



TO: The Professional Practice Committee

FROM: Douglas E. Lentivech 

SUBJECT: Proposed Amendment to the Rules of the Board of Regents Relating to the Authorization of Degrees: Adding Doctor of Occupational Therapy (O.T.D.) Degree in New York

DATE: September 8, 2015

AUTHORIZATION(S):  

SUMMARY

Issue for Decision

Should the Board of Regents approve adding a Doctor of Occupational Therapy (O.T.D.) degree in New York?

Reason for Consideration

Review of Policy.

Proposed Handling

The proposed amendment will be presented to the Professional Practice Committee for recommendation and to the Full Board for adoption at the September 2015 meeting of the Board of Regents. A copy of the proposed amendment is attached. Supporting materials are available upon request from the Secretary of the Board of Regents.

Procedural History

The proposed amendment was presented to the Professional Practice Committee for discussion at the June 2015 Board of Regents meeting. A Notice of Proposed Rule Making was published in the State Register on July 1, 2015 for a 45-day public comment period. The Department received 54 comments, the overwhelming

majority of which were positive. An Assessment of Public Comment is attached. No changes to the proposed amendment are recommended at this time.

Background Information

The O.T.D. degree is recognized by the Accreditation Council for Occupational Therapy Education (ACOTE) and is an authorized degree in 26 states, which include California, Connecticut, Florida, Georgia, Massachusetts, Pennsylvania, and Virginia. Higher education institutions offering O.T.D. programs include, but are not limited to, Boston University, Washington University in St. Louis, University of Southern California, University of Illinois, and Tufts University.

The O.T.D. degree will be considered a post-licensure professional credential in New York State unless, or until such time as, the Education Law is amended to allow for a licensure-qualifying doctoral degree in the future. One higher education institution in New York requested to offer a post-professional program leading to the O.T.D. degree. Adding this degree will benefit students in New York by affording them the opportunity to earn a doctoral level degree in occupational therapy. It will also provide greater opportunities for the graduates to undertake research and become more competent practitioners. Ultimately, adding the O.T.D. degree in New York will help the public as the profession benefits from the higher level education and research. Because the O.T.D. degree is a new degree in New York, it is necessary to amend Sections 3.47 and 3.50 of the Rules of the Board of Regents related to requirements for earned degrees and registered degrees under Title VIII of the Education Law.

The proposed amendment has been shared with parties that have an interest in this topic. At the February 13, 2015 meeting of the State Board for Occupational Therapy (State Board), Department staff discussed the proposed addition of this new degree title with the State Board members. The State Board supported the authorization of this new degree. Subsequently, on April 17, 2015, a memo soliciting comments on the proposal to add the O.T.D. degree in New York was sent to the faculty and administrators of occupational therapy programs in New York and the New York State Occupational Therapy Association (NYSOTA). The Department received eight (8) comments supporting the proposed amendment and no comments objecting to it.

Recommendation

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

VOTED: That paragraph (2) of subdivision (d) of section 3.47 of the Rules of the Board of Regents is amended and paragraph (37) of subdivision (b) of section 3.50 of the Rules of the Board of Regents is added, as submitted, effective October 7, 2015.

Timetable for Implementation

If adopted at the September 2015 Regents meeting, the proposed amendment will take effect on October 7, 2015.

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS

Pursuant to sections 207, 210, 214, 215, 218, 224, and 305 of the Education Law.

1. Paragraph (2) of subdivision (d) of section 3.47 of the Rules of the Board of Regents is amended, effective October 7, 2015, as follows:

(2) Professional degrees. Graduate professional degree programs must be comprised of advanced studies in professional or vocational fields. While they may have strong theoretical underpinnings, they must have as their primary purpose knowledge for application in professional practice. Master's degree programs of this type are primarily terminal in nature. They may serve as preparation for advanced studies at the doctoral level, but they shall not be designed primarily for this purpose. The doctorate in such studies is likewise practical, insofar as it prepares the student to train or supervise others in the field, to discover new knowledge that has practical application in the field, or to prepare the student for a life of practice in the student's particular profession. Only the following degrees may be conferred upon the completion of a professionally oriented graduate program:

Bachelor of Divinity (B.D.)

Bachelor of Laws (LL.B.)

