

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2571

(SENATE AUTHORS: KUPEC and Nelson)		
DATE	D-PG	OFFICIAL STATUS
03/13/2025	774	Introduction and first reading
		Referred to Health and Human Services
03/20/2025	942	Author added Nelson

1.1

A bill for an act

1.2

relating to health-related licensing; modifying occupational therapy licensure and

1.3

application requirements; establishing fees; amending Minnesota Statutes 2024,

1.4

sections 144A.43, subdivision 15; 144G.08, subdivision 45; 148.6401; 148.6402,

1.5

subdivisions 1, 7, 8, 13, 14, 16, 16a, 19, 20, 23, 25, by adding subdivisions;

1.6

148.6403; 148.6404; 148.6405; 148.6408, subdivision 2, by adding a subdivision;

1.7

148.6410, subdivision 2, by adding a subdivision; 148.6412, subdivisions 2, 3;

1.8

148.6415; 148.6418; 148.6420, subdivision 1; 148.6423, subdivisions 1, 2, by

1.9

adding a subdivision; 148.6425, subdivision 2, by adding subdivisions; 148.6428;

1.10

148.6432, subdivisions 1, 2, 3, 4, by adding a subdivision; 148.6435; 148.6438;

1.11

148.6443, subdivisions 3, 4, 5, 6, 7, 8; 148.6445, by adding subdivisions; 148.6448,

1.12

subdivisions 1, 2, 4, 6; 148.6449, subdivisions 1, 2, 7; proposing coding for new

1.13

law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 2024, sections

1.14

148.6402, subdivision 22a; 148.6420, subdivisions 2, 3, 4; 148.6423, subdivisions

1.15

4, 5, 7, 8, 9; 148.6425, subdivision 3; 148.6430; 148.6445, subdivisions 5, 6, 8.

1.16

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.17

Section 1. Minnesota Statutes 2024, section 144A.43, subdivision 15, is amended to read:

1.18

Subd. 15. **Occupational therapist.** "Occupational therapist" ~~means a person who is~~

1.19

~~licensed under sections 148.6401 to 148.6449~~ has the meaning given in section 148.6402,

1.20

subdivision 14.

1.21

Sec. 2. Minnesota Statutes 2024, section 144G.08, subdivision 45, is amended to read:

1.22

Subd. 45. **Occupational therapist.** "Occupational therapist" ~~means a person who is~~

1.23

~~licensed under sections 148.6401 to 148.6449~~ has the meaning given in section 148.6402,

1.24

subdivision 14.

Sec. 3. Minnesota Statutes 2024, section 148.6401, is amended to read:

148.6401 SCOPE.

Sections 148.6401 to ~~148.6449~~ 148.645 apply to persons who are applicants for licensure, who are licensed, who use protected titles, or who represent that they are licensed as ~~occupational therapists or occupational therapy assistants~~ practitioners.

Sec. 4. Minnesota Statutes 2024, section 148.6402, subdivision 1, is amended to read:

Subdivision 1. **Scope.** For the purpose of sections 148.6401 to ~~148.6449~~ 148.645, the following terms have the meanings given them.

Sec. 5. Minnesota Statutes 2024, section 148.6402, is amended by adding a subdivision to read:

Subd. 2a. **Accreditation Council for Occupational Therapy Education or ACOTE.** "Accreditation Council for Occupational Therapy Education" or "ACOTE" means the entity that accredits occupational therapy education programs in the United States and its territories and establishes, approves, and administers educational standards ensuring consistency across all occupational therapy education.

Sec. 6. Minnesota Statutes 2024, section 148.6402, is amended by adding a subdivision to read:

Subd. 5a. **Continuing competence.** "Continuing competence" means the process in which an occupational therapy practitioner develops and maintains the knowledge, critical reasoning, interpersonal skills, performance skills, and ethical practice necessary to perform their occupational therapy responsibilities.

Sec. 7. Minnesota Statutes 2024, section 148.6402, subdivision 7, is amended to read:

Subd. 7. ~~**Credentialing Certification**~~ **Certification** examination for occupational therapist. "~~Credentialing Certification~~ **Certification** examination for occupational therapist" means the examination sponsored by the National Board for Certification in Occupational Therapy for ~~credentialing certification~~ as an a registered occupational therapist, ~~registered~~.

Sec. 8. Minnesota Statutes 2024, section 148.6402, subdivision 8, is amended to read:

Subd. 8. ~~**Credentialing Certification**~~ **Certification** examination for occupational therapy assistant. "~~Credentialing Certification~~ **Certification** examination for occupational therapy assistant"

3.1 means the examination sponsored by the National Board for Certification in Occupational
3.2 Therapy for ~~credentialing~~ certification as a certified occupational therapy assistant.

3.3 Sec. 9. Minnesota Statutes 2024, section 148.6402, is amended by adding a subdivision
3.4 to read:

3.5 Subd. 12a. **Face-to-face supervision.** "Face-to-face supervision" means supervision
3.6 occurring between a supervisor and a supervisee within each other's sight or presence.
3.7 Face-to-face supervision includes real time audio and video communication where the
3.8 supervisor and supervisee can see each other and clearly visualize the services being provided.

3.9 Sec. 10. Minnesota Statutes 2024, section 148.6402, subdivision 13, is amended to read:

3.10 Subd. 13. **Licensed health care professional.** "Licensed health care professional" means
3.11 a person licensed in good standing in Minnesota to practice medicine, osteopathic medicine,
3.12 chiropractic, podiatry, advanced practice registered nursing, ~~or dentistry, or is a person~~
3.13 ~~registered~~ as a licensed physician assistant in Minnesota.

3.14 Sec. 11. Minnesota Statutes 2024, section 148.6402, is amended by adding a subdivision
3.15 to read:

3.16 Subd. 13a. **National Board for Certification in Occupational Therapy or**
3.17 **NBCOT.** "National Board for Certification in Occupational Therapy" or "NBCOT" means
3.18 the entity that administers the certification examination and provides initial and renewal
3.19 board certification for occupational therapy practitioners providing services in the United
3.20 States, or any successor entity performing the certification examination and initial and
3.21 renewal board certification.

3.22 Sec. 12. Minnesota Statutes 2024, section 148.6402, subdivision 14, is amended to read:

3.23 Subd. 14. **Occupational therapist.** "Occupational therapist" means an individual ~~who~~
3.24 ~~meets the qualifications in sections 148.6401 to 148.6449 and is licensed by the board~~
3.25 licensed to practice occupational therapy under sections 148.6401 to 148.645 who is
3.26 responsible for and directs the evaluation process, discharge planning process, development
3.27 of intervention plans, and provision of occupational therapy services.

3.28 Sec. 13. Minnesota Statutes 2024, section 148.6402, subdivision 16, is amended to read:

3.29 Subd. 16. **Occupational therapy assistant.** "Occupational therapy assistant" means an
3.30 individual ~~who meets the qualifications for an occupational therapy assistant in sections~~

4.1 ~~148.6401 to 148.6449 and is licensed by the board~~ licensed to assist in the practice of
4.2 occupational therapy under sections 148.6401 to 148.645 who works under the appropriate
4.3 supervision of and in partnership with an occupational therapist, unless exempted under
4.4 section 148.6432.

4.5 Sec. 14. Minnesota Statutes 2024, section 148.6402, subdivision 16a, is amended to read:

4.6 Subd. 16a. **Occupational therapy practitioner.** "Occupational therapy practitioner"
4.7 means any individual licensed as either an occupational therapist or occupational therapy
4.8 assistant under sections 148.6401 to ~~148.6449~~ 148.645.

4.9 Sec. 15. Minnesota Statutes 2024, section 148.6402, subdivision 19, is amended to read:

4.10 Subd. 19. **License or licensed.** "License" or "licensed" means the act or status of a
4.11 natural person who meets the requirements of sections 148.6401 to ~~148.6449~~ 148.645.

4.12 Sec. 16. Minnesota Statutes 2024, section 148.6402, subdivision 20, is amended to read:

4.13 Subd. 20. **Licensee.** "Licensee" means a person who meets the requirements of sections
4.14 148.6401 to ~~148.6449~~ 148.645.

4.15 Sec. 17. Minnesota Statutes 2024, section 148.6402, subdivision 23, is amended to read:

4.16 Subd. 23. **Service competency.** (a) "Service competency" of an occupational therapy
4.17 assistant in performing evaluation tasks means the ability of an occupational therapy assistant
4.18 to obtain the same information as the supervising occupational therapist when evaluating
4.19 a client's function.

4.20 (b) "Service competency" of an occupational therapy assistant in performing treatment
4.21 procedures means the ability of an occupational therapy assistant to perform treatment
4.22 procedures in a manner such that the outcome, documentation, and follow-up are equivalent
4.23 to that which would have been achieved had the supervising occupational therapist performed
4.24 the treatment procedure.

4.25 (c) "Service competency" of an occupational therapist means the ability of an occupational
4.26 therapist to consistently perform an assessment task or intervention procedure with the level
4.27 of skill recognized as satisfactory within the ~~appropriate acceptable prevailing practice~~
4.28 national practice standards of occupational therapy.

