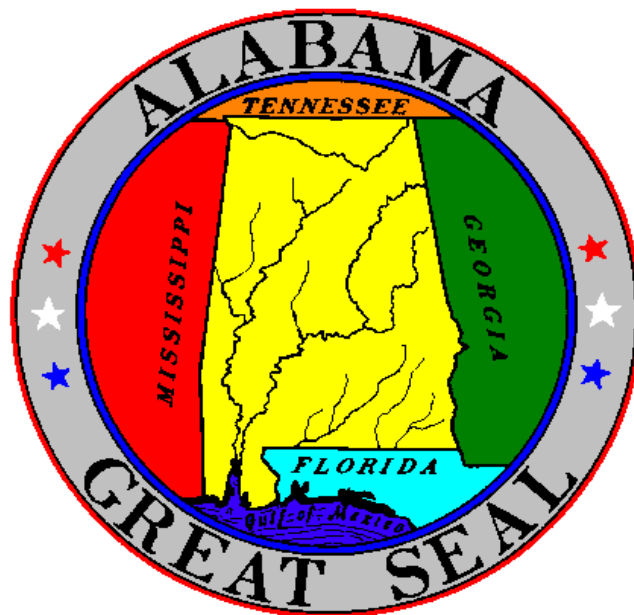


Report on the

Board of Occupational Therapy

Montgomery, Alabama



Department of Examiners of Public Accounts

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May 16, 2018

Representative Howard Sanderford
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Representative Sanderford,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Board of Occupational Therapy in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Board of Occupational Therapy, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,



Ronald L. Jones
Chief Examiner

Examiner
Janet L. Berry

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PROFILE

Purpose/Authority

The Board of Occupational Therapy was created by Act No. 383, Acts of Alabama 1990, to regulate and license the practice of occupational therapy. The Board reviews applicants' qualifications for examination, issues licenses to successful occupational therapists or occupational therapist assistants, investigates complaints and holds administrative hearings concerning noncompliance with the Board's enabling statutes. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-39-1 through 34-39-16.

<u>Characteristics</u>	
Members and Selection	<p>Five members appointed by the Governor from a list of names submitted by the Alabama Occupational Therapy Association. The Association submits two or more names for each position on the Board to be filled.</p> <p><i>Code of Alabama 1975</i>, Section 34-39-6(a)(1)</p>
Term	<p>Three year staggered terms Members cannot serve more than three consecutive terms.</p> <p><i>Code of Alabama 1975</i>, Section 34-39-6(a)(2)</p>
Qualifications	<p>Four members must be engaged in rendering services to the public, teaching, or research in occupational therapy for at least three years, and shall hold at all times a valid license. One of the four must be an occupational therapy assistant.</p> <p>One member must be a member of another health profession or a member of the public with interest in the rights or concerns of health services.</p> <p>Each member shall be a resident the state of Alabama.</p> <p><i>Code of Alabama 1975</i>, Section 34-39-6(a)(1)</p>
Racial Representation	<p>One of the three occupational therapists must be a minority. One black member serving</p> <p><i>Code of Alabama 1975</i>, Section 34-39-6(a)(1)</p>
Geographical Representation	<p>No statutory requirement</p>

Consumer Representation	<p>One consumer member required by statute. One consumer member currently serving</p> <p><i>Code of Alabama 1975, 34-39-6(a)(1)</i></p>
Other Representation	<p>Membership of the Board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975, Section 34-39-6(a)(1)</i></p>
Compensation	<p>Members may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties in accordance with the laws of the State of Alabama and regulations of the State Personnel Director.</p> <p><i>Code of Alabama 1975, Section 34-39-6(a)(7)</i></p>
<u>Operations</u>	
Administrator	<p>Ann Cosby, Executive Director Annual Salary set by the Board - \$71, 759.52 Unclassified merit employee, appointed by the Board</p> <p><i>Code of Alabama 1975, Section 34-39-7(j)</i></p>
Location	<p>770 Washington Avenue, Suite 420 Montgomery, AL 36130-4510 Office Hours: Monday – Friday, 8 AM – 5 PM</p>

<p>Examinations</p>	<p>The Occupational Therapist Registered Exam (OTR) and the Occupational Therapy Assistant Exam (COTA) are national examinations administered on demand by the National Board of Certification of Occupational Therapists (NBCOT). Occupational therapists must have a master’s or doctoral degree in occupational therapy, and occupational therapy assistants must have an associate degree in occupational therapy.</p> <p>The examinations are computerized and administered at Sylvan Learning Testing Centers located in Birmingham, Huntsville, Montgomery, and Mobile.</p> <p style="text-align: center;">Occupational Therapists – Master’s Level</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>University</th> <th>2014</th> <th>2015</th> <th>2016</th> </tr> </thead> <tbody> <tr> <td>Alabama State University</td> <td>83%</td> <td>100%</td> <td>100%</td> </tr> <tr> <td>Tuskegee University</td> <td>80%</td> <td>95%</td> <td>81%</td> </tr> <tr> <td>Univ. of Alabama-Birmingham</td> <td>100%</td> <td>100%</td> <td>92%</td> </tr> <tr> <td>Univ. of South Alabama</td> <td>100%</td> <td>100%</td> <td>100%</td> </tr> </tbody> </table> <p style="text-align: center;">Occupational Therapist Assistants</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th>2014</th> <th>2015</th> <th>2016</th> </tr> </thead> <tbody> <tr> <td>Brown Mackie- Birmingham</td> <td>100%</td> <td>71%</td> <td>79%</td> </tr> <tr> <td>Wallace State-Hanceville</td> <td>97%</td> <td>100%</td> <td>100%</td> </tr> </tbody> </table> <p>The program’s passing percentage data is calculated on the number of graduates who passed the NBCOT exam regardless of the number of attempts during the testing year.</p>	University	2014	2015	2016	Alabama State University	83%	100%	100%	Tuskegee University	80%	95%	81%	Univ. of Alabama-Birmingham	100%	100%	92%	Univ. of South Alabama	100%	100%	100%		2014	2015	2016	Brown Mackie- Birmingham	100%	71%	79%	Wallace State-Hanceville	97%	100%	100%
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<p>Licensees</p>	<p>Licensees as of January 16, 2018</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Occupational Therapist</td> <td style="text-align: right;">1,551</td> </tr> <tr> <td>Occupational Therapy Assistants</td> <td style="text-align: right;"><u>903</u></td> </tr> <tr> <td>Total</td> <td style="text-align: right;">2,454</td> </tr> </table> <p><i>Source:</i> Executive Director</p>	Occupational Therapist	1,551	Occupational Therapy Assistants	<u>903</u>	Total	2,454																										
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<p>Licensee Demographics</p>	<p>Data not collected by the Board</p>																																
<p>Reciprocity</p>	<p>The Board may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or an occupational therapist assistant in another state which requires standards for licensure considered by the Board to be equivalent to the requirements for licensure in Alabama.</p> <p><i>Code of Alabama 1975, Section 34-39-10(b)</i></p>																																

Renewals	<p>Initial renewals are for one year and all subsequent renewals are biennial. Renewals are deemed late if not submitted 60 days prior to expiration date.</p> <p>Online renewal is available.</p> <p>Approximately 80% of renewals are processed online.</p> <p><i>Code of Alabama 1975, Section 34-39-13(a)</i> <i>Administrative Rule 625-X-6-.01</i></p> <p><i>Source:</i> Executive Director</p>
Continuing Education	<p>Occupational therapists – 30 hours biennially Occupational therapy assistants – 20 hours biennially</p> <p><i>Code of Alabama 1975, Section 34-39-13(a)</i> <i>Administrative Rule 625-X-5-.02(b)</i></p>
Employees	One
Immigration	<p>E-Verify – Compliant SAVE – Compliant</p>
Legal Counsel	Billington M. Garrett, Assistant Attorney General, Attorney General’s Office.
Subpoena Power	<p>Yes, records and witnesses</p> <p><i>Code of Alabama 1975, Section 34-39-7(f)</i></p>
Internet Presence	<p>http://www.ot.alabama.gov</p> <ul style="list-style-type: none"> • Home • About • Forms • License Verification • Rules and Regulations • Continuing Education • Renewals • News • Contact
Attended Board Member Training	The Executive Director attended the last Board Member Training held in 2014.