-----Engineer (-- -- E.)

Master of Architecture (M.Arch.)

Master of Arts in Teaching (M.A.T.)

Master of Business Administration (M.B.A.)

Master of Comparative Jurisprudence (M.C.J.)

Master of Comparative Law (M.C.L.)

Master of Divinity (M.Div.)

Master of Education (Ed.M. or M.Ed.)

Master of Engineering (M.E.)

Master of Fine Arts (M.F.A.)

Master of Food Science (M.F.S.)

Master of Forestry (M.F.)

Master of Health Administration (M.H.A.)

Master of Hebrew Literature (M.H.L.)

Master of Industrial and Labor Relations (M.I.L.R.)

Master of Industrial Design (M.I.D.)

Master of International Affairs (M.I.A.)

Master of Landscape Architecture (M.L.A.)

Master of Laws (LL.M.)

Master of Library Science (M.L.S.)

Master of Management in Hospitality (M.M.H.)

Master of Music (Mus.M.)

Master of Nutritional Science (M.N.S.)

Master of Physical Therapy (M.P.T.)

Master of Professional Studies (M.P.S.)

Master of Public Administration (M.P.A.)

Master of Public Health (M.P.H.)

Master of Regional Planning (M.R.P.)

Master of Religious Education (M.R.E.)

Master of Sacred Music (S.M.M.)

Master of Sacred Theology (S.T.M.)

Master of Science for Teachers (M.S.T.)

Master of Science in Education (M.S. in Ed.)

Master of Science in Pharmacy (M.S. in Pharm.)

Master of Social Science (M.S.Sc.)

Master of Social Work (M.S.W.)

Master of Studies in Law (M.S.L.)

Master of Theology (Th.M.)

Master of Urban Planning (M.U.P.)

Doctor of Acupuncture and Oriental Medicine (D.A.O.M)

Doctor of Arts (D.A.)

Doctor of Audiology (Au.D.)

Doctor of Chiropractic (D.C.)

Doctor of Dental Surgery (D.D.S.)

Doctor of Education (Ed.D.)

Doctor of Engineering (D.Eng.)

Doctor of Engineering Science (Eng.Sc.D.)

Doctor of Hebrew Literature (D.H.L.)

Doctor of Juridical Science (S.J.D.)

Doctor of Law (J.D.)

Doctor of Library Science (L.S.D.)

Doctor of Medical Science (Med. Sc.D.)

Doctor of Medicine (M.D.)

Doctor of Ministry (D.Min.)

Doctor of Musical Arts (D.M.A.)

Doctor of Nursing Practice (D.N.P.)

Doctor of Nursing Science (D.N.S.)

Doctor of Occupational Therapy (O.T.D.)

Doctor of Optometry (O.D.)

Doctor of Osteopathic Medicine (D.O.)

Doctor of Pharmacy (Pharm.D.)

Doctor of Podiatric Medicine (D.P.M.)

Doctor of Physical Therapy (D.P.T.)

Doctor of Professional Studies (D.P.S.)

Doctor of Psychology (Psy.D.)

Doctor of Public Administration (D.P.A.)

Doctor of Public Health (D.P.H.)

Doctor of Religious Education (D.R.E.)

Doctor of Sacred Music (S.M.D.)

Doctor of Science in Veterinary Medicine (D.Sc. in V.M.)

Doctor of Social Science (D.S.Sc.)

Doctor of Social Welfare (D.S.W.)

Doctor of the Science of Law (J.S.D.)

Doctor of Theology (Th.D.)

Doctor of Veterinary Medicine (D.V.M.)

2. Paragraph (37) of subdivision (b) of section 3.50 of the Rules of the Board of Regents is added, effective October 7, 2015, as follows:

(37) Occupational Therapy:

Doctor of Occupational Therapy (O.T.D.)

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Proposed Rule Making in the July 1, 2015 State Register, the State Education Department received the following comments:

1. COMMENT:

Five occupational therapists (OTs) expressed support for the addition of the Doctor of Occupational Therapy (O.T.D.) degree in New York (NY). These OTs emphasized the growing role OTs have within healthcare, which has resulted in the need for additional training to produce a stronger more qualified pool of therapists. The O.T.D. degree will allow for more specialized training, advanced clinical expertise, provide leadership in efficacy studies necessary to develop evidence-based practice, more community-based practice to meet the changing needs in urban and rural settings and will assist in developing strong leaders for consultative roles and expanded managerial roles.