Sec. 18. Minnesota Statutes 2024, section 148.6402, subdivision 25, is amended to read:

Subd. 25. **Temporary licensure.** "Temporary licensure" means a method of licensure described in section 148.6418, by which an individual who (1) has completed an approved or accredited education program but has not met the examination requirement; or (2) possesses a credential from another jurisdiction or the National Board for Certification in Occupational Therapy but who has not submitted the documentation required by section 148.6420, ~~subdivisions 3 and 4~~, may qualify for Minnesota licensure for a limited time period.

Sec. 19. Minnesota Statutes 2024, section 148.6403, is amended to read:

148.6403 LICENSURE; PROTECTED TITLES AND RESTRICTIONS ON USE; EXEMPT PERSONS; SANCTIONS.

Subdivision 1. **Unlicensed practice prohibited.** A person must not engage in the practice of occupational therapy unless the person is licensed as an occupational therapy practitioner in accordance with sections 148.6401 to ~~148.6449~~ 148.645.

Subd. 2. **Protected titles and restrictions on use.** Use of the phrase "occupational therapy," ~~or~~ "occupational therapist," or "occupational therapy assistant," or the initials "OT" or "OTA" alone or in combination with any other words or initials to form an occupational title, or to indicate or imply that the person is licensed by the state as an occupational therapist or occupational therapy assistant, is prohibited unless that person is licensed under sections 148.6401 to ~~148.6449~~ 148.645.

Subd. 3. **Use of "Minnesota licensed."** Use of the term "Minnesota licensed" in conjunction with titles protected under this section by any person is prohibited unless that person is licensed under sections 148.6401 to ~~148.6449~~ 148.645.

Subd. 4. **Persons licensed or certified in other states.** A person who is licensed in Minnesota and licensed or certified in another state may use the designation "licensed" or "certified" with a protected title only if the ~~state~~ jurisdiction of licensure or certification is clearly indicated.

Subd. 5. **Exempt persons.** This section does not apply to:

(1) a person employed as an occupational therapy practitioner by the government of the United States or any agency of it. However, use of the protected titles under those circumstances is allowed only in connection with performance of official duties for the federal government;

(2) a student participating in supervised fieldwork or supervised coursework that is necessary to meet the requirements of section 148.6408, subdivision 1, or 148.6410, subdivision 1, if the person is designated by a title which clearly indicates the person's status as a student trainee. Any use of the protected titles under these circumstances is allowed only while the person is performing the duties of the supervised fieldwork or supervised coursework; or

~~(3) a person visiting and then leaving the state and performing occupational therapy services while in the state, if the services are performed no more than 30 days in a calendar year as part of a professional activity that is limited in scope and duration and is in association with an occupational therapist licensed under sections 148.6401 to 148.6449, and~~

~~(i) the (3) a person who~~ is credentialed under the law of another state ~~which that~~ has credentialing requirements at least as stringent as the requirements of sections 148.6401 to ~~148.6449~~ 148.645; or

~~(ii) the (4) a person who~~ meets the requirements for certification as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA), established by the National Board for Certification in Occupational Therapy; or

(5) an occupational therapy practitioner who possesses an active compact privilege under section 148.645.

Subd. 6. **Sanctions.** A person who practices occupational therapy or holds out as an occupational therapy practitioner by or through the use of any title described in subdivision 2 without prior licensure according to sections 148.6401 to ~~148.6449~~ 148.645 is subject to sanctions or action against continuing the activity according to section 148.6448, chapter 214, or other statutory authority.

Subd. 7. **Exemption.** Nothing in sections 148.6401 to ~~148.6449~~ 148.645 shall prohibit the practice of any profession or occupation licensed or registered by the state by any person duly licensed or registered to practice the profession or occupation or to perform any act that falls within the scope of practice of the profession or occupation.

Sec. 20. Minnesota Statutes 2024, section 148.6404, is amended to read:

148.6404 SCOPE OF PRACTICE.

(a) The practice of occupational therapy means the therapeutic use of everyday ~~activities~~ life occupations with individuals ~~or~~ groups, or populations for the purpose of enhancing or enabling participation in those occupations. ~~It is the promotion of~~ The practice of occupational therapy promotes health and well-being through the use of occupational therapy

7.1 services that includes screening, evaluation, intervention, and consultation to develop,
7.2 recover, and maintain a client's:

7.3 (1) sensory integrative, neuromuscular, motor, emotional, motivational, cognitive, or
7.4 psychosocial components of performance;

7.5 (2) daily living skills;

7.6 (3) feeding and swallowing skills;

7.7 (4) play and leisure skills;

7.8 (5) educational participation skills;

7.9 (6) functional performance and work participation skills;

7.10 (7) community mobility; and

7.11 (8) health and wellness.

7.12 (b) Occupational therapy services include but are not limited to:

7.13 (1) designing, fabricating, or applying rehabilitative technology, such as selected orthotic
7.14 and prosthetic devices, and providing training in the functional use of these devices;

7.15 (2) designing, fabricating, or adapting assistive technology and providing training in the
7.16 functional use of assistive devices;

7.17 (3) adapting environments using assistive technology such as environmental controls,
7.18 wheelchair modifications, and positioning; and

7.19 (4) ~~employing~~ applying physical agent, manual, and mechanical modalities in preparation
7.20 for or as an adjunct to purposeful activity to meet established functional occupational therapy
7.21 goals; and

7.22 (5) educating and training individuals including family, caregivers, groups, and
7.23 populations.

7.24 (c) Occupational therapy services must be based on nationally established standards of
7.25 practice.

7.26 Sec. 21. Minnesota Statutes 2024, section 148.6405, is amended to read:

7.27 **148.6405 LICENSURE APPLICATION REQUIREMENTS: PROCEDURES AND**
7.28 **QUALIFICATIONS.**

7.29 (a) An applicant for licensure must comply with the application requirements in section
7.30 148.6420. To qualify for licensure, an applicant must satisfy one of the requirements in

8.1 ~~paragraphs (b) to (f) section 148.6408 to 148.6415, or 148.645~~ and not be subject to denial
8.2 of licensure under section 148.6448.

8.3 ~~(b) A person who applies for licensure as an occupational therapist and who has not~~
8.4 ~~been credentialed by the National Board for Certification in Occupational Therapy or another~~
8.5 ~~jurisdiction must meet the requirements in section 148.6408.~~

8.6 ~~(c) A person who applies for licensure as an occupational therapy assistant and who has~~
8.7 ~~not been credentialed by the National Board for Certification in Occupational Therapy or~~
8.8 ~~another jurisdiction must meet the requirements in section 148.6410.~~

8.9 ~~(d) A person who is certified by the National Board for Certification in Occupational~~
8.10 ~~Therapy may apply for licensure by equivalency and must meet the requirements in section~~
8.11 ~~148.6412.~~

8.12 ~~(e) A person who is credentialed in another jurisdiction and who was previously certified~~
8.13 ~~by the National Board for Certification in Occupational Therapy may apply for licensure~~
8.14 ~~by reciprocity and must meet the requirements in section 148.6415.~~

8.15 ~~(f)~~ (b) A person who applies for temporary licensure must meet the requirements in
8.16 section 148.6418.

8.17 (c) A person who applies for licensure under section 148.6408 or 148.6410 more than
8.18 two years after the person's initial NBCOT certification was issued and who has not practiced
8.19 in any jurisdiction must submit:

8.20 (1) a completed and signed application for licensure on forms provided by the board
8.21 that meet the requirements of section 148.6420, subdivision 1, paragraph (a), clauses (1)
8.22 and (2); and

8.23 (2) proof of a minimum of 24 continuing education contact hours by an occupational
8.24 therapist applicant, or a minimum of 18 hours by an occupational therapy assistant applicant,
8.25 completed within the two years proceeding the application and meeting the requirements
8.26 of section 148.6443.

8.27 ~~(g)~~ (d) A person who applies for licensure under ~~paragraph (b), (c), or (f) more than two~~
8.28 ~~and less than four years after meeting the examination requirements in section 148.6408,~~
8.29 ~~subdivision 2, or 148.6410, subdivision 2,~~ section 148.6408 or 148.6410 after the person's
8.30 initial NBCOT certification has expired must submit the following:

8.31 (1) a completed and signed application for licensure on forms provided by the board
8.32 that meet the requirements of section 148.6420, subdivision 1, paragraph (a), clauses (1)
8.33 and (2); and

(2) ~~the license application fee required under section 148.6445; evidence of:~~

(i) completion of an occupational therapy refresher program that contains both theoretical and clinical components completed within the last year; or

(ii) current NBCOT certification.