<u>Financial</u>	
Source of Funds	License fees, fines, and/or penalties
State Treasury	Yes - Special Revenue Fund 0637
Required Distributions	None
Unused Funds	The Board retains unused funds at fiscal year-end. <i>Code of Alabama 1975</i> , Section 34-39-6(b)

SIGNIFICANT ISSUES

Significant Issue 2018-01 - The Board is charging a \$25 license verification fee and a \$25 fee for a licensure list that are not authorized by statute. According to the *Code of Alabama 1975*, Section 34-39-14, “The Board shall establish, publish, and collect reasonable fees and costs in amounts determined by the Board for the following purposes:

- (1) Application for examination;
- (2) Limited permit fee;
- (3) Initial license fee;
- (4) Renewal of license fee;
- (5) Late renewal fee; and
- (6) The costs of conducting a hearing of any person whose license or certificate of qualification is suspended, revoked, or refused as a result of such hearing.”

Because the type of fees to be charged are named in the law, the Board is not authorized to set other types of fees, except for copies of public records.

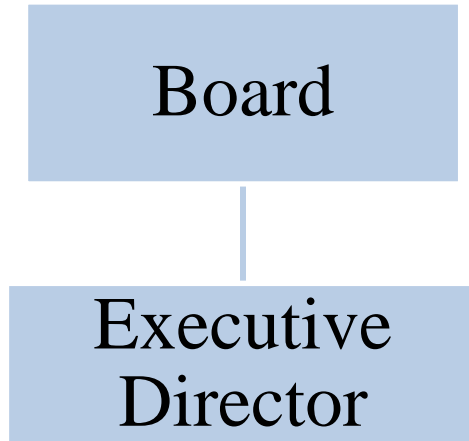
Attorney General Opinion Number 87-222 dated June 23, 1987, concluded that, “Where the Legislature established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the Legislature has not established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees.” In the matter of JEFFERSON COUNTY V. ALABAMA CRIMINAL JUSTICE INFORMATION CENTER COM’N 620 So.2d 651 (Ala. 1993), the court, in addressing the matter of fees charged by the Alabama Criminal Justice Information Center, stated that, “Express inclusion of requirements in law implies intention to exclude other requirements not so included.”

Board’s Response – Historically the board has charged fees for both services noted as a cost recovery fee. If the committee agrees with this finding, this board will amend our Administrative Code to rescind the collection of these fees.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved.

ORGANIZATION



PERSONNEL

The Board employs one white female as the executive director.

Legal Counsel

Billington M. Garrett, Assistant Attorney General, Attorney General’s Office, provides legal services for the Board of Occupational Therapy.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 2,454

Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Number of Licensees (OTs/OTAs)	Persons Per Licensee
Alabama	4,878,747	2,454	1,988
Florida	20,984,400	14,355	1,462
Georgia	10,429,379	5,200	2,006
Mississippi	2,984,100	1,809	1,650
Tennessee	6,715,984	4,236	1,585

***Source:** U.S. Census, July 2017 Population Estimates

Operating Disbursements per Licensee (2017 FY) - \$56.55

Fines/Penalties as a % of Operating Receipts (2017 FY) – 0.68%

Notification of Board decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

COMPLAINT HANDLING

The Board’s *Administrative Rules* 625-X-10 through 625-X-11 provide the procedures for documentation, receipt, and investigation of complaints against licensee.

Initial Contact/ Documentation	Complaints may be received in writing, by mail, or email No specific form is required Complaints must be signed by the party or an attorney for the party.
Anonymous Complaints Accepted	No
Negotiated Settlements	Yes
Probable Cause Determination	The Board’s attorney and one board member will review individual complaints and make a determination on how to proceed. Board member recuses self from voting.
Notification of Resolution to the Complainant	Complainants are notified of the Board’s resolution of complaints

Source: Executive Director

Schedule of Complaints Resolved					
2014 through 2017 (Calendar Year)					
Year/Number Received	Year/Number Resolved				Pending
	2014	2015	2016	2017	
2014 / 4	1	3	-	-	-
2015 / 7		4	2	1	-
2016 / 6			2	3	1
2017 / 5				3	2

Source: Executive Director

Average Time from Initial Complaints to Resolution – 174.16 days

Explanation for Complaints Open Over One Year

- The Board does not consider a complaint closed until the probationary period has been completed.
- The Board is monitoring until an Estate has been probated to determine if violations have occurred.

Disposition of Resolved Complaints

Number Resolved	Resolution
7	Consent Order, Probation, Fine
1	Consent Order, Fine
2	Consent Order, Administrative Hearing, License Revoked
1	No Jurisdiction
1	Surrender License
8	No Action

FINANCIAL INFORMATION

Source of Funds

Licensure and renewal fees, fines, and penalties.

Fund Description

The Board operates from Special Revenue Fund 0637 in the State Treasury, authorized by the *Code of Alabama 1975*, Section 34-39-6(b). Year-end balances are retained for the Board's continuous use, subject to appropriations.

Schedule of Fees

Fee Type/Purpose	Statute	Amount in Statute	Rule	Amount Collected
Initial Licensure Fee:				
Occupational Therapist				\$140
Occupational Therapist Asst.	34-39-14(3)	Set by Board	625-X-7-.01(a)	\$115
Limited Permit Fee:	34-39-14(2)	Set by Board	625-X-7-.01(b)	\$25
Renewal of License Fee:				
Occupational Therapist				\$140
Occupational Therapist Asst.	34-39-14(4)	Set by Board	625-X-7-.01(c)	\$115
Late Renewal Fee	34-39-14(5)	Set by Board	625-X-7-.01(d)	\$50
Fine for Violation(s)	34-39-15	\$250 - \$1,000	Not set in rule	\$250 – 1,000
License Verification	N/A	N/A	N/A	\$25
Licensure List	N/A	N/A	N/A	\$25

