

BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 24.165.401 fees, 24.165.404)	ADOPTION
applications for licensure, 24.165.407)	
examinations, 24.165.501)	
supervision-general statement,)	
24.165.502 supervision-methods,)	
24.165.507 standards of practice,)	
24.165.511 documentation of)	
instruction and training, 24.165.514)	
qualifications to apply topical)	
medications-clinician defined,)	
24.165.604 inactive status,)	
24.165.2101 continuing education)	
and 24.165.2102 continuing)	
education-waiver, and the adoption of)	
NEW RULE I definitions and NEW)	
RULE II deep modality endorsement)	

TO: All Concerned Persons

1. On August 21, 2014, the Board of Occupational Therapy Practice (board) published MAR Notice No. 24-165-21 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1883 of the 2014 Montana Administrative Register, Issue No. 16.

2. On September 11, 2014, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the September 19, 2014, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENTS: Several commenters, including individual licensees and professional associations, opposed the proposed amendments to ARM 24.165.501.

The commenters stated that Montana has a low population of occupational therapists and assistants, despite a large need for their services, and that restricting the therapists' ability to supervise will make it harder to staff the limited number of positions and restrict patient access to quality care.

Commenters opposed the supervision changes because of Montana's rural setting and lack of schools with occupational therapy/assistant programs, and asserted that it is already difficult to recruit OTs in many areas. The commenters believed that sites having inadequate numbers of therapists will result in patients not receiving effective treatment. Commenters asserted that the current supervision

guidelines are vague, and adding a stringent limitation on those supervised will just result in more questions than answers and suggested that supervision guidelines should be based on competency and level of experience of the OT and OTA.

Commenters further opposed any arbitrary numerical limit, and stated that supervision should be based on mutual understanding between the supervisor and the supervisee about each other's competence, experience, education, and credentials. They asserted it is the responsibility of the OT and the OTA to seek the appropriate quality and frequency of supervision that ensures safe and effective occupational therapy service delivery.

RESPONSE: The board received numerous comments in opposition to the proposed amendments to ARM 24.165.501. Following consideration of all the comments, and lengthy board discussion, the board is not proceeding with the amendments to this rule at this time. The board anticipates considering the wording of this rule in future board meetings and rule amendments.

4. The board has amended ARM 24.165.401, 24.165.404, 24.165.407, 24.165.502, 24.165.507, 24.165.511, 24.165.514, 24.165.604, 24.165.2101, and 24.165.2102 exactly as proposed.

5. The board has adopted NEW RULES I (24.165.302) and II (24.165.505) exactly as proposed.

6. The board is not amending ARM 24.165.501 as proposed.

BOARD OF OCCUPATIONAL THERAPY
PRACTICE
NATE NAPRSTEK, OT, CHAIR

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 20, 2015