The addition of this degree will also assist in providing more qualified faculty for OT programs and, hopefully, result in an expansion in the capacity and numbers of OTs and their scope of practice.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers. However, it should be noted that any expansion of OTs' scope of practice would require an amendment to the Education Law.

2. COMMENT:

A Western New York OT expressed opposition to the O.T.D. degree by claiming that there is no need for it in NY, that the national OT accreditation council has

determined that there is no reason to pursue a mandatory O.T.D. degree, and that permitting NY higher education (HE) institutions to offer it will contribute to unnecessary degree inflation/escalation in this State because if one institution begins to offer this degree it will place artificial market pressure on other institutions to follow suit, which does not serve the needs of New Yorkers because it will result in students being “cattle-herded” into doctoral programs, which will in turn result in increased educational costs for such students, increased salary costs for their prospective employers and increased costs for consumers of OT services.

The commenter asserts that New Yorkers have used distance learning to obtain this degree. Thus, permitting NY institutions to offer it will do little or nothing to the overall access to educational opportunities, which are plentiful elsewhere.

This commenter further quotes the following August 2015 statement on the entry-level degree for the OT and OTA:

The Accreditation Council for Occupational Therapy Education (ACOTE®) has determined that the entry-level-degree requirement for the occupational therapist will remain at both the master’s and the doctoral degree. The Council’s decision is based on a comprehensive review of available literature, specific reports, and extensive commentary from stakeholders. The overarching justifications for the Council’s decision are: (1) limited outcomes differentiate master’s and doctorally prepared graduates; (2) the academic infrastructure of many institutions is not sufficient to meet the occupational therapy doctorate standards, especially with respect to faculty resources and institutional support; (3) the readiness and capability of institutions to deliver quality fieldwork and experiential components of the program is constrained; and (4) retaining

two entry levels allows for flexibility of the profession to assess and address the changing health care needs of individuals and populations.

DEPARTMENT RESPONSE:

The Department disagrees that the addition of the O.T.D. degree is unnecessary and will not serve the needs of New Yorkers. The O.T.D. degree is recognized by ACOTE® and is an authorized degree in 26 states, which include California, Connecticut, Florida, Georgia, Massachusetts, Pennsylvania and Virginia. HE institutions offering O.T.D. degree programs include, but are not limited to, Boston University, Washington University in St. Louis, University of Southern California, University of Illinois, and Tufts University.

Contrary to the commenter's statements, the O.T.D. degree will not be mandatory for licensure purposes in NY. Unless and until the Education Law is amended to allow for a licensure-qualifying doctoral degree in the future, the O.T.D. degree will only be considered a post-licensure professional credential.

Additionally, the ACOTE® statement the commenter quotes does not specifically address the issue of mandating an O.T.D. degree as an entry level degree requirement for OTs, it merely states that ACOTE® has determined that the entry-level-degree requirement for OTs will remain at both the master's and the doctoral degree and then states its reasoning for this determination.

Since the O.T.D. degree is not currently offered by any NY HE institutions, NYS students seeking it must enroll in out of state institutions in order to earn the degree, which results in some of them establishing their practices and careers in other states, instead of in NY. This could adversely affect the ability of some New Yorkers to obtain needed OT services.

Additionally, adding the O.T.D. degree will benefit NY students by affording them the opportunity to obtain it in their own state. It will also provide greater opportunities for NY students to undertake research and become more competent practitioners, which will ultimately help New Yorkers as the profession benefits from the higher level of education and research.

3. COMMENT:

A commenter, who has family members who are consumers of OT services and was a consumer of such services himself, supports the O.T.D. degree because it is already offered in other states and he believes that OT continues to advance and provide valuable services.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers.

4. COMMENT:

Four physical therapy (PT) faculty members expressed support for the O.T.D. degree based on the authority for NY HE institutions to award the doctorate in physical therapy (DPT) degree granted in 1995, and the positive impact on that profession . Moving to the doctoral level allowed for the expansion of essential knowledge, advanced clinical decision-making skills, and an emphasis on evidence-based practice. Adding the O.T.D. degree will also advance clinical knowledge, rehabilitation research and public health.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers.