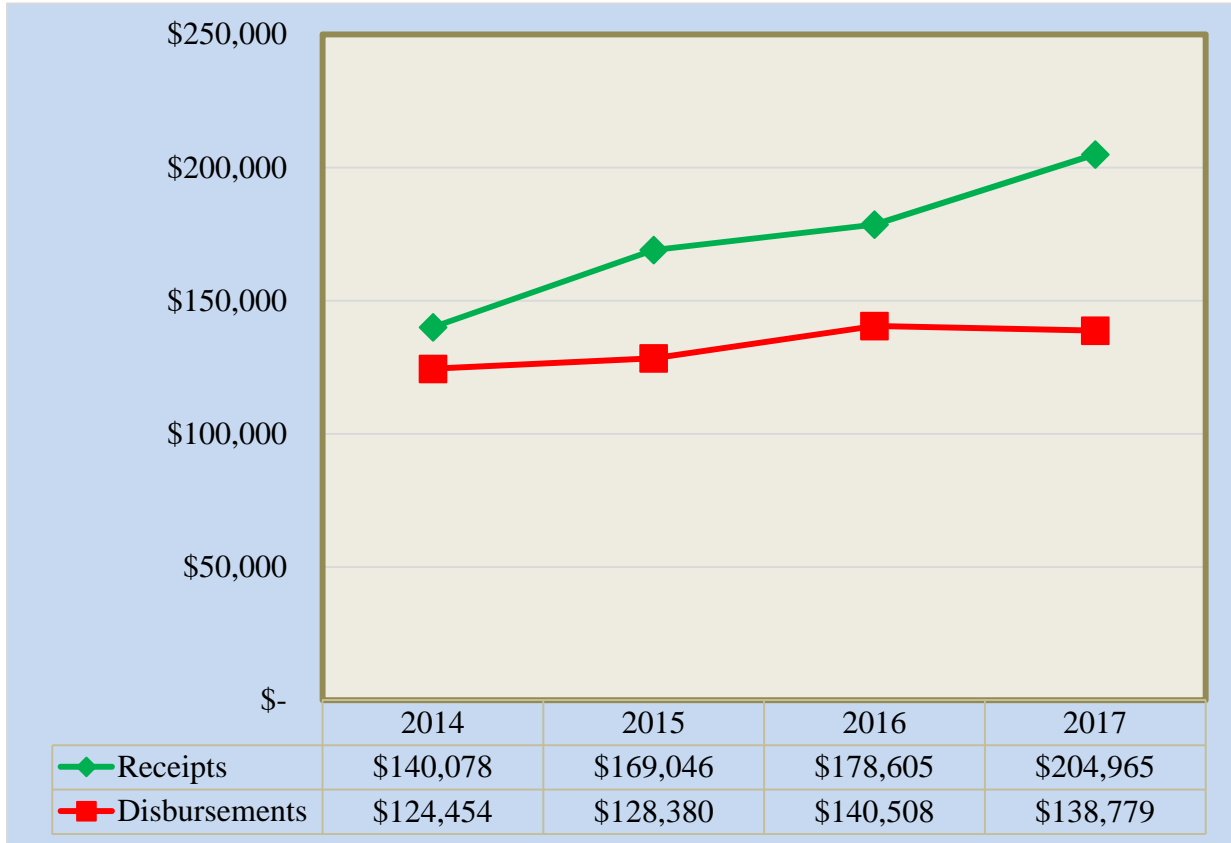
N/A – Fee is not authorized by statute.

Schedule of Receipts, Disbursements and Balances

October 1, 2013 through September 30, 2017

	2016-17	2015-16	2014-15	2013-14
<u>Receipts</u>				
License Fees	\$ 203,565.00	\$ 177,905.00	\$ 168,746.00	\$ 140,077.52
Fines and Penalties	1,400.00	700.00	300.00	-
Total	<u>204,965.00</u>	<u>178,605.00</u>	<u>169,046.00</u>	<u>140,077.52</u>
<u>Disbursements</u>				
Personnel Costs	77,526.40	77,994.34	71,603.50	69,464.07
Employee Benefits	25,892.10	25,866.20	24,160.88	22,662.61
In-State Travel	5,192.18	2,960.72	2,766.04	2,567.65
Out-of-State Travel	-	-	400.83	685.32
Repairs & Maintenance	60.00	306.99	332.36	180.00
Rentals & Leases	17,555.96	16,243.23	17,604.48	16,063.87
Utilities & Communications	2,952.22	3,663.36	3,706.93	6,179.76
Professional Services	5,835.62	9,706.30	3,721.55	2,525.64
Supplies, Materials, & Operating Exp	3,764.47	3,767.04	4,083.35	3,337.90
Other Equipment Purchases	-	-	-	786.75
Total	<u>138,778.95</u>	<u>140,508.18</u>	<u>128,379.92</u>	<u>124,453.57</u>
Excess (Deficiency) of Receipts over Disbursements	66,186.05	38,096.82	40,666.08	15,623.95
Cash Balance at Beginning of Year	<u>247,987.02</u>	<u>209,890.20</u>	<u>169,224.12</u>	<u>153,600.17</u>
Cash Balances at Year End	314,173.07	247,987.02	209,890.20	169,224.12
Reserved for Unpaid Obligations	<u>(10,046.00)</u>	<u>(7,882.00)</u>	<u>(7,733.00)</u>	<u>(4,593.75)</u>
Unreserved Cash Balance End of Year	<u>\$ 304,127.07</u>	<u>\$ 240,105.02</u>	<u>\$ 202,157.20</u>	<u>\$ 164,630.37</u>

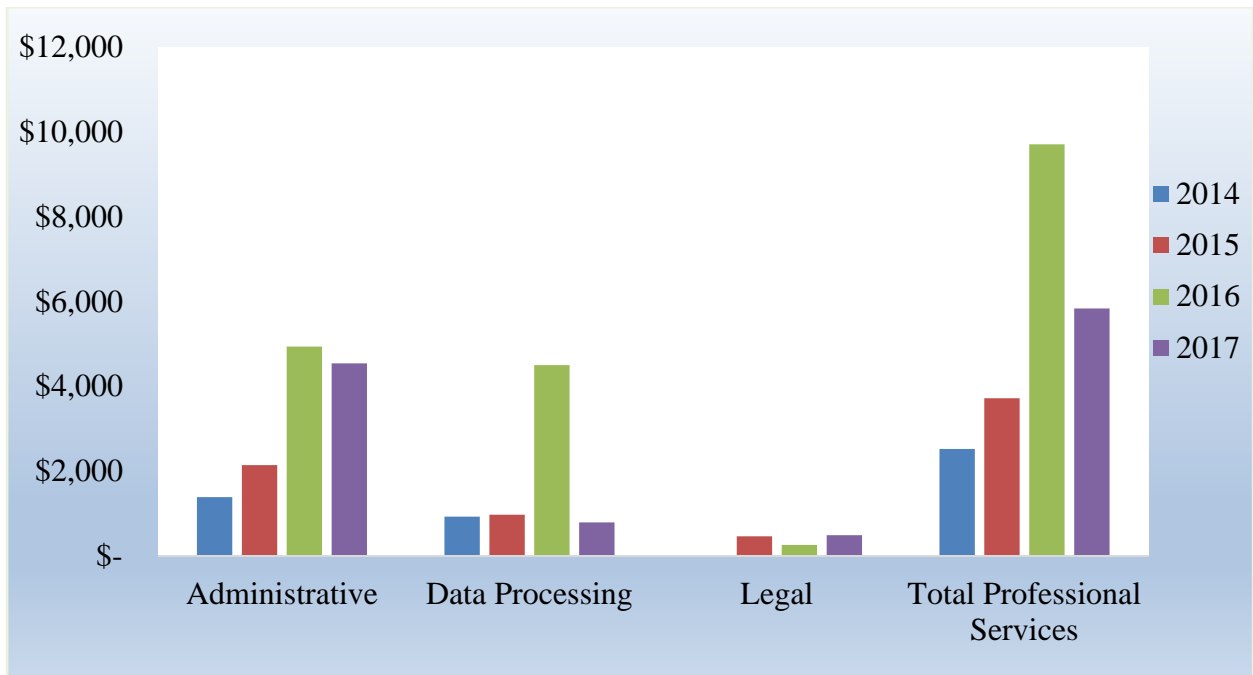
Operating Receipts vs. Operating Disbursements (Chart)



SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*				
As of September 30th				
Type of Service	FY 2014	FY 2015	FY 2016	FY 2017
Administrative	\$1,595.13	\$2,277.16	\$4,940.67	\$4,543.21
Data Processing	930.51	976.14	4,503.13	797.41
Legal	-	468.25	262.50	495.00
Total Professional Services	\$2,525.64	\$3,721.55	\$9,706.30	\$5,835.62

*A detailed schedule of professional service disbursements by vendor is contained in the appendices of this report.