~~(3) if applying for occupational therapist licensure, proof of having met a minimum of 24 contact hours of continuing education in the two years preceding licensure application; or if applying for occupational therapy assistant licensure, proof of having met a minimum of 18 contact hours of continuing education in the two years preceding licensure application;~~

~~(4) verified documentation of successful completion of 160 hours of supervised practice approved by the board under a limited license specified in section 148.6425, subdivision 3, paragraph (c); and~~

~~(5) additional information as requested by the board to clarify information in the application, including information to determine whether the individual has engaged in conduct warranting disciplinary action under section 148.6448. The information must be submitted within 30 calendar days from the date of the board's request.~~

~~(h) A person who applies for licensure under paragraph (b), (c), or (f) four years or more after meeting the examination requirements in section 148.6408, subdivision 2, or 148.6410, subdivision 2, must:~~

~~(1) meet all the requirements in paragraph (g) except clauses (3) and (4);~~

~~(2) submit documentation of having retaken and achieved a qualifying score on the credentialing examination for occupational therapists or occupational therapy assistants, or of having completed an occupational therapy refresher program that contains both a theoretical and clinical component approved by the board; and~~

~~(3) submit verified documentation of successful completion of 480 hours of supervised practice approved by the board under a limited license specified in section 148.6425, subdivision 3, paragraph (c). The 480 hours of supervised practice must be completed in six months and may be completed at the applicant's place of work. Only refresher courses completed within one year prior to the date of application qualify for approval.~~

Sec. 22. Minnesota Statutes 2024, section 148.6408, is amended by adding a subdivision to read:

Subd. 1a. **Qualifications.** To be licensed as an occupational therapist, an applicant must:

(1) satisfy the education and examination requirements of subdivisions 1b and 2; or

10.1 (2) satisfy the requirements for licensure by equivalency under section 148.6412 or
10.2 licensure by reciprocity under section 148.6415 as applicable based on the current status of
10.3 the applicant's NBCOT certification.

10.4 Sec. 23. Minnesota Statutes 2024, section 148.6408, subdivision 2, is amended to read:

10.5 Subd. 2. **Qualifying examination score required.** (a) An applicant must achieve a
10.6 qualifying score on the ~~credentialing~~ credentialing certification examination for occupational therapist.

10.7 (b) The board shall determine the qualifying score for the ~~credentialing~~ credentialing certification
10.8 examination for occupational therapist. ~~In determining the qualifying score, the board shall~~
10.9 ~~consider the cut score as~~ recommended by the National Board for Certification in
10.10 Occupational Therapy, or other national ~~credentialing~~ credentialing certification organization approved
10.11 by the board, ~~using the modified Angoff method for determining cut score or another method~~
10.12 ~~for determining cut score that is recognized as appropriate and acceptable by industry~~
10.13 ~~standards.~~

10.14 (c) ~~The applicant is responsible for~~ Applicants for licensure must:

10.15 (1) ~~making~~ make arrangements to take the ~~credentialing~~ credentialing certification examination for
10.16 an occupational therapist;

10.17 (2) ~~bearing~~ bear all expenses associated with taking the examination; and

10.18 (3) ~~having the examination scores sent directly to the board from the testing service that~~
10.19 ~~administers the examination~~ submit an application and other materials as required by the
10.20 board under section 148.6420.

10.21 Sec. 24. Minnesota Statutes 2024, section 148.6410, is amended by adding a subdivision
10.22 to read:

10.23 Subd. 1a. **Qualifications.** To be licensed as an occupational therapist, an applicant must:

10.24 (1) satisfy the education and examination requirements of subdivisions 1b and 2; or

10.25 (2) satisfy the requirements for licensure by equivalency under section 148.6412 or
10.26 licensure by reciprocity under section 148.6415 as applicable based on the current status of
10.27 the applicant's NBCOT certification.

11.1 Sec. 25. Minnesota Statutes 2024, section 148.6410, subdivision 2, is amended to read:

11.2 Subd. 2. **Qualifying examination score required.** (a) An applicant for licensure must
11.3 achieve a qualifying score on the ~~credentialing~~ certification examination for occupational
11.4 therapy assistants.

11.5 (b) The board shall determine the qualifying score for the ~~credentialing~~ certification
11.6 examination for occupational therapy assistants. ~~In determining the qualifying score, the~~
11.7 ~~board shall consider the cut score~~ as recommended by the National Board for Certification
11.8 in Occupational Therapy, or other national ~~credentialing~~ certification organization approved
11.9 by the board, ~~using the modified Angoff method for determining cut score or another method~~
11.10 ~~for determining cut score that is recognized as appropriate and acceptable by industry~~
11.11 ~~standards.~~

11.12 (c) ~~The applicant is responsible for~~ Applicants for licensure must:

11.13 (1) ~~making~~ make all arrangements to take the ~~credentialing~~ certification examination
11.14 for occupational therapy assistants;

11.15 (2) ~~bearing~~ bear all expense associated with taking the examination; and

11.16 (3) ~~having the examination scores sent directly to the board from the testing service that~~
11.17 ~~administers the examination~~ submit an application and other materials as required by the
11.18 board under section 148.6420.

11.19 Sec. 26. Minnesota Statutes 2024, section 148.6412, subdivision 2, is amended to read:

11.20 Subd. 2. **Persons currently certified by ~~National Board for Certification in~~**
11.21 **~~Occupational Therapy~~ NBCOT.** The board may license any person ~~certified by the National~~
11.22 ~~Board for Certification in Occupational Therapy~~ who holds current NBCOT certification
11.23 ~~as an occupational therapist if the board determines the requirements for certification are~~
11.24 ~~equivalent to or exceed the requirements for licensure as an occupational therapist under~~
11.25 ~~section 148.6408~~ therapy practitioner. ~~The board may license any person certified by the~~
11.26 ~~National Board for Certification in Occupational Therapy as an occupational therapy assistant~~
11.27 ~~if the board determines the requirements for certification are equivalent to or exceed the~~
11.28 ~~requirements for licensure as an occupational therapy assistant under section 148.6410.~~
11.29 Nothing in this section limits the board's authority to deny licensure based upon the grounds
11.30 for discipline in sections 148.6401 to ~~148.6449~~ 148.645.

11.31 Sec. 27. Minnesota Statutes 2024, section 148.6412, subdivision 3, is amended to read:

11.32 Subd. 3. **Application procedures.** Applicants for licensure by equivalency must provide:

12.1 (1) the application materials as required by section 148.6420, ~~subdivisions~~ subdivision
12.2 ~~1, 3, and 4; and.~~

12.3 (2) the fees required by section 148.6445.

12.4 Sec. 28. Minnesota Statutes 2024, section 148.6415, is amended to read:

12.5 **148.6415 LICENSURE BY RECIPROCITY.**

12.6 ~~A person who is not certified by the National Board for Certification in Occupational~~
12.7 ~~Therapy~~ The board may license any person who does not hold current NBCOT certification
12.8 but who holds a compact privilege or a current credential as an occupational therapist ~~therapy~~
12.9 practitioner in the District of Columbia or a state or territory of the United States whose
12.10 standards for credentialing are determined by the board to be equivalent to or exceed the
12.11 requirements for licensure under section 148.6408 ~~may be eligible for licensure by reciprocity~~
12.12 ~~as an occupational therapist. A person who is not certified by the National Board for~~
12.13 ~~Certification in Occupational Therapy but who holds a current credential as an occupational~~
12.14 ~~therapy assistant in the District of Columbia or a state or territory of the United States whose~~
12.15 ~~standards for credentialing are determined by the board to be equivalent to or exceed the~~
12.16 ~~requirements for licensure under section 148.6410~~ may be eligible for licensure by reciprocity
12.17 as an occupational therapy assistant, or 148.6410 as an occupational therapy practitioner.
12.18 Nothing in this section limits the board's authority to deny licensure based upon the grounds
12.19 for discipline in sections 148.6401 to ~~148.6449~~ 148.645. An applicant must provide:

12.20 (1) the application materials as required by section 148.6420, ~~subdivisions~~ subdivision
12.21 ~~1, 3, and 4; and~~

12.22 (2) the fees required by section 148.6445;

12.23 (3) a copy of a current and unrestricted credential for the practice of occupational therapy
12.24 ~~as either an occupational therapist or occupational therapy assistant;~~

12.25 (4) a letter from the jurisdiction that issued the credential describing the applicant's
12.26 qualifications that entitled the applicant to receive the credential; and

12.27 (5) ~~(2)~~ other information necessary to determine whether the credentialing standards of
12.28 the jurisdiction that issued the credential are equivalent to or exceed the requirements for
12.29 licensure under sections 148.6401 to ~~148.6449~~ 148.645.

13.1 Sec. 29. Minnesota Statutes 2024, section 148.6418, is amended to read:

13.2 **148.6418 TEMPORARY LICENSURE.**

13.3 Subdivision 1. **Application.** The board shall issue temporary licensure as an occupational
13.4 ~~therapist or occupational therapy assistant~~ practitioner to applicants who are not the subject
13.5 of a disciplinary action or past disciplinary action, nor disqualified on the basis of items
13.6 listed in section 148.6448, subdivision 1.

13.7 Subd. 2. **Procedures.** To be eligible for temporary licensure, an applicant must submit
13.8 a completed application for temporary licensure on forms provided by the board, the fees
13.9 required by section 148.6445, and one of the following:

13.10 (1) evidence of successful completion of the requirements in section 148.6408,
13.11 subdivision 1, or 148.6410, subdivision 1;

13.12 (2) a copy of a current and unrestricted credential for the practice of occupational therapy
13.13 as ~~either an occupational therapist or occupational therapy assistant~~ practitioner in another
13.14 jurisdiction; or

13.15 (3) a copy of a current and unrestricted ~~certificate~~ certification from the National Board
13.16 for Certification in Occupational Therapy stating that the applicant is certified as an
13.17 occupational ~~therapist or occupational therapy assistant~~ practitioner.

