






TO: The Honorable the Members of the Board of Regents

FROM: Douglas E. Lentivech


SUBJECT: Proposed Amendment of Sections 76.1 and 76.7 of the Regulations of the Commissioner of Education Relating to the Education Requirements for Occupational Therapists and Occupational Therapy Assistants

DATE: December 29, 2016

AUTHORIZATION(S):  

SUMMARY

Issue for Decision (Consent Agenda)

Should the Board of Regents adopt the proposed amendment of sections 76.1 and 76.7 of the Regulations of the Commissioner of Education relating to the education requirements for occupational therapists and occupational therapy assistants?

Reason(s) for Consideration

Required by State statute (L. 2016, Ch. 124).

Proposed Handling

The proposed amendment will be presented to the Full Board for adoption as a permanent rule at the January 2017 meeting of the Board of Regents. A copy of the proposed amendment is attached. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Procedural History

The proposed amendment was discussed by the Professional Practice Committee at the October 2016 Regents meeting. A Notice of Proposed Rule Making was published in the State Register on November 2, 2016 for a 45-day public comment

period and a Notice of Emergency Adoption was published in the State Register on November 30, 2016. Following the above-referenced publication of the Notice of Proposed Rulemaking, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed.

Background Information

Currently, pursuant to Education Law §7904(2), the education requirement for licensure as an occupational therapist requires applicants to have satisfactorily completed an approved occupational therapy curriculum in a baccalaureate or master's program, or a certificate program satisfactory to the Department which is substantially equivalent to a baccalaureate degree program, in accordance with the Commissioner's Regulations. Pursuant to Education Law §7904-a(b), the current education requirement for licensure as an occupational therapy assistant requires applicants to have received an education consisting of the completion of a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department.

However, the nationally recognized accrediting agency for the profession of occupational therapy, the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), has determined that occupational therapist education programs may grant either a master's degree or a doctoral degree. Additionally, ACOTE has determined that occupational therapy assistant education programs may grant either an associate degree or a baccalaureate degree.

Chapter 124 of the Laws of 2016, which took effect on November 18, 2016, was enacted to amend the Education Law's education requirements for licensure as an occupational therapist and occupational therapy assistant to provide the Department with the flexibility to grant licenses to applicants who have completed an education that exceeds the current requirements for licensure as either an occupational therapist or occupational therapy assistant, in recognition of the changes made to the national accreditation standards.

Chapter 124 amended Education Law §7904(2) to allow an applicant for licensure as an occupational therapist to satisfy the education requirement by having a baccalaureate or master's degree or greater, or its equivalent as determined by the Department.

Chapter 124 amended Education Law §7904-a(b) to allow an applicant for licensure as an occupational therapy assistant to satisfy the education requirement by having an associate degree or greater, or its equivalent as determined by the Department.

The proposed amendment to section 76.1 of the Regulations of the Commissioner of Education provides that, to meet the professional education requirement for licensure as an occupational therapist, the applicant must present evidence of: (1) at least a bachelor's or master's degree in occupational therapy from a

program registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department; or (2) completion of a program satisfactory to the Department of not less than four years of postsecondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country.

The proposed amendment to subdivision (b) section 76.7 of the Regulations of the Commissioner of Education provides that to meet the professional education requirement for licensure as an occupational therapy assistant, an applicant must complete at least a two-year associate degree program for occupational therapy assistants registered by the Department or accredited by a national accreditation agency which is satisfactory to the Department, or its equivalent, as determined by the Department.

Related Regents Items

<http://www.regents.nysed.gov/common/regents/files/1016ppca1.pdf>

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 76.1 and subdivision (b) of section 76.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 25, 2017.

Timetable for Implementation

If adopted at the January 9-10, 2017 Regents meeting, the proposed amendment will take effect on January 25, 2017.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 7904, and 7904-a of the Education Law, and Chapter 124 of the Laws of 2016

1. Section 76.1 of the Regulations of the Commissioner of Education is amended, effective January 25, 2017, as follows:

To meet the professional education requirement for licensure in this State, the applicant shall present evidence of:

(a) at least a bachelor's or master's degree in occupational therapy from a program registered by the department or accredited by a national accreditation agency which is satisfactory to the department, or its equivalent, as determined by the department; or

[(b) a certificate in occupational therapy from a program registered by the department or accredited by a national accreditation agency which is satisfactory to the department following the completion of a bachelor's degree from an institution acceptable to the department; or

(c)] (b) completion of a program satisfactory to the department of not less than four years of postsecondary study which includes the professional study of occupational therapy and which culminates in the degree or diploma accepted by the civil authorities of the country in which the studies were completed as preparation in occupational therapy in that country.

2. Subdivision (b) of section 76.7 of the Regulations of the Commissioner of Education is amended, effective January 25, 2017, as follows:

To qualify for licensure as an occupational therapy assistant pursuant to section 7904-a of the Education Law, an applicant shall fulfill the following requirements:

(a) . . .

[(b) have received an education as follows:

(1)] (b) complete[ion of] at least a two-year associate degree program for occupational therapy assistants registered by the department or accredited by a national accreditation agency which is satisfactory to the department, or its equivalent, as determined by the department]; or

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

(c) . . .

(d) . . .

(e) . . .

(f) . . .

(g) . . .