Professional Service Disbursement Chart



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all five members of the Board of Occupational Therapy requesting participation in our survey. All five participated in the survey.

1. What are the most significant issue(s) currently facing the Board of Occupational Therapy and how is the Board addressing these issue(s)?

Board Member # 1 - “The most significant issue – an increase in the number of substance use complaints (impaired practitioners/license holders).”

Board Member # 2 - “NA at this current time.”

Board Member # 3 - “We would like to update our database. Checking into costs and the right fit of software/database for our membership.”

Board Member # 4 - “The OT Board continues to monitor the potential for Telemedicine becoming an issue in terms of OT Licensure across state lines. Also, the OT profession continues to discuss moving to an entry-level OTD and entry-level BA for OT assistants. If and when this happens, it would impact the OT program, which at some point could impact our licensees. The greatest issue we are monitoring is the changes our healthcare.”

Board Member # 5 - “None”

2. What, if any, changes to the Board of Occupational Therapy are needed?

Board Member # 1 - “Adding an intermediary (outside contractor) for monitoring impaired practitioners throughout the recovery process. An impaired practitioner program is suggested to address this trend.”

Board Member # 2 - “None needed.”

Board Member # 3 - “No changes at this time.”

Board Member # 4 - “None at this time.”

Board Member # 5 - “None”

3. Is the Board of Occupational Therapy adequately funded?

Yes **5** **100%**

Board Member # 1 - “Yes. The Board is able to meet all of its obligations. Strategically, the Board may need to consider increasing the licensure fees to implement a wellness program/impaired practitioner program to develop, implement, and monitor impaired practitioners/licensees to ensure consumer safety.”

4. Is the Board of Occupational Therapy adequately staffed?

Yes **5** **100%**

Board Member Questionnaire

Board Member # 3 - “We recently hired a part-time employee.”

- 5. Does the Board of Occupational Therapy receive regular reports on the operations of the Board from the Executive Director?**

Yes	5	100%
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- 6. Has the Board of Occupational Therapy experienced any significant changes to its operations?**

Yes	2	40%
No	3	60%

Board Member # 1 - “Yes. Personnel/Staffing – The agency has added one staff member.”

Board Member # 3 - “We recently moved our offices and hired a part-time employee.”

- 7. Does the Board of Occupational Therapy plan any significant changes to its operations?**

Board Member # 1 - “Not at this time.”

Board Member # 2 - “None that I am aware of.”

Board Member # 3 - “In the future we would to update the database and plan for a wellness program.”

Board Member # 4 - “No”

Board Member # 5- “No”

Occupational Therapist Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty-six participated in the survey. The percentages, where shown, are based on the number of those who responded to the question.

1. Do you think regulation of your profession by the Board of Occupational Therapy is necessary to protect public welfare?

Yes	24	92.31%
No	1	3.85%
No Opinion	1	3.85%

Respondent # 25 - “This not only helps regulate how we practice but also protects our profession, so anyone who feels like passing themselves off as an OT and potentially harm the public.”

2. Do you think any of the laws, rules, or policies administered by the Board of Occupational Therapy are an unnecessary restriction on the practice of your profession? If yes, explain.

No	25	96.15%
No Opinion	1	3.85%

3. Are you adequately informed by the Board of changes to rules and laws regarding occupational therapy?

Yes	22	84.62%
No	2	7.69%
No Opinion	1	3.85%
Other	1	3.85%

Respondent # 1-“Need more layman terms for supervision of OTAs.”

4. Are you satisfied with your dealings with the Board of Occupational Therapy?

Yes	26	100%
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Respondent # 20 - “The staff is outstanding!”

Respondent # 25 - “Yes, [REDACTED] is thorough, knowledgeable and responds quickly.”

5. What do you think is the most significant issue currently facing the profession of occupational therapy?

Respondent # 1 - “Home Healthcare OTs not being skilled in this area of practice. PT, ST and SN are but OT is not. Really needs lobbying to change this.’

Occupational Therapist Questionnaire

Respondent # 2 - “The overlap of PT profession with OT profession vs working as a team and lack of awareness to the doctors and public regarding OT practice with a lack of OT referrals to treat patients due to PT receiving those referrals. Example PT had complete rotator cuff repair, but only received order for PT to evaluate and treat. Although patient’s daughter requested OT.”

Respondent # 4 - “I believe the most significant issue currently facing the profession include lack of public understanding, other professions (PT, RT, ST) taking over therapy inventions and assessments within the OT scope of, and limitations for reimbursement/coverage in particular areas of areas of practice.”

Respondent # 5 - “Limitations in insurance reimbursement for services. Current payer source changes and caps are a potential concern for OT treatment for reimbursement.”

Respondent # 6 - “OP THERAPY CAP”

Respondent # 7 - “Provisions for telehealth practice in our state.”

Respondent # 8 - “Reimbursement”

Respondent # 9 - “INSURANCE/Government regulations”

Respondent # 10 - “Changing Medicare guidelines for documentation and reimbursement”

Respondent # 12 - “Reimbursement”

Respondent # 13 - “Insurance and Medicare replacement programs reimbursement”

Respondent # 15 - “Current and proposed cuts to Medicare and/or Medicaid”

Respondent # 16 - “Current payer source changes and caps are a potential concern for OT treatments for reimbursement.”

Respondent # 17 - “Insurance, payments; caps on services, etc.”

Respondent # 18 - “Occupational Therapy has a wide variety of services that benefit older adults aging in place. As of now, OT is not a qualifying discipline for home health services and I personally believe this leads to an increase in hospitalization and a decrease in independence of aging adults.”

Respondent # 19 - “Changes in payment systems that restrict our services being provided in the manner in which provides the maximum health benefit to the patients we serve.”

Respondent # 20 - “Reimbursement for services”

Respondent # 21 - “I really don’t have an opinion.”

Respondent # 22 - “Limited OT coverage for BC/BS and Medicaid patients.”

Respondent # 23 - “To ensure that patients/clients obtain the best and most amount of services possible – (i.e. limited number of visits allowed by insurance etc. and/or the amount of time allotted to provide the best therapy with large caseloads/time restraints).”

Respondent # 24 - “Awareness for differentiation of setting types (school based vs medical)”

Respondent # 25 - “Other professionals trying to invade our areas of practice.”

Respondent # 26 - “validating our profession’s necessity”

Did Not Respond

3

Occupational Therapist Questionnaire

6. Do you think continuing education should be mandatory for the competent practice of your profession?

Yes	24	92.31%
No	1	3.85%
Other	1	3.85%

Respondent # 4 -“However, I do think provided increased opportunities through workplaces and decreasing costs would benefit practitioners and encourage CEUs above and beyond the minimum requirement.”

Respondent # 21 - “If a therapist wants to learn, they WILL learn. Making these educational requirements mandatory just increases the burden on therapists. Sometimes life issues (i.e....caring for elderly parents or other sick relatives) take precedence over continuing education.”

