERMONT	<p>Vermont General Assembly Title 3: Executive Chapter 005: Secretary of State Subchapter 003: Professional Regulation: Issuance of temporary licenses during a declared state of emergency. The person to be issued a temporary license must be currently licensed, in good standing, and not subject to disciplinary proceedings in any other jurisdiction. The temporary license shall authorize</p>

	<p>the holder to practice in Vermont until the termination of the declared state of emergency or 90 days, whichever comes first, as long as the licensee remains in good standing. Fees shall be waived when a license is required to provide services under this subdivision. (Note: this order was in place prior to COVID-19)</p> <p>Vermont Secretary of State Office of Professional Regulation:</p> <ul style="list-style-type: none"> ▪ Emergency legislation - Allows individuals who hold an out-of-state license to practice in Vermont without a Vermont license. If providing services to Vermonters in a licensed facility, practitioners do not need to provide contact information to the Office of Professional Regulation. ▪ Vermont Secretary of State - Allows retired professionals or those with expired licenses to return to work exemptions based upon years since retirement or expiration. Students who cannot take their exam because of the COVID-19 State of Emergency can apply for a temporary license. ▪ COVID-19 Emergency Policy Related to Continuing Education Providers - For the duration of the declared State of Emergency secondary to the COVID-19 pandemic, for all regulated professions under the umbrella of the Office of Professional Regulation that require continuing professional education as a condition of license renewal: a) remote continuing education may be substituted; b) courses approved for live instruction may be adapted by course providers for remote presentation; c) licensees are asked to make reasonable efforts to meet continuing education requirements on time; however, extensions as a matter of course when necessary will be granted. <p>No. 91 2020 Relating to Vermont’s Response to COVID-19: This Act expands patients’ access to and providers’ reimbursement for healthcare services, including preventive services, consultation services, and services to new patients, delivered remotely through telehealth, audio-only telephone, and brief telecommunication services.</p>
VIRGINIA	Commonwealth of Virginia Department of Health Professions Executive Order 51 :

	<ul style="list-style-type: none"> ▪ Extension of Continuing Competency Requirements – All boards granted an extension of continuing competency requirements for a period of six month for any renewal due through June 30, 2020. ▪ Renewal Late Fees – Temporary waiving of renewal fees beginning with the March renewals. <p>Department of Medical Assistance Services Medicaid Memo: This memo sets out the Agency’s initial guidance on the flexibilities available to providers in light of the public health emergency presented by the COVID-19 virus. These flexibilities include expanded telehealth coverage.</p>
WASHINGTON	<p>Washington State Department of Health:</p> <ul style="list-style-type: none"> ▪ Emergency Volunteer Health Practitioners – Health professionals licensed in other states may practice in Washington by registering through the emergency volunteer health practitioner process or by applying for a WA license, which may result in the department issuing a temporary practice permit. ▪ License expiration date extensions – The Secretary has extended health profession license expiration dates for licenses up for renewal between April 1 and September 30, 2020. Renewal payment won’t be required until September 30, 2020. <p>Senate Bill 5385 Final Bill Report: This is Bill, as enacted, addresses reimbursement for telemedicine services at the same rate as in-person services. Additionally, information is provided regarding insurance carriers and telemedicine claims.</p>
WEST VIRGINIA	<p>Department of Health and Human Resources Memorandum: Due to the World Health Organization declaring Coronavirus disease (COVID-19) a pandemic, the West Virginia Bureau for Medical Services is allowing nonemergent services to be rendered through the telehealth modality. The expansion of this service will include the use of live video conferencing or audio only (telephonic) to the members home with a Medicaid enrolled provider.</p>
WISCONSIN	<p>Emergency Order #16:</p> <ul style="list-style-type: none"> ▪ Interstate Reciprocity – Any healthcare provider with a valid and current license issued by another state may practice under that license and within the scope of that license in

	<p>Wisconsin without first obtaining a temporary or permanent license for the Department of Safety and Professional Services with particular conditions.</p> <ul style="list-style-type: none"> ▪ Temporary Licenses – Any temporary license, that has been granted to a healthcare provider shall remain valid for 30 days after the conclusion of the declared emergency, including any extensions. ▪ Recently Expired Credentials or Licenses – Includes stipulations for individuals who have expired licenses within the last five years. <p>ForwardHealth Wisconsin: Beginning on March 12, 2020, and for the duration of the Wisconsin public health emergency for COVID-19, ForwardHealth will allow telehealth services utilizing interactive synchronous (real-time) technology, including audio-only phone communication, for currently covered services that can be delivered with functional equivalency to the face-to-face service. This applies to all service areas and all enrolled professional and paraprofessional providers allowable within current ForwardHealth coverage policy. Services that are not currently covered on a face-to-face basis are not covered via telehealth.</p> <p>Emergency Order 35: This Order suspends rules related to supervision of occupational therapy assistants. Occupational therapists can use their professional judgement to determine the amount of direct contact needed to supervise an occupational therapy assistant and are allowed to use technology to supervise.</p>
WYOMING	