13.18 Subd. 3. **Additional documentation.** Persons who are ~~eredentialed~~ certified by the
13.19 National Board for Certification in Occupational Therapy or credentialed by another
13.20 jurisdiction must provide ~~an affidavit~~ a statement with the application for temporary licensure
13.21 stating that they are not the subject of a pending investigation or disciplinary action and
13.22 have not been the subject of a disciplinary action in the past.

13.23 Subd. 4. **Supervision required.** An applicant who has graduated from an accredited
13.24 occupational therapy program, as required by section 148.6408, subdivision 1, or 148.6410,
13.25 subdivision 1, and who has not passed the examination required by section 148.6408,
13.26 subdivision 2, or 148.6410, subdivision 2, must practice under the supervision of a licensed
13.27 occupational therapist. The supervising therapist must, at a minimum, supervise the person
13.28 working under temporary licensure in the performance of the initial evaluation, determination
13.29 of the appropriate intervention plan, and periodic review and modification of the intervention
13.30 plan. The supervising therapist must observe the person working under temporary licensure
13.31 in order to ensure service competency in carrying out evaluation, intervention planning,
13.32 and intervention implementation. The frequency of face-to-face collaboration between the
13.33 person working under temporary licensure and the supervising therapist must be based on

the condition of each patient or client, the complexity of intervention and evaluation procedures, and the proficiencies of the person practicing under temporary licensure. Following demonstrated service competency of the applicant, supervision must occur no less than every ten intervention days or every 30 calendar days, whichever occurs first. The occupational therapist or occupational therapy assistant practitioner working under temporary licensure must provide verification of supervision on the application form provided by the board. Supervising occupational therapists must have a minimum of six months of fully licensed practice to supervise a temporary licensee. The occupational therapy practitioner working under temporary licensure must notify the board before changing supervision.

Subd. 5. **Qualifying examination requirement; expiration and renewability.** (a) A person issued a temporary license pursuant to subdivision 2, clause (1), must demonstrate to the board within the temporary licensure period successful completion of the qualifying examination requirement under section 148.6408, subdivision 2, or section 148.6410, subdivision 2. A temporary license holder who fails the qualifying examination for a second time shall have their temporary license revoked effective upon notification to the temporary license holder of the examination score. It is the temporary license holder's obligation to submit to the board their qualifying examination scores and to refrain from practice if their temporary license is revoked. Failure to do so subjects the temporary license holder to disciplinary action pursuant to section 148.6448, subdivision 1, clause ~~(5)~~ (6). The board must not issue a temporary license to a person with two or more certification examination failures.

(b) A temporary license expires six months from the date of issuance or on the date the board grants or denies licensure, whichever occurs first.

(c) A temporary license is not renewable.

Sec. 30. Minnesota Statutes 2024, section 148.6420, subdivision 1, is amended to read:

Subdivision 1. **Applications for initial licensure.** (a) An applicant for initial licensure must:

(1) submit a completed application for licensure on forms provided by the board and must supply ~~the~~ all information and documentation requested on the application, including:

(i) the applicant's name, business address and business telephone number, ~~business setting~~, primary email address, and ~~daytime~~ home or mobile telephone number;

~~(ii) the name and location of the occupational therapy program the applicant completed;~~

- 15.1 ~~(iii)~~ (ii) a description of the applicant's education and training, including the name and
15.2 location of the occupational therapy program the applicant completed and a list of degrees
15.3 ~~received from all other~~ educational institutions attended;
- 15.4 ~~(iv)~~ (iii) the applicant's work history for the six years preceding the application;
- 15.5 ~~(v)~~ (iv) a list of all credentials currently and previously held in Minnesota and other
15.6 jurisdictions;
- 15.7 ~~(vi)~~ (v) a description of any jurisdiction's refusal to credential the applicant;
- 15.8 ~~(vii)~~ (vi) a description of all professional disciplinary actions initiated against the applicant
15.9 in any jurisdiction;
- 15.10 ~~(viii)~~ (vii) information on any physical or mental condition or substance use disorder
15.11 that impairs the person's ability to engage in the practice of occupational therapy with
15.12 reasonable judgment or safety;
- 15.13 ~~(ix)~~ (viii) a description of any misdemeanor or felony ~~conviction that relates to honesty~~
15.14 ~~or to the practice of occupational therapy~~ charges or convictions; and
- 15.15 ~~(x)~~ (ix) a description of any state or federal court order, including a conciliation court
15.16 judgment or a disciplinary order, related to the individual's occupational therapy practice;
- 15.17 ~~(2) submit with the application all fees required by section 148.6445;~~
- 15.18 ~~(3) sign a statement that the information in the application is true and correct to the best~~
15.19 ~~of the applicant's knowledge and belief;~~
- 15.20 ~~(4) sign a waiver authorizing the board to obtain access to the applicant's records in this~~
15.21 ~~or any other state in which the applicant holds or previously held a credential for the practice~~
15.22 ~~of an occupation, has completed an accredited occupational therapy education program, or~~
15.23 ~~engaged in the practice of occupational therapy;~~
- 15.24 (x) any legal information required under chapter 214;
- 15.25 (xi) either documentation to demonstrate the completion of the required education and
15.26 examination requirements under section 148.6408, subdivisions 1b and 2, or 148.6410,
15.27 subdivisions 1b and 2; for applicants for licensure by equivalency under section 148.6412,
15.28 documentation of current NBCOT certification; or for applicants for licensure by reciprocity
15.29 under section 148.6415, documentation submitted directly by the appropriate commission
15.30 or government body verifying the license or credential, or verification from the Compact
15.31 Commission of the applicant's practice status in Compact Commission states;
- 15.32 (xii) all application fees required by section 148.6445;

16.1 (xiii) evidence of completing a criminal background check according to section 214.075;
16.2 and

16.3 (xiv) a signed statement affirming that the information in the application is true and
16.4 correct to the best of the applicant's knowledge and belief;

16.5 ~~(5)~~ (2) submit additional information as requested by the board; and

16.6 ~~(6)~~ (3) submit ~~the~~ any additional information required for licensure by equivalency,
16.7 licensure by reciprocity, licensure by compact privilege, and temporary licensure as specified
16.8 in sections 148.6408 to 148.6418- and 148.645. An applicant applying under section 148.6418
16.9 is exempt from providing documentation related to a criminal background check under
16.10 clause (1), item (xiii). An applicant applying under section 148.6418, subdivision 4, is
16.11 exempt from providing documentation related to previously held licenses or credentials
16.12 under clause (1), item (iv).

16.13 (b) The board must not verify the status of an applicant under paragraph (a), clause (1),
16.14 item (xi), by using another jurisdiction's publicly available website unless the other
16.15 jurisdiction fails to provide the requested documentation after the applicant provides
16.16 documentation of making the request.

16.17 Sec. 31. Minnesota Statutes 2024, section 148.6423, subdivision 1, is amended to read:

16.18 Subdivision 1. **Renewal requirements.** To be eligible for licensure renewal, a licensee
16.19 must:

16.20 (1) submit a completed and signed application for licensure renewal; on forms provided
16.21 by the board, including:

16.22 (i) updated personal information, including the renewal applicant's name, business
16.23 address and business telephone number, primary email address, and home or mobile telephone
16.24 number;

16.25 (ii) information regarding any change to the renewal applicant's responses to section
16.26 148.6420, subdivision 1, paragraph (a), clause (1), items (v) to (ix);

16.27 (iii) a signed statement affirming that the information in the renewal application is true
16.28 and correct to the best of the applicant's knowledge and belief; and

16.29 (iv) any legal information required under chapter 214;

16.30 (2) submit the renewal fee required under section 148.6445;

17.1 (3) if audited, submit proof of having met the continuing education requirement of section
17.2 148.6443; and

17.3 (4) submit additional information as requested by the board to clarify information
17.4 presented in the renewal application. The information must be submitted within 30 calendar
17.5 days of the board's request.

17.6 Sec. 32. Minnesota Statutes 2024, section 148.6423, is amended by adding a subdivision
17.7 to read:

17.8 Subd. 1a. **License period.** Following the initial license period, a license period begins
17.9 on the first day of the month after the licensee's birth month and must be renewed biennially.

17.10 Sec. 33. Minnesota Statutes 2024, section 148.6423, subdivision 2, is amended to read:

17.11 Subd. 2. **Renewal deadline.** (a) Except as provided in paragraph (c), licenses must be
17.12 renewed every two years on or before the first day of the month after the licensee's birth
17.13 month. Licensees must comply with the following procedures in paragraphs (b) to (e).

17.14 (b) Each license must state an expiration date. An application for licensure renewal must
17.15 be received by the board ~~at least 30 calendar days~~ on or before the expiration date.

17.16 (c) If the board changes the renewal schedule and the expiration date is less than two
17.17 years, the fee and the continuing education contact hours to be reported at the next renewal
17.18 must be prorated.