7. Are sufficient relevant continuing education opportunities available for you to choose from?

Yes	24	92.31%
No	1	3.85%
Other	1	3.85%

Respondent # 19 - “I feel like there is a lack of CEU opportunities related to specific topics like dementia, low vision, and modalities within AL; While there benefits in online CEUs, I feel real learning is evident by hands on and practical skills development in a classroom environment.”

8. Has any member of the Board of Occupational Therapy or its staff asked for money (other than normal fees) for services or any other thing of value for performing a Board service for you?

No	26	100%
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Occupational Therapist Assistant Questionnaires

A letter was sent to one hundred licensees requesting participation in our survey. Fifteen participated in the survey. The percentages, where shown, are based on the number of those who responded to the question.

1. Do you think regulation of your profession by the Board of Occupational Therapy is necessary to protect public welfare?

Yes	14	93.33%
No	1	6.67%

2. Do you think any of the laws, rules, or policies administered by the Board of Occupational Therapy are an unnecessary restriction on practice of your profession?

No	14	93.33%
No Opinion	1	6.67%

3. Are you adequately informed by the Board of changes to rules and laws regarding occupational therapy?

Yes	14	93.33%
No	1	6.67%

4. Are you satisfied with your dealings with the Board of Occupational Therapy?

Yes	14	93.33%
No Opinion	1	6.67%

5. What do you think is the most significant issue currently facing the profession of occupational therapy?

Respondent # 1 - “Documentation, timely authorization from insurance companies and reimbursement for services from insurance companies.”

Respondent # 2 - “Insurance and government payment. Being able to step outside the box and give our clients what they need without so much documentation to prove it is needed for payment purposes.”

Respondent # 3 - “Medicare regulations”

Respondent # 4 - “I have concerns with students getting accepted into some of the OTA programs based on GPA and not personal interview. Some students I’ve had in the past does not have the professional personality to do patient care. You can have good grades but lack personal skills. I feel all OTA programs should conduct personal interviews prior to acceptance into the program.”

Respondent # 5 - “I feel that consumers are poorly informed of the broad scope of occupational therapy, and therefore settle for other services which do not provide them the

Occupational Therapist Questionnaire

benefits of OT. In my opinion, the most significant issue facing the OT profession is the lack of marketing/public knowledge to set OT apart from other therapies.”

Respondent # 6 - “Proving that occupational therapy is JUST as important and needed as physical therapy.”

Respondent # 7 - “reimbursement”

Respondent # 8 - “PT practitioners adding ADL to their scope of practice.”

Respondent # 9 - “ethics vs productivity”

Respondent # 10 - “The lack of awareness. Doctors don’t know when they should be prescribing Occupational therapy instead of Physical therapy.”

Respondent # 11 - “The most significant issue to me seems to be changing the COTA/L from an associate degree to bachelor degree.”

Respondent # 12 - “N/A”

Respondent # 14 - “?”

Respondent # 15 - “No comment”

Did Not Respond 1

- 6. Do you think continuing education should be mandatory for the competent practice of your profession?**

Yes	15	100%
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- 7. Are sufficient relevant continuing education opportunities available for you to choose from?**

Yes	15	100%
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- 8. Has any member of the Board of Occupational Therapy or its staff asked for money (other than normal fees) for services or any other thing of value in return for performing a Board Service for you?**

No	15	100%
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Complainant Questionnaire

A letter was sent to seven complainants requesting their participation in our survey. None of the complainants participated in the survey.

APPENDICES

Applicable Statutes

OCCUPATIONAL THERAPY PRACTICE ACT.

Section 34-39-1 Short title.

This chapter shall be known and may be cited as the "Alabama State Occupational Therapy Practice Act."

(Acts 1990, No. 90-383, p. 515, §1.)

Section 34-39-2 Purpose.

The Alabama State Occupational Therapy Practice Act is enacted to safeguard the public health, safety, and welfare, and to assure the availability of high quality occupational therapy services to persons in need of such services. It is the purpose of this chapter to provide for the regulation of persons offering themselves as occupational therapists or as occupational therapy assistants.

(Acts 1990, No. 90-383, p. 515, §2.)

Section 34-39-3 Definitions.

In this chapter, the following terms shall have the respective meanings provided in this section unless the context clearly requires a different meaning:

- (1) ASSOCIATION. The Alabama Occupational Therapy Association.
- (2) BOARD. The Alabama State Board of Occupational Therapy.
- (3) LICENSE. A valid and current certificate of registration issued by the Alabama State Board of Occupational Therapy.
- (4) OCCUPATIONAL THERAPY.

a. The practice of occupational therapy means the therapeutic use of occupations, including everyday life activities with individuals, groups, populations, or organizations to support participation, performance, and function in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for habilitation, rehabilitation, and the promotion of health and wellness to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory-perceptual, and other aspects of performance in a variety of contexts and environments to support engagement in occupations that affect physical and mental health, well-being, and quality of life. The practice of occupational therapy includes:

1. Evaluation of factors affecting activities of daily living (ADL), instrumental activities of daily living (IADL), rest and sleep, education, work, play, leisure, and social participation including all of the following:

- (i) Client factors, including body functions, such as neuromusculoskeletal, sensory-perceptual, visual, mental, cognitive, and pain factors; body structures such as cardiovascular, digestive, nervous, integumentary, genitourinary systems, and structures related to movement; values, beliefs, and spirituality.
- (ii) Habits, routines, roles, rituals, and behavior patterns.
- (iii) Physical and social environments, cultural, personal, temporal, and virtual contexts, and activity demands that affect performance.

(iv) Performance skills, including motor and praxis, sensory-perceptual, emotional regulation, cognitive, communication, and social skills.

2. Methods or approaches selected to direct the process of interventions such as:

(i) Establishment, remediation, or restoration of a skill or ability that has not yet developed, is impaired, or is in decline.

(ii) Compensation, modification, or adaptation of activity or environment to enhance performance, or to prevent injuries, disorders, or other conditions.

(iii) Retention and enhancement of skills or abilities without which performance in everyday life activities would decline.

(iv) Promotion of health and wellness, including the use of self-management strategies, to enable or enhance performance in everyday life activities.

(v) Prevention of barriers to performance and participation, including injury and disability prevention.

3. Interventions and procedures to promote or enhance safety and performance in activities of daily living (ADL), instrumental activities of daily living (IADL), rest and sleep, education, work, play, leisure, and social participation including all of the following:

(i) Therapeutic use of occupations, exercises, and activities

(ii) Training in self-care, self-management, health management and maintenance, home management, community/work reintegration, and school activities and work performance.

(iii) Development, remediation, or compensation of neuromusculoskeletal, sensory-perceptual, visual, mental, and cognitive functions, pain tolerance and management, and behavioral skills.

(iv) Therapeutic use of self, including one's personality, insights, perceptions, and judgments, as part of the therapeutic process.

(v) Education and training of individuals, including family members, caregivers, groups, populations, and others.

(vi) Care coordination, case management, and transition services.

(vii) Consultative services to groups, programs, organizations, or communities.

(viii) Modification of environments, including home, work, school, or community, and adaptation of processes, including the application of ergonomic principles.

(ix) Assessment, design, fabrication, application, fitting, and training in seating and positioning, assistive technology, adaptive devices, training in the use of prosthetic devices, orthotic devices, and the design, fabrication and application of selected splints or orthotics.

(x) Assessment, recommendation, and training in techniques to enhance functional mobility, including management of wheelchairs and other mobility devices.