5. COMMENT:

Eight OT faculty members expressed support for the O.T.D. degree because it will allow students and practitioners to develop advanced clinical expertise, pursue research and inter-professional collaboration, expand their role in community based practice, provide the means for specializations/re-specializations, develop critical management skills, and apply evidence from research to therapy practice.

The commenters also explained that, currently, students seeking an O.T.D. degree are forced to attend out of state programs, which are missed opportunities for NY institutions. This also forces students to utilize the distance learning format to attend O.T.D. programs. With NYS institutions offering O.T.D. programs students will have more cohesive and easy access to education.

Also, with the increased degrees for most healthcare professionals, such as PTs and Nurse Practitioners, moving to the doctoral level will add to the credibility of the profession and allow it to remain competitive with other professions.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers.

6. COMMENT:

Three college faculty members expressed support for the O.T.D. degree because it will allow for an emphasis on inter-professional collaboration and provide an opportunity to establish best practice standards in education, research and evidence-based practice, as well as allow for formal educational recognition of this expanded expertise. This degree has become the standard credential for post-professional training.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers.

7. COMMENT:

Four OT program students expressed support for the O.T.D. by emphasizing the importance of advancing clinical expertise, applying evidence from research to therapy practice, community-based practice to meet the changing needs in urban settings, providing leadership in efficacy studies necessary to develop evidence-based practice resources and allowing for more qualified faculty members.

The commenters also discussed the increased demand for qualified OTs due to the retiring OT workforce and overall increased demand for OT services.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers.

8. COMMENT:

Four college administrators expressed support for the O.T.D. degree because it is essential to development of the profession and the expansion of the role of OT services. With this proposed degree, OTs will be able to assume expanded supervisory, management and/or consultation roles. OTs will also be able to advance evidence based clinical practice, focus on community based practice to meet changing needs in urban and rural settings and develop inter-professional collaboration. This new degree will also allow for the recruitment of more qualified faculty members.

The commenters also explained that NY is behind most states by not offering the O.T.D. degree. With this degree, NY HE institutions can attract more students and students will be able to attend in-state programs. The commenters also wish to see the degree become a professional doctorate, as well as a post-professional doctorate.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers. However, it should be noted that unless and until the Education Law is amended to allow a licensure-qualifying doctoral degree, the O.T.D. degree will only be considered a post-licensure professional credential.

9. COMMENT:

The New York State Occupational Therapy Association (NYSOTA) expressed support for the O.T.D. degree proposal by highlighting its benefits to the profession and the public including the staffing of more qualified faculty for OT programs, providing leadership in efficacy studies necessary for developing the profession's evidence-based practice resources, and advancing the quality of services delivered to the public.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers.

10. COMMENT:

The American Occupational Therapy Association (AOTA) expressed its support for the O.T.D. degree, stating that it agrees with the Department's justification for the degree, which is that the degree will benefit students and practitioners by affording them the opportunity to earn a doctoral degree and expanding access to higher level research and lifelong learning, which ultimately translates to better client care.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers.

11. COMMENT:

A commenter expressed support for the O.T.D. degree because there is an expanded role for OTs due to a changing healthcare structure. The O.T.D. will provide education in inter-professional collaboration and specialized training. With the O.T.D. degree there will be a stronger, more qualified pool of therapists in NY. It will also provide additional training and a credential for OTs that make OTs equal to other healthcare practitioners.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers.

12. COMMENT:

Three faculty members, seventeen OTs and a commenter expressed their support for the O.D because they feel that this degree is necessary for the development of the profession. It is their hope that the new degree will address many critical needs within the OT profession including: providing qualified faculty members for OT programs; providing leadership in efficacy studies necessary for developing the profession's evidence based practice resources; advancing quality of services delivered by including advanced clinical expertise from evidence-based research and improved community-based practice to meet changing needs in urban and rural settings; and the development of strong leaders for improved consultative roles and expanded supervisory and management roles.

DEPARTMENT RESPONSE:

The Department appreciates the supportive comment as it works to both protect the public and provide greater access to OT services to New Yorkers.