17.19 (d) An application for licensure renewal not received within the time required under
17.20 paragraph (b), ~~but received on or before the expiration date~~, must be accompanied by a late
17.21 fee in addition to the renewal fee specified by section 148.6445.

17.22 (e) Licensure renewals received after the expiration date must comply with the
17.23 requirements of section 148.6425.

17.24 Sec. 34. Minnesota Statutes 2024, section 148.6425, subdivision 2, is amended to read:

17.25 Subd. 2. **Licensure renewal within one year after licensure expiration date.** A licensee
17.26 whose application for licensure renewal is received after the licensure expiration date but
17.27 within one year of the expiration date must submit the following:

17.28 (1) a completed and signed renewal application for licensure following lapse in licensed
17.29 status; on forms provided by the board, including:

18.1 (i) updated personal information, including the renewal applicant's name, business
18.2 address and business telephone number, primary email address, and home or mobile telephone
18.3 number;

18.4 (ii) information regarding any change to the renewal applicant's responses to section
18.5 148.6420, subdivision 1, paragraph (a), clause (1), items (v) to (ix);

18.6 (iii) a signed statement affirming that the information in the renewal application is true
18.7 and correct to the best of the applicant's knowledge and belief;

18.8 (iv) information regarding any change to the renewal applicant's responses to section
18.9 148.6420, subdivision 1, paragraph (a), clause (1), item (xi);

18.10 (v) NBCOT verification of certification documentation; and

18.11 (vi) any legal information required under chapter 214;

18.12 (2) the renewal fee and the late fee required under section 148.6445;

18.13 (3) proof of having met the continuing education requirements in section 148.6443;
18.14 ~~subdivision 1; and~~

18.15 (4) an employment verification form; and

18.16 ~~(4)~~ (5) additional information as requested by the board to clarify information in the
18.17 application, including information to determine whether the licensee has engaged in conduct
18.18 warranting disciplinary action as set forth in section 148.6448. The information must be
18.19 submitted within 30 calendar days from the date of the board's request.

18.20 Sec. 35. Minnesota Statutes 2024, section 148.6425, is amended by adding a subdivision
18.21 to read:

18.22 Subd. 4. **Licensure renewal within two years after license expiration date.** A licensee
18.23 whose application for license renewal is received more than one year but less than two years
18.24 after the expiration date must submit the following:

18.25 (1) a completed and signed renewal application for licensure following lapse in licensed
18.26 status on forms provided by the board, including all information listed in subdivision 2,
18.27 clause (1);

18.28 (2) the renewal fee and the late fee required under section 148.6445;

18.29 (3) proof of having met the continuing education requirements in section 148.6443;

18.30 (4) an employment verification form;

19.1 (5) evidence of completion of a criminal background check as required under section
19.2 214.075 and the associated fee; and

19.3 (6) additional information as requested by the board to clarify information in the
19.4 application, including information to determine whether the licensee has engaged in conduct
19.5 warranting disciplinary action as set forth in section 148.6448. The information must be
19.6 submitted within 30 calendar days from the date of the board's request.

19.7 Sec. 36. Minnesota Statutes 2024, section 148.6425, is amended by adding a subdivision
19.8 to read:

19.9 Subd. 5. **Expiration due to nonrenewal after two years.** The board shall not renew,
19.10 reissue, reinstate, or restore a license that is not subject to a pending review, investigation,
19.11 or disciplinary action and has not been renewed within one biennial renewal cycle of the
19.12 license expiration. An individual whose license has expired under this subdivision for
19.13 nonrenewal must obtain a new license by applying for licensure and fulfilling all requirements
19.14 then in existence for an initial license to practice occupational therapy in Minnesota.

19.15 Sec. 37. Minnesota Statutes 2024, section 148.6428, is amended to read:

19.16 **148.6428 CHANGE OF CONTACT INFORMATION OR EMPLOYMENT.**

19.17 A licensee who changes a name, primary email address, address, employment, business
19.18 address, or business telephone number must inform the board of the change of ~~name, primary~~
19.19 ~~email address, address, employment, business address, or business telephone number~~ within
19.20 30 calendar days from the effective date of the change. A change in name must be
19.21 accompanied by a copy of a marriage certificate, government-issued identification card,
19.22 Social Security card, or court order. All notices or other correspondence served on a licensee
19.23 by the board at the licensee's contact information on file with the board must be considered
19.24 as having been received by the licensee.

19.25 Sec. 38. **[148.6431] JURISPRUDENCE EXAMINATION.**

19.26 The board may require occupational therapy practitioners to take an open-book
19.27 jurisprudence examination on state laws and rules regarding the practice of occupational
19.28 therapy and occupational therapy assisting.

19.29 Sec. 39. Minnesota Statutes 2024, section 148.6432, subdivision 1, is amended to read:

19.30 Subdivision 1. **Applicability.** If the professional standards identified in ~~section 148.6430~~
19.31 subdivision 1a permit an occupational therapist to delegate an evaluation, reevaluation, or

20.1 treatment procedure, the occupational therapist must provide supervision consistent with
20.2 this section.

20.3 Sec. 40. Minnesota Statutes 2024, section 148.6432, is amended by adding a subdivision
20.4 to read:

20.5 Subd. 1a. **Delegation of duties.** (a) The occupational therapist may delegate to an
20.6 occupational therapy assistant those portions of the client's evaluation, reevaluation, and
20.7 intervention that, according to prevailing national practice standards, can be performed by
20.8 an occupational therapy assistant.

20.9 (b) The occupational therapist is responsible for all duties delegated to the occupational
20.10 therapy assistant.

20.11 (c) The occupational therapist may not delegate portions of an evaluation or reevaluation
20.12 of a person whose condition is changing rapidly.

20.13 Sec. 41. Minnesota Statutes 2024, section 148.6432, subdivision 2, is amended to read:

20.14 Subd. 2. **Evaluations.** The occupational therapist shall determine the frequency of
20.15 evaluations and reevaluations for each client. The occupational therapy assistant shall inform
20.16 the occupational therapist of the need for more frequent reevaluation if indicated by the
20.17 client's condition or response to treatment. Before delegating a portion of a client's evaluation
20.18 pursuant to ~~section 148.6430~~ subdivision 1a, the occupational therapist shall ensure the
20.19 service competency of the occupational therapy assistant in performing the evaluation
20.20 procedure and shall provide supervision consistent with the condition of the patient or client
20.21 and the complexity of the evaluation procedure.

20.22 Sec. 42. Minnesota Statutes 2024, section 148.6432, subdivision 3, is amended to read:

20.23 Subd. 3. **Intervention.** (a) The occupational therapist must determine the frequency and
20.24 manner of supervision of an occupational therapy assistant performing intervention
20.25 procedures delegated pursuant to ~~section 148.6430~~ subdivision 1a based on the condition
20.26 of the patient or client, the complexity of the intervention procedure, and the service
20.27 competency of the occupational therapy assistant.

20.28 (b) Face-to-face collaboration between the occupational therapist and the occupational
20.29 therapy assistant must occur for all clients every ten intervention days or every 30 days,
20.30 whichever comes first, during which time the occupational therapist is responsible for:

21.1 (1) planning and documenting an initial intervention plan and discharge from
21.2 interventions;

21.3 (2) reviewing intervention goals, therapy programs, and client progress;

21.4 (3) supervising changes in the intervention plan;

21.5 (4) conducting or observing intervention procedures for selected clients and documenting
21.6 appropriateness of intervention procedures. Clients must be selected based on the
21.7 occupational therapy services provided to the client and the role of the occupational therapist
21.8 and the occupational therapy assistant in those services; and

21.9 (5) ensuring the service competency of the occupational therapy assistant in performing
21.10 delegated intervention procedures.

21.11 (c) Face-to-face collaboration must occur more frequently if necessary to meet the
21.12 requirements of paragraph (a) or (b).

21.13 (d) The occupational therapist must document compliance with this subdivision in the
21.14 client's file or chart.

21.15 Sec. 43. Minnesota Statutes 2024, section 148.6432, subdivision 4, is amended to read:

21.16 Subd. 4. **Exception.** (a) The supervision requirements of this section do not apply to an
21.17 occupational therapy assistant who:

21.18 (1) works in an activities program; and

21.19 (2) does not perform occupational therapy services.

21.20 (b) The occupational therapy assistant must meet all other applicable requirements of
21.21 sections 148.6401 to ~~148.6449~~ 148.645.

21.22 Sec. 44. Minnesota Statutes 2024, section 148.6435, is amended to read:

21.23 **148.6435 COORDINATION OF SERVICES.**

21.24 An occupational therapist must:

21.25 (1) collect information necessary to ensure that the provision of occupational therapy
21.26 services are consistent with the client's physical and mental health status. The information
21.27 required to make this determination may include, but is not limited to, contacting the client's
21.28 licensed health care professional for health history, current health status, current medications,
21.29 and precautions;

~~(2) modify or terminate occupational therapy intervention of a client that is not beneficial to the client, not tolerated by the client, or refused by the client, and if intervention was terminated for a medical reason, notify the client's licensed health care professional by correspondence postmarked or delivered to the licensed health care professional within one week of the termination of intervention;~~

~~(3)~~ (2) refer a client to an appropriate health care, social service, or education practitioner if the client's condition requires services not within the occupational therapist's service competency or not within the practice of occupational therapy generally, or if the client's acuity warrants alternative care; and

~~(4)~~ (3) participate and cooperate in the coordination of occupational therapy services with other related services, as a member of the professional community serving the client.