(xi) Low vision rehabilitation when the patient or client is referred by a licensed optometrist, a licensed ophthalmologist, a licensed physician, a licensed assistant to physician acting pursuant to a valid supervisory agreement, or a licensed certified registered nurse practitioner in a collaborative practice agreement with a licensed physician.

(xii) Driver rehabilitation and community mobility.

(xiii) Management of feeding, eating, and swallowing to enable eating and feeding performance.

(xiv) Application of physical agent modalities, and use of a range of specific therapeutic procedures such as wound care management, interventions to enhance sensory-perceptual and cognitive processing, and manual therapy, all to enhance performance skills.

(xv) Facilitating the occupational performance of groups, populations, or organizations through the modification of environments and the adaptation of processes.

b. An occupational therapist or occupational therapy assistant is qualified to perform the above activities for which they have received training and any other activities for which appropriate training or education, or both, has been received. Notwithstanding any other provision of this

chapter, no occupational therapy treatment programs to be rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide shall be initiated without the referral of a licensed physician, a licensed chiropractor, a licensed optometrist, a licensed assistant to a physician acting pursuant to a valid supervisory agreement, a licensed certified registered nurse practitioner in a collaborative practice agreement with a licensed physician, a licensed psychologist, or a licensed dentist who shall establish a diagnosis of the condition for which the individual will receive occupational therapy services. In cases of long-term or chronic disease, disability, or dysfunction, or any combination of the foregoing, requiring continued occupational therapy services, the person receiving occupational therapy services shall be reevaluated by a licensed physician, a licensed chiropractor, a licensed optometrist, a licensed assistant to a physician acting pursuant to a valid supervisory agreement, a licensed certified registered nurse practitioner in a collaborative practice agreement with a licensed physician, a licensed psychologist, or a licensed dentist at least annually for confirmation or modification of the diagnosis. Occupational therapists performing services that are not related to injury, disease, or illness that are performed in a wellness or community setting for the purposes of enhancing performance in everyday activities are exempt from this referral requirement. Occupational therapists employed by state agencies and those employed by the public schools and colleges of this state who provide screening and rehabilitation services for the educationally related needs of the students are exempt from this referral requirement.

c. Nothing in this chapter shall be construed as giving occupational therapists the authority to examine or diagnose patients or clients for departures from the normal of human eyes, visual systems or their adjacent structures, or to prescribe or modify ophthalmic materials including, but not limited to, spectacles, contacts, or spectacle-mounted low vision devices.

(5) OCCUPATIONAL THERAPIST. A person licensed to practice occupational therapy whose license is in good standing.

(6) OCCUPATIONAL THERAPY ASSISTANT. A person licensed to assist in the practices of occupational therapy under the supervision of, or with the consultation of, a licensed occupational therapist whose license is in good standing.

(7) OCCUPATIONAL THERAPY AIDE. A person who assists in the delivery of occupational therapy, who works under direct on-site supervision of an occupational therapist or occupational therapy assistant, or both, and whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy. No activity listed under paragraph a. of subdivision (4) may be performed by an occupational therapy aide.

(8) PERSON. A human person only, not a legal entity.

(9) WITH THE CONSULTATION OF. The collaboration of two or more persons on a regularly scheduled basis for the purpose of planning, review, or evaluation of occupational therapy services.

(Acts 1990, No. 90-383, p. 515, §3; Acts 1995, No. 95-279, p. 502, §3; Act 99-92, p. 108, §3; Act 2003-62, p. 96, §3; Act 2013-309, p. 1041, §1.)

Section 34-39-4 Representation of self as occupational therapist or therapy assistant without license prohibited.

(a) No person may present himself or herself as an occupational therapist or an occupational therapy assistant in this state unless he or she is licensed in accordance with this chapter. No firm, partnership, association, or corporation may advertise or otherwise offer to provide or convey the impression that it is providing occupational therapy unless an individual holding a

current valid license or limited permit under this chapter is or will at the appropriate time be rendering the occupational therapy services to which reference is made.

(b) It is unlawful for any person not licensed as an occupational therapist or an occupational therapy assistant or whose license has been suspended or revoked to use in connection with his or her name or place of business the words "occupational therapist," "licensed occupational therapist," "occupational therapy assistant," "licensed occupational therapy assistant," or the letters "O.T.," "L.O.T.," "O.T.R./L.," "O.T.A.," "L.O.T.A.," "C.O.T.A./L.," thereby indicating or implying that he or she is qualified to practice in this state as a licensed occupational therapist or a licensed occupational therapy assistant. At the discretion of the licensee, academic credentials including MS, OTR/L to indicate a master's degree, and OTD to indicate a clinical doctorate, may also be used in conjunction with the licensure acronyms. It is unlawful also for any person not licensed under this chapter to show in any other way, orally, in writing, in print, or by sign, directly or by implication that he or she is engaged in performing occupational therapy services. (Acts 1990, No. 90-383, p. 515, §4; Act 2013-309, p. 1041, §1.)

Section 34-39-5 Exceptions.

Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of any of the following persons:

- (1) Any person licensed under any other law of the state from engaging in the profession for which he or she is licensed.
- (2) Any person employed as an occupational therapist or an occupational therapy assistant by the government of the United States, if the person provides occupational therapy solely under the direction or control of the organization by which he or she is employed.
- (3) Any person pursuing a course of study leading to a degree in occupational therapy at an accredited or approved educational program if the activities and services constitute a part of a supervised course of study, if the person is designated by a title which clearly indicates his or her status as a student or trainee.
- (4) Any person fulfilling the supervised fieldwork experience requirements of subdivision (2) of Section 34-39-8.

(Acts 1990, No. 90-383, p. 515, §5; Acts 1995, No. 95-279, p. 502, §3; Act 2013-309, p. 1041, §1.)

Section 34-39-6 Board of Occupational Therapy established; composition; fund created.

(a) There is established the Alabama State Board of Occupational Therapy.

(1) The board shall consist of five members, four of whom shall be involved in the practice of occupational therapy, of which one shall be an occupational therapy assistant. The remaining member shall be a member of another health profession or a member of the public with an interest in the rights or the concerns of health services. Each member of the board shall be a citizen of this state. The occupational therapy board members shall be appointed by the Governor from a list submitted by the Alabama Occupational Therapy Association. In appointing members to the board, the association and the Governor, to the extent possible, shall select those persons whose appointments ensure that the membership of the board is inclusive and reflects the racial, gender, geographic, urban/rural, and economic diversity of the state. Those board members who are occupational therapists, of which one shall be a minority, and occupational therapy assistants shall have been engaged in rendering services to the public, teaching, or research in occupational therapy for at least three years, and shall at all times be holders of valid licenses for the practice of occupational therapy in Alabama. Except for the members in the initial board, all members who are occupational therapists and occupational therapy assistants shall fulfill the requirements

for licensure pursuant to this chapter. Terms of appointment for the initial board members shall be as follows: Two members shall serve a one-year term; two members shall serve a two-year term; and one member shall serve a three-year term.

(2) The board shall, within 90 days after April 17, 1990, be selected as provided in subdivision (1). At the expiration of the initial terms, board members shall be appointed in the same manner as initial appointments, each for a period of three years. No person shall be appointed to serve more than three consecutive terms.

(3) Terms shall begin on the first day of the calendar year and end on the last day of the calendar year, or until successors are appointed, except for the initial members who shall serve through the last calendar day of the year in which they are appointed before the commencement of the terms prescribed by subdivision (1).

(4) Within 45 days after April 17, 1990, and annually thereafter, the association shall submit two or three names for each position on the board to be filled. In the event of a midterm vacancy in one of the positions on the board, the Governor shall appoint a member to fill the unexpired term from a list submitted by the association in the same manner as provided in subdivision (1).

(5) The Governor, after notice and opportunity for hearing by the board, may remove any member of the board for neglect of duty, incompetence, revocation or suspension of the license of the member, or other dishonorable conduct. After removal, the Governor shall appoint a successor to the unexpired term from a list of two or three names submitted by the association.

(6) The board shall elect from its membership a chairperson, a secretary, and a treasurer. A majority of the members of the board shall constitute a quorum. The board shall meet during the first month of the calendar year to select officers. No board member may hold the same position as an officer of the board for more than two consecutive years. At least one additional meeting shall be held before the end of the calendar year. Further meetings may be convened at the call of the chairperson, or on the request of any three board members.

(7) Members may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties in accordance with the laws of the State of Alabama and regulations of the State Personnel Director.

(b) There is established a separate special revenue fund in the State Treasury known as the Alabama State Board of Occupational Therapy Fund. All receipts collected by the board pursuant to this chapter shall be deposited in this fund and used only to carry out the provisions of this chapter. Receipts shall be disbursed only by warrant of the state Comptroller upon the State Treasurer, upon itemized vouchers approved by the chairperson. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Sections 41-4-80 to 41-4-96, inclusive, and Sections 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriation bills.

(Acts 1990, No. 90-383, p. 515, §6; Act 2003-62, p. 96, §3; Act 2011-168, p. 321, §3; Act 2013-309, p. 1041, §1.)

Section 34-39-7 Duties of board; joint approval with Board of Medical Examiners of rules and regulations.

(a) The board shall administer, coordinate, and enforce this chapter.

(b) The board shall, within 90 days of the time at which it is appointed, notify all current practitioners of occupational therapy in the state, as identified by the American Occupational Therapy Certification Board, of the enactment of this chapter and its otherwise becoming a law.

(c) The board shall adopt and publish rules and regulations relating to the professional conduct to carry out the policies of this chapter, including but not limited to regulations relating to professional licensure, registration, and the establishment of ethical standards of practice. The

State Board of Medical Examiners and the Alabama State Board of Occupational Therapy must jointly approve any rule, regulation, or policy that interprets, explains, or enumerates the permissible acts, functions, or services rendered by an occupational therapist, occupational therapy assistant, or occupational therapy aide as those acts, functions, and services are defined in Section 34-39-3. Any rule, regulation, or policy adopted in violation of this requirement is invalid.

(d) The board shall evaluate the qualifications of all applicants for licensure under this chapter and shall maintain a register of all persons holding a license and a record of all inspections made.

(e) The board shall approve all examinations of applicants for licensure at least twice a year, shall determine the qualifications and authorize the issuance of licenses to qualified occupational therapists and occupational therapy assistants, and shall renew, suspend, or revoke the licenses in the manner provided.

(f) The board may investigate complaints and allegations concerning the violation of this chapter and may examine witnesses, issue subpoenas, and administer oaths in connection with these investigations. Hearings may be conducted, provided reasonable public notice is given and records and minutes are kept in accordance with the rules and regulations of the board.

(g) The board shall make an annual report to the Governor which shall contain an account of duties performed, actions taken, and appropriate recommendations.

(h) The board shall establish a budget in accordance with the requirements of the state.

(i) The board may establish and publish reasonable fees as established in Section 34-39-14.

(j) The board may employ and discharge an executive director and any officers and employees as may be necessary, and shall determine their duties and fix their compensation in accordance with applicable state statutes. The board shall hire and establish the responsibilities and salary of all employees.

(Acts 1990, No. 90-383, p. 515, §7; Acts 1995, No. 95-279, p. 502, §3; Act 2013-309, p. 1041, §1.)

Section 34-39-8 Application for license; requirements.

An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall file a written application on forms provided by the board, showing to the satisfaction of the board fulfillment of all of the following requirements:

(1) Applicant shall present evidence satisfactory to the board of having successfully completed all of the academic requirements for degree or certificate conferral from an educational program in occupational therapy recognized by the board. The program shall be accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Incorporated.

(2) Applicant shall pass an examination as provided for in Section 34-39-9.

(Acts 1990, No. 90-383, p. 515, §8; Acts 1995, No. 95-279, p. 502, §3; Act 2011-168, p. 321, §3; Act 2013-309, p. 1041, §1.)

Section 34-39-9 Examinations and reexamination; foreign trained applicants.

(a) A person applying for licensure under this chapter shall demonstrate his/her eligibility in accordance with the requirements of Section 34-39-8, and shall make application for examination upon a form and in such a manner as the board shall prescribe. A person who fails an examination may make reapplication for reexamination accompanied by the established fee.

(b) Each applicant for licensure under this chapter shall be examined by written examination to test his or her knowledge of the basic clinical sciences relating to occupational therapy, and occupational therapy theory and practice, the applicant's professional skills and judgment in the utilization of occupational therapy techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice. The board shall establish standards for acceptable performance by the applicant.

(c) Applicants for licensure shall be examined at a time and place and under such supervision as the board may require. Examinations shall be given at least twice each year at such places as the board may determine. The board shall give reasonable public notice of these examinations in accordance with its rules and regulations.

(d) Applicants may obtain their examination scores in accordance with such rules and regulations as the board may establish.

(e) Foreign trained occupational therapists and occupational therapy assistants shall satisfy the examination requirements of Section 34-39-8(3). The board shall require foreign trained applicants to complete educational and supervised fieldwork requirements, substantially equal to those contained in Section 34-39-8, before taking the examination.

(Acts 1990, No. 90-383, p. 515, §9.)

Section 34-39-10 Waiver of license requirements; reciprocity; notification procedure.

(a) The board shall grant a license to any person certified prior to April 17, 1990, as an occupational therapist registered (OTR) or as a certified occupational therapy assistant (COTA) by the American Occupational Therapy Association, Inc. The board may waive the examination, education, or experience and grant a license to any person certified after April 17, 1990, by a national occupational therapy certification board, if the board considers the requirements for certification to be equivalent to the requirements under the terms of this chapter.

(b) The board may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or an occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure of this chapter.

(c) The board shall cause notification to be sent to all occupational therapists and occupational therapy assistants presently employed or practicing occupational therapy in this state. The notification shall summarize the requirements of this chapter and provide information on procedures for obtaining a license.

(Acts 1990, No. 90-383, p. 515, §10; Acts 1995, No. 95-279, p. 502, §3.)

Section 34-39-11 Issuance of license; limited permit; permitted representations.

(a) The board shall issue a license to any person who meets the requirements of this chapter upon payment of the license fee as described in Section 34-39-14.

(b) The board shall issue a limited permit to persons who have completed the educational and fieldwork experience requirements of this chapter. This permit shall allow the person to practice occupational therapy under the supervision of an occupational therapist who holds a current license in this state and shall be valid until the date on which the results of the qualifying examination have been made public. This limited permit shall not be renewed if the applicant has failed the examination. Failure of the examination shall result in revocation of an active limited permit.

(c) Any person who is issued a license as an occupational therapist under the terms of this chapter may use the words "occupational therapist," "licensed occupational therapist,"

"occupational therapist registered," or may use the letters "O.T.," "L.O.T.," or "O.T.R./L." in connection with his/her name or place of business to denote registration hereunder.