Sec. 45. Minnesota Statutes 2024, section 148.6438, is amended to read:

148.6438 RECIPIENT NOTIFICATION.

Subdivision 1. **Required notification.** (a) In the absence of a ~~physician, advanced practice registered nurse, or physician assistant~~ licensed health care provider referral or prior authorization, and before providing occupational therapy services for remuneration or expectation of payment from the client, an occupational therapist must provide the following ~~written notification in all capital letters of 12-point or larger boldface type, to the client, parent, or guardian in a format meeting national accessibility standards and the needs of the client, parent, or guardian:~~

"Your health care provider, insurer, or plan may require a ~~physician, advanced practice registered nurse, or physician assistant~~ licensed health care provider referral or prior authorization and you may be obligated for partial or full payment for occupational therapy services rendered."

(b) Information other than this notification may be included as long as the notification remains conspicuous on the face of the document. ~~A nonwritten disclosure format may be used to satisfy the recipient notification requirement when necessary to accommodate the physical condition of a client or client's guardian.~~

Subd. 2. **Evidence of recipient notification.** The occupational therapist is responsible for providing evidence of compliance with the recipient notification requirement of this section with documentation of the client, parent, or guardian agreement.

23.1 Sec. 46. Minnesota Statutes 2024, section 148.6443, subdivision 3, is amended to read:

23.2 Subd. 3. **Activities qualifying for continuing education contact hours.** (a) The activities
23.3 in this subdivision qualify for continuing education contact hours if they meet all other
23.4 requirements of this section.

23.5 (b) A minimum of one-half of the required contact hours must be directly related to
23.6 occupational therapy practice. The remaining contact hours may be related to occupational
23.7 therapy practice, the delivery of occupational therapy services, or to the practitioner's current
23.8 professional role.

23.9 (c) A licensee may obtain an unlimited number of contact hours in any two-year
23.10 continuing education period through participation in the following:

23.11 (1) attendance at educational programs of annual conferences, lectures, panel discussions,
23.12 workshops, in-service training, seminars, and symposiums;

23.13 (2) successful completion of college or university courses. The licensee must obtain a
23.14 grade of at least a "C" or a pass in a pass/fail course in order to receive credit. One college
23.15 credit equals six continuing education contact hours; or

23.16 (3) successful completion of ~~home-study~~ courses that ~~require the participant to~~
23.17 ~~demonstrate the participant's knowledge following completion of the course~~ provide
23.18 documentation that the course was completed and that meet the requirements in subdivision
23.19 2.

23.20 (d) A licensee may obtain a maximum of one-half of the required contact hours in any
23.21 two-year continuing education period for:

23.22 (1) teaching continuing education or occupational therapy related courses that meet the
23.23 requirements of this section. A licensee is entitled to earn a maximum of two contact hours
23.24 as preparation time for each contact hour of presentation time. Contact hours may be claimed
23.25 only once for teaching the same course in any two-year continuing education period. A
23.26 course schedule or brochure must be maintained for audit;

23.27 (2) supervising occupational therapist or occupational therapy assistant students. A
23.28 licensee may earn one contact hour for every eight hours of student supervision. Licensees
23.29 must ensure they receive documentation regarding each student supervised and the dates
23.30 and hours each student was supervised. Contact hours obtained by student supervision must
23.31 be obtained by supervising students from an occupational therapy education program
23.32 accredited by the Accreditation Council for Occupational Therapy Education; and

24.1 ~~(3) teaching or participating in courses related to leisure activities, recreational activities,~~
24.2 ~~or hobbies if the practitioner uses these interventions within the practitioner's current practice~~
24.3 ~~or employment; and~~

24.4 ~~(4)~~ (3) engaging in research activities or outcome studies that are related to the practice
24.5 of occupational therapy and associated with grants, postgraduate studies, or publications in
24.6 professional journals or books.

24.7 (e) A licensee may obtain a maximum of two contact hours in any two-year continuing
24.8 education period for continuing education activities in the following areas:

24.9 (1) personal skill topics: career burnout, communication skills, human relations, and
24.10 similar topics;

24.11 (2) ~~training that is obtained in conjunction with a licensee's employment, occurs during~~
24.12 ~~a licensee's normal workday, and does not include subject matter specific to the fundamentals~~
24.13 ~~of occupational therapy~~ basic life support and CPR training; and

24.14 (3) participation for a minimum of one year on a professional committee or board.

24.15 Sec. 47. Minnesota Statutes 2024, section 148.6443, subdivision 4, is amended to read:

24.16 Subd. 4. **Activities not qualifying for continuing education contact hours.** Credit
24.17 must not be granted for the following activities: hospital patient rounds; entertainment or
24.18 recreational activities; volunteering; noneducational association meetings; and employment
24.19 orientation sessions and meetings, including but not limited to training required at the
24.20 beginning of employment, annually, or routinely that is related to the employer's organization
24.21 requirements.

24.22 Sec. 48. Minnesota Statutes 2024, section 148.6443, subdivision 5, is amended to read:

24.23 Subd. 5. **Reporting continuing education contact hours.** Each licensee must use the
24.24 continuing education reporting form to verify meeting the continuing education requirements
24.25 of this section. The licensee must maintain documentation, including but not limited to a
24.26 signed certificate, transcript, or similar evidence of participation in an activity. The
24.27 documentation must include a:

24.28 (1) the title of the continuing education activity;

24.29 (2) a brief description of the continuing education activity prepared by the presenter or
24.30 sponsor;

24.31 (3) the name of the sponsor, presenter, or author;

25.1 (4) the location and attendance dates;

25.2 (5) the number of contact hours; and

25.3 (6) the licensee's name.

25.4 Sec. 49. Minnesota Statutes 2024, section 148.6443, subdivision 6, is amended to read:

25.5 Subd. 6. **Auditing continuing education reports.** (a) The board may audit a percentage
25.6 of the continuing education reports based on random selection. A licensee shall maintain
25.7 all documentation required by this section for two years after the last day of the biennial
25.8 licensure period in which the contact hours were earned.

25.9 (b) All renewal applications that are received after the expiration date may be subject
25.10 to a continuing education report audit.

25.11 (c) Any licensee against whom a complaint is filed may be subject to a continuing
25.12 education report audit.

25.13 (d) The licensee shall make the following information available to the board for auditing
25.14 purposes:

25.15 (1) a copy of the completed continuing education reporting form for the continuing
25.16 education reporting period that is the subject of the audit including all supporting
25.17 documentation required by subdivision 5;

25.18 (2) documentation of university, college, or vocational school courses by a transcript
25.19 and a course syllabus, listing in a course bulletin, or equivalent documentation that includes
25.20 the course title, instructor's name, course dates, number of contact hours, and course content,
25.21 objectives, or goals; and

25.22 (3) verification of attendance ~~by that meets the requirements of subdivision 5 by~~
25.23 submitting:

25.24 (i) ~~a signature of~~ certificate of attendance, or if a certificate is not available, other
25.25 documentation from the presenter or a designee at the continuing education activity on the
25.26 ~~continuing education report form or a certificate of attendance with the course name, course~~
25.27 ~~date, and licensee's name~~ submitted directly to the board confirming the requirements; or

25.28 ~~(ii) a summary or outline of the educational content of an audio or video educational~~
25.29 ~~activity to verify the licensee's participation in the activity if a designee is not available to~~
25.30 ~~sign the continuing education report form; or~~

26.1 ~~(iii) (ii) verification of self-study programs by a certificate of completion or other~~
26.2 ~~documentation indicating that the individual has demonstrated knowledge and has~~
26.3 ~~successfully completed the program.~~

26.4 Sec. 50. Minnesota Statutes 2024, section 148.6443, subdivision 7, is amended to read:

26.5 Subd. 7. **Waiver Deferral of continuing education requirements.** The board may
26.6 ~~waive or~~ defer all or part of the continuing education requirements of this section if the
26.7 licensee submits a written request and provides satisfactory evidence to the board of illness,
26.8 injury, financial hardship, family hardship, or other similar extenuating circumstances that
26.9 preclude completion of the requirements during the licensure period. The request for a
26.10 ~~waiver~~ deferral must be in writing, state the circumstances that constitute hardship, state
26.11 the period of time the licensee wishes to have the continuing education requirement ~~waived~~
26.12 deferred, and state the alternative measures that will be taken if a ~~waiver~~ deferral is granted.
26.13 The board must set forth, in writing, the reasons for granting or denying the ~~waiver~~ deferral.
26.14 ~~Waivers~~ Deferrals granted by the board must specify, in writing, the time limitation and
26.15 required alternative measures to be taken by the licensee. A request for ~~waiver~~ deferral must
26.16 be denied if the board finds that the circumstances stated by the licensee do not support a
26.17 claim of hardship, the requested time period for ~~waiver~~ deferral is unreasonable, the
26.18 alternative measures proposed by the licensee are not equivalent to the continuing education
26.19 activity being ~~waived~~ deferred, or the request for ~~waiver~~ deferral is not submitted to the
26.20 board within 60 calendar days of the expiration date.

26.21 Sec. 51. Minnesota Statutes 2024, section 148.6443, subdivision 8, is amended to read:

26.22 Subd. 8. **Penalties for noncompliance.** The board shall refuse to renew or grant, or
26.23 shall suspend, condition, limit, or otherwise qualify the license of any person who the board
26.24 determines has failed to comply with the continuing education requirements of this section.
26.25 A licensee may request reconsideration of the board's determination of noncompliance or
26.26 the penalty imposed under this section by making a written request to the board within 30
26.27 calendar days of the date of notification to the applicant. Individuals requesting
26.28 reconsideration may submit information that the licensee wants considered in the
26.29 reconsideration.

26.30 Sec. 52. Minnesota Statutes 2024, section 148.6445, is amended by adding a subdivision
26.31 to read:

26.32 Subd. 5a. **Compact privilege fee.** The fee for interstate licensure compact privilege to
26.33 practice is \$150.

27.1 Sec. 53. Minnesota Statutes 2024, section 148.6445, is amended by adding a subdivision
27.2 to read:

27.3 Subd. 7a. **Active mailing list.** The fee for the standard active licensee mailing list
27.4 delivered electronically is \$500.

27.5 Sec. 54. Minnesota Statutes 2024, section 148.6448, subdivision 1, is amended to read:

27.6 Subdivision 1. **Grounds for denial of licensure or discipline.** The board may deny an
27.7 application for licensure, may approve licensure with conditions, or may discipline a licensee
27.8 using any disciplinary actions listed in subdivision 3 on proof that the individual has:

27.9 (1) intentionally submitted false or misleading information to the board;

27.10 (2) obtained a license by means of fraud, misrepresentation, or concealment of material
27.11 facts;

27.12 (3) failed, within 30 days, to provide information in response to a written request by the
27.13 board;

27.14 ~~(3)~~ (4) performed services of an occupational therapist or occupational therapy assistant
27.15 practitioner in an incompetent manner or in a manner that falls below the community standard
27.16 of care or national practice standards of care;

27.17 ~~(4)~~ (5) failed to satisfactorily perform occupational therapy services during a period of
27.18 temporary licensure;

27.19 ~~(5)~~ (6) violated sections 148.6401 to ~~148.6449~~ 148.645;

27.20 ~~(6)~~ (7) failed to perform services with reasonable judgment, skill, or safety due to the
27.21 use of alcohol or drugs, or other physical or mental impairment;

27.22 ~~(7)~~ (8) been convicted of violating any state or federal law, rule, or regulation which
27.23 directly reasonably relates to the practice of occupational therapy;

27.24 (9) failed to report other licensees that have violated sections 148.6401 to 148.645;

27.25 ~~(8)~~ (10) aided or abetted another person in violating any provision of sections 148.6401
27.26 to ~~148.6449~~ 148.645;

27.27 ~~(9)~~ (11) been disciplined for conduct in the practice of an occupation by the state of
27.28 Minnesota, another jurisdiction, or a national professional association, if any of the grounds
27.29 for discipline are the same or substantially equivalent to those in sections 148.6401 to
27.30 ~~148.6449~~ 148.645;

28.1 ~~(10)~~ (12) not cooperated with the board in an investigation conducted according to
28.2 subdivision 2;

28.3 ~~(11)~~ (13) advertised in a manner that is false or misleading;

28.4 ~~(12)~~ (14) engaged in dishonest, unethical, or unprofessional conduct in connection with
28.5 the practice of occupational therapy that is likely to deceive, defraud, or harm the public;

28.6 (15) improperly managed client records, including but not limited to failure to maintain
28.7 client records in a manner that meets community standards of care or nationally accepted
28.8 practice standards;

28.9 ~~(13)~~ (16) demonstrated a willful or careless disregard for the health, welfare, or safety
28.10 of a client;

28.11 (17) inappropriately supervised or delegated or assigned tasks to an occupational therapy
28.12 assistant, occupational therapy student, rehabilitation aide, or other licensed professional;

28.13 ~~(14)~~ (18) performed medical diagnosis or provided intervention, other than occupational
28.14 therapy, without being licensed to do so under the laws of this state;

28.15 ~~(15)~~ (19) paid or promised to pay a commission or part of a fee to any person who
28.16 contacts the occupational ~~therapist~~ therapy practitioner for consultation or sends patients to
28.17 the occupational ~~therapist~~ therapy practitioner for intervention;

28.18 ~~(16)~~ (20) engaged in an incentive payment arrangement, other than that prohibited by
28.19 clause ~~(15)~~ (19), that promotes occupational therapy overutilization, whereby the referring
28.20 person or person who controls the availability of occupational therapy services to a client
28.21 profits unreasonably as a result of client intervention;

28.22 ~~(17)~~ (21) engaged in abusive or fraudulent billing practices, ~~including violations of~~
28.23 ~~federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state~~
28.24 ~~medical assistance laws;~~

28.25 ~~(18)~~ (22) obtained money, property, or services from a consumer through the use of
28.26 undue influence, high pressure sales tactics, harassment, duress, deception, or fraud;

28.27 ~~(19)~~ (23) performed services for a client who had no possibility of benefiting from the
28.28 services;

28.29 ~~(20)~~ (24) failed to refer a client for medical evaluation when appropriate or when a client
28.30 indicated symptoms associated with diseases that could be medically or surgically treated;

29.1 ~~(21)~~ (25) engaged in conduct with a client that is sexual or may reasonably be interpreted
29.2 by the client as sexual, or in any verbal behavior that is seductive or sexually demeaning to
29.3 a patient;

29.4 ~~(22)~~ (26) violated a federal or state court order, including a conciliation court judgment,
29.5 or a disciplinary order issued by the board, related to the person's occupational therapy
29.6 practice; or

29.7 ~~(23)~~ (27) any other just cause related to the practice of occupational therapy.

29.8 Sec. 55. Minnesota Statutes 2024, section 148.6448, subdivision 2, is amended to read:

29.9 Subd. 2. **Investigation of complaints.** The board may initiate an investigation upon
29.10 receiving a complaint or other oral or written communication that alleges or implies that a
29.11 person has violated sections 148.6401 to ~~148.6449~~ 148.645. In the receipt, investigation,
29.12 and hearing of a complaint that alleges or implies a person has violated sections 148.6401
29.13 to ~~148.6449~~ 148.645, the board must follow the procedures in sections 214.10 and 214.103.

29.14 Sec. 56. Minnesota Statutes 2024, section 148.6448, subdivision 4, is amended to read:

29.15 Subd. 4. **Effect of specific disciplinary action on use of title.** Upon notice from the
29.16 board denying licensure renewal or upon notice that disciplinary actions have been imposed
29.17 and the person is no longer entitled to practice occupational therapy and use the occupational
29.18 therapy and licensed titles, the person shall cease to practice occupational therapy, to use
29.19 titles protected by sections 148.6401 to ~~148.6449~~ 148.645, and to represent to the public
29.20 that the person is licensed by the board.

29.21 Sec. 57. Minnesota Statutes 2024, section 148.6448, subdivision 6, is amended to read:

29.22 Subd. 6. **Authority to contract.** The board shall contract with the health professionals
29.23 services program as authorized by sections 214.31 to 214.37 to provide these services to
29.24 practitioners under this chapter. The health professionals services program does not affect
29.25 the board's authority to discipline violations of sections 148.6401 to ~~148.6449~~ 148.645.

29.26 Sec. 58. Minnesota Statutes 2024, section 148.6449, subdivision 1, is amended to read:

29.27 Subdivision 1. **Creation.** The Board of Occupational Therapy Practice consists of 11
29.28 members appointed by the governor. The members are:

29.29 (1) five occupational therapists licensed under sections 148.6401 to ~~148.6449~~ 148.645;

30.1 (2) three occupational therapy assistants licensed under sections 148.6401 to ~~148.6449~~
30.2 148.645; and

30.3 (3) three public members, including two members who have received occupational
30.4 therapy services or have a family member who has received occupational therapy services,
30.5 and one member who is a health care professional or health care provider licensed in
30.6 Minnesota.

30.7 Sec. 59. Minnesota Statutes 2024, section 148.6449, subdivision 2, is amended to read:

30.8 Subd. 2. **Qualifications of board members.** (a) The occupational therapy practitioners
30.9 appointed to the board must represent a variety of practice areas and settings.

30.10 (b) At least ~~two occupational therapy practitioners~~ three members of the board must be
30.11 employed or reside outside the seven-county metropolitan area.

30.12 (c) Board members must not serve for more than two full consecutive terms.

30.13 (d) Interstate licensure compact privilege holders are not eligible to serve on the board.

30.14 Sec. 60. Minnesota Statutes 2024, section 148.6449, subdivision 7, is amended to read:

30.15 Subd. 7. **Duties of the Board of Occupational Therapy Practice.** (a) The board shall:

30.16 (1) adopt and enforce rules and laws necessary for licensing occupational therapy
30.17 practitioners;

30.18 (2) adopt and enforce rules for regulating the professional conduct of the practice of
30.19 occupational therapy;

30.20 (3) issue licenses to qualified individuals in accordance with sections 148.6401 to
30.21 ~~148.6449~~ 148.645;

30.22 (4) assess and collect fees for the issuance and renewal of licenses;

30.23 (5) educate the public about the requirements for licensing occupational therapy
30.24 practitioners, educate occupational therapy practitioners about the rules of conduct, and
30.25 enable the public to file complaints against applicants and licensees who may have violated
30.26 sections 148.6401 to ~~148.6449~~ 148.645; and

30.27 (6) investigate individuals engaging in practices that violate sections 148.6401 to
30.28 ~~148.6449~~ 148.645 and take necessary disciplinary, corrective, or other action according to
30.29 section 148.6448.

31.1 (b) The board may adopt rules necessary to define standards or carry out the provisions
31.2 of sections 148.6401 to ~~148.6449~~ 148.645. Rules shall be adopted according to chapter 14.

31.3 Sec. 61. **REVISOR INSTRUCTION.**

31.4 (a) The revisor of statutes shall renumber Minnesota Statutes, section 148.6408,
31.5 subdivision 1, as Minnesota Statutes, section 148.6408, subdivision 1b.

31.6 (b) The revisor of statutes shall renumber Minnesota Statutes, section 148.6410,
31.7 subdivision 1, as Minnesota Statutes, section 148.6410, subdivision 1b.

31.8 Sec. 62. **REPEALER.**

31.9 Minnesota Statutes 2024, sections 148.6402, subdivision 22a; 148.6420, subdivisions
31.10 2, 3, and 4; 148.6423, subdivisions 4, 5, 7, 8, and 9; 148.6425, subdivision 3; 148.6430;
31.11 and 148.6445, subdivisions 5, 6, and 8, are repealed.

148.6402 DEFINITIONS.

Subd. 22a. **Limited license.** "Limited license" means a license issued according to section 148.6425, subdivision 3, paragraph (c), to persons who for two years or more did not apply for a license after meeting the requirements in section 148.6408 or 148.6410 or who allowed their license to lapse for four years or more.

148.6420 APPLICATION REQUIREMENTS.

Subd. 2. **Persons applying for licensure under section 148.6408 or 148.6410.** Persons applying for licensure under section 148.6408 or 148.6410 must submit the materials required in subdivision 1 and the following:

(1) a certificate of successful completion of the requirements in section 148.6408, subdivision 1, or 148.6410, subdivision 1; and

(2) the applicant's test results from the examining agency, as evidence that the applicant received a qualifying score on a credentialing examination meeting the requirements of section 148.6408, subdivision 2, or 148.6410, subdivision 2.

Subd. 3. **Applicants certified by National Board for Certification in Occupational Therapy.** An applicant who is certified by the National Board for Certification in Occupational Therapy must provide the materials required in subdivision 1 and the following:

(1) verified documentation from the National Board for Certification in Occupational Therapy stating that the applicant is certified as an occupational therapist, registered or certified occupational therapy assistant, the date certification was granted, and the applicant's certification number. The document must also include a statement regarding disciplinary actions. The applicant is responsible for obtaining this documentation by sending a form provided by the board to the National Board for Certification in Occupational Therapy; and

(2) a waiver authorizing the board to obtain access to the applicant's records maintained by the National Board for Certification in Occupational Therapy.

Subd. 4. **Applicants credentialed in another jurisdiction.** In addition to providing the materials required in subdivision 1, an applicant credentialed in another jurisdiction must request that the appropriate government body in each jurisdiction in which the applicant holds or held an occupational therapy credential provide documentation to the board that verifies the applicant's credentials. Except as provided in section 148.6418, a license must not be issued until the board receives verification of each of the applicant's credentials. Each verification must include the applicant's name and date of birth, credential number and date of issuance, a statement regarding investigations pending and disciplinary actions taken or pending against the applicant, current status of the credential, and the terms under which the credential was issued.

148.6423 LICENSURE RENEWAL.

Subd. 4. **License renewal cycle conversion.** The license renewal cycle for occupational therapy licensees is converted to a two-year cycle where renewal is due on the last day of the licensee's month of birth. Conversion pursuant to this section begins January 1, 2021. This section governs license renewal procedures for licensees who were licensed before December 31, 2020. The conversion renewal cycle is the renewal cycle following the first license renewal after January 1, 2020. The conversion license period is the license period for the conversion renewal cycle. The conversion license period is between 13 and 24 months and ends on the last day of the licensee's month of birth in either 2022 or 2023, as described in subdivision 5.

Subd. 5. **Conversion of license renewal cycle for current licensees.** For a licensee whose license is current as of December 31, 2020, the licensee's conversion license period begins on January 1, 2021, and ends on the last day of the licensee's month of birth in 2023, except that for licensees whose month of birth is January, February, March, April, May, or June, the licensee's renewal cycle ends on the last day of the licensee's month of birth in 2022.

Subd. 7. **Subsequent renewal cycles.** After the licensee's conversion renewal cycle under subdivision 5 or 6, subsequent renewal cycles are biennial and begin on the first day of the month following the licensee's birth month.

Subd. 8. **Conversion period and fees.** (a) A licensee who holds a license issued before January 1, 2021, and who renews that license pursuant to subdivision 5 or 6, must pay a renewal fee as required in this subdivision.

(b) A licensee must be charged the biennial license fee listed in section 148.6445 for the conversion license period.

(c) For a licensee whose conversion license period is 13 to 24 months, the first biennial license fee charged after the conversion license period must be adjusted to credit the excess fee payment made during the conversion license period. The credit is calculated by:

- (1) subtracting the number of months of the licensee's conversion license period from 24; and
- (2) multiplying the result of clause (1) by 1/24 of the biennial fee rounded up to the next dollar.

(d) For a licensee whose conversion license period is 24 months, the first biennial license fee charged after the conversion license period must not be adjusted.

(e) For the second and all subsequent license renewals made after the conversion license period, the licensee's biennial license fee is as listed in section 148.6445.

Subd. 9. **Expiration.** Subdivisions 4, 5, 7, and 8 expire December 31, 2023.

148.6425 RENEWAL OF LICENSURE; AFTER EXPIRATION DATE.

Subd. 3. **Licensure renewal four years or more after licensure expiration date.** (a) An individual who requests licensure renewal four years or more after the licensure expiration date must submit the following:

- (1) a completed and signed application for licensure on forms provided by the board;
- (2) the renewal fee and the late fee required under section 148.6445 if renewal application is based on paragraph (b), clause (1), (2), or (3), or the renewal fee required under section 148.6445 if renewal application is based on paragraph (b), clause (4);
- (3) proof of having met the continuing education requirement in section 148.6443, subdivision 1, except the continuing education must be obtained in the two years immediately preceding application renewal; and
- (4) at the time of the next licensure renewal, proof of having met the continuing education requirement, which shall be prorated based on the number of months licensed during the two-year licensure period.

(b) In addition to the requirements in paragraph (a), the applicant must submit proof of one of the following:

- (1) verified documentation of successful completion of 160 hours of supervised practice approved by the board as described in paragraph (c);
- (2) verified documentation of having achieved a qualifying score on the credentialing examination for occupational therapists or the credentialing examination for occupational therapy assistants administered within the past year;
- (3) documentation of having completed a combination of occupational therapy courses or an occupational therapy refresher program that contains both a theoretical and clinical component approved by the board. Only courses completed within one year preceding the date of the application or one year after the date of the application qualify for approval; or
- (4) evidence that the applicant holds a current and unrestricted credential for the practice of occupational therapy in another jurisdiction and that the applicant's credential from that jurisdiction has been held in good standing during the period of lapse.

(c) To participate in a supervised practice as described in paragraph (b), clause (1), the applicant shall obtain limited licensure. To apply for limited licensure, the applicant shall submit the completed limited licensure application, fees, and agreement for supervision of an occupational therapist or occupational therapy assistant practicing under limited licensure signed by the supervising therapist and the applicant. The supervising occupational therapist shall state the proposed level of supervision on the supervision agreement form provided by the board. The supervising therapist shall determine the frequency and manner of supervision based on the condition of the patient or client, the complexity of the procedure, and the proficiencies of the supervised occupational therapist. At a minimum, a supervising occupational therapist shall be on the premises at all times that the person practicing under limited licensure is working; be in the room ten percent of the hours worked each week by the person practicing under limited licensure; and provide daily face-to-face collaboration for the purpose of observing service competency of the occupational therapist or occupational therapy assistant, discussing treatment procedures and each client's response to treatment, and

reviewing and modifying, as necessary, each treatment plan. The supervising therapist shall document the supervision provided. The occupational therapist participating in a supervised practice is responsible for obtaining the supervision required under this paragraph and must comply with the board's requirements for supervision during the entire 160 hours of supervised practice. The supervised practice must be completed in two months and may be completed at the applicant's place of work.

(d) In addition to the requirements in paragraphs (a) and (b), the applicant must submit additional information as requested by the board to clarify information in the application, including information to determine whether the applicant has engaged in conduct warranting disciplinary action as set forth in section 148.6448. The information must be submitted within 