(d) Any person who is issued a license as an occupational therapy assistant under the terms of this chapter may use the words "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant," or may use the letters "O.T.A.," "L.O.T.A.," or "C.O.T.A./L." in connection with his or her name or place of business to denote registration hereunder.

(Acts 1990, No. 90-383, p. 515, §11; Act 2013-309, p. 1041, §1.)

Section 34-39-12 Denial or suspension of license; probationary conditions; hearing; reinstatement.

(a) The board shall, after notice and opportunity for hearing, have the power to deny or refuse to renew a license, or may suspend or revoke a license, or may impose probationary conditions, where the licensee or applicant for license has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct includes:

- (1) Obtaining or attempting to obtain a license by fraud, misrepresentation, or concealment of material facts;
- (2) Being guilty of unprofessional conduct as defined by the rules established by the board;
- (3) Violating any lawful order, rule, or regulation rendered or adopted by the board;
- (4) Being convicted of a crime other than minor offenses defined as "minor misdemeanors," "violations," or "offenses" in any court if the acts for which he or she was convicted are found by the board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant;
- (5) Violating any provision of this chapter.

(b) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the board in a decision made after a hearing in the manner provided by the rules and regulations adopted by the board. One year from the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement and may, but shall not be required to, hold a hearing to consider such reinstatement.

(Acts 1990, No. 90-383, p. 515, §12.)

Section 34-39-13 Expiration and renewal of licenses; fee; continuing education; late fee.

(a) All licenses under this chapter shall be subject to renewal and shall expire unless renewed in the manner prescribed by the rules and regulations of the board upon the payment of a renewal fee. The board may set a required number of continuing education units for license renewal. The board may provide for a late renewal of license upon payment of a late renewal fee. Any license which has not been restored within three years following its expiration may not be renewed, restored, or reissued thereafter. The holder of such an expired license may apply for and obtain a valid license only upon compliance with all relevant requirements for issuance of a new license.

(b) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity or in other conduct or activity in violation of the license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the reorderId judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall

pay the renewal fee and any late fee that may be applicable. (Acts 1990, No. 90-383, p. 515, §13.)

Section 34-39-14 Fees authorized.

The board is empowered to establish, publish, and collect reasonable fees and costs in amounts determined by the board for the following purposes:

- (1) Application for examination;
- (2) Limited permit fee;
- (3) Initial license fee;
- (4) Renewal of license fee;
- (5) Late renewal fee; and
- (6) The costs of conducting a hearing of any person whose license or certificate of qualification is suspended, revoked, or refused as a result of such hearing.

(Acts 1990, No. 90-383, p. 515, §14; Acts 1991, No. 91-165, p. 221, §3.)

Section 34-39-15 Violation as misdemeanor; penalty; forfeiture and revocation of license.

Any person who violates any provision of this chapter as set forth in Sections 34-39-4 and 34-39-13, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$250 and not more than \$1,000, or imprisonment for a period not exceeding six months, or both. A license held by any person convicted under this section shall be forfeited and revoked forthwith for one year from the date of such conviction. (Acts 1990, No. 90-383, p. 515, §15.)

Section 34-39-16 Complaints; notice and hearing; judicial review.

(a) Any person may file a complaint with the board against any licensed occupational therapist or licensed occupational therapy assistant in the state charging the person with having violated this chapter. The complaint shall set forth specifications of charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he or she is charged. When a complaint is filed, the secretary of the board, or the executive director at the request of the secretary, shall mail a copy thereof to the accused by return receipt mail at his or her address of record, with a written notice of the time and place of hearing thereof, advising him or her that he or she may be present in person and by counsel if he or she so desires, to offer evidence and be heard in his or her defense.

(b) At the time and place fixed for the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the person against whom charges are preferred a full and fair opportunity to be heard in his or her defense. The board shall be bound by the rules of evidence in contested cases under Section 41-22-13 of the Alabama Administrative Procedure Act and all oral testimony considered by the board shall be under oath. If the board finds that the licensed occupational therapist or the licensed occupational therapy assistant has violated this chapter, the board may suspend or revoke his or her licensure, levy a reasonable fine not to exceed one thousand dollars (\$1,000) per violation, or restrict his or her license and require the licensee to report regularly to the board on matters related to the reasons for the restricted license, or any combination of these.

(c) The action of the board in suspending, revoking, or refusing to issue a license may be appealed to the Circuit Court of Montgomery County accompanied by a bond to be approved by the court. The notice of appeal shall be filed within 30 days from the receipt of such order or ruling. Appeals shall be governed by the judicial review provisions of Section 41-22-20 of the Alabama Administrative Procedure Act, except that the review procedure provided therein shall

not suspend the action of the board nor stay the enforcement of any order in the suspension, revocation, or refusal of a license.

(Acts 1990, No. 90-383, p. 515, §16; Acts 1991, No. 91-165, p. 221, §3; Act 2013-309, p. 1041, §1.)

Professional Services by Vendor

	2014	2015	2016	2017
Legal Services				
Attorney General Office	\$ -	\$ -	\$ 262.50	\$ 495.00
Baker Real Time Court Reporting & Video	-	468.25	-	-
Total Legal Services	-	468.25	262.50	495.00
Data Processing				
Department of Finance	833.01	901.14	4,418.13	703.66
Finance & IT Planning and Oversight	97.50	75.00	85.00	93.75
Total Data Processing	930.51	976.14	4,503.13	797.41
Administrative Services				
Department of Finance				
Advertising	41.89			
Security and Monitoring	144.00	144.00	240.00	252.00
Mailing Services	51.03	133.66	48.72	88.50
FMRS	369.71	328.94	404.83	121.12
Interfund Contract Programs (STAARs)	-	-	3,300.00	3,300.00
Comptroller Services	676.50	712.56	787.12	616.59
Legislative Reference Service	160.00	130.00	-	-
Margaret A. Vinzant (Ed. & Training)	-	565.00	-	-
Brenda Gail Hyatt (Ed. & Training)	-	105.00	-	-
State Personnel	152.00	158.00	160.00	165.00
Total Administrative Services	1,595.13	2,277.16	4,940.67	4,543.21
Total Professional Services	\$ 2,525.64	\$ 3,721.55	\$ 9,706.30	\$ 5,835.62

Board Members



Alabama State Board of Occupational Therapy

P.O. Box 304510

334-353-4466

Montgomery, AL 36130-4510

January 16, 2018

Janet Berry
Examiner's of Public Accounts
P.O. Box 302251
Montgomery, AL 36130-2251

Dear Ms. Berry:

The following are current members serving on the Board of Occupational Therapy:

Sarah Tucker, Chair	OT	Expires December 31, 2019
Greshundria Raines	OT (Minority)	Expired December 31, 2017
Tammy Prickett	Public Member	Expired December 31, 2017
Annette Harman	OTA	Expires December 31, 2019
Tracy O'Connor	OT	Expires December 31, 2018

Sincerely,

Ann Cosby
Executive Director

Response to Significant Issues



Alabama State Board of Occupational Therapy

P.O. Box 304510

334-353-4466

Montgomery, AL 36130-4510

April 4, 2018

Maria Catledge
Examiners of Public Accounts
P.O. Box 302251
Montgomery, AL 36130-2251

Re: Sunset Report

Dear Ms. Catledge:

In response to the significant findings in our sunset report:

Historically, this board has charged fees for both services noted as a cost recovery fee. If the committee agrees with this finding, this board will amend our Administrative Code to rescind the collection of these fees.

If additional information is needed, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Ann Cosby".

Ann Cosby
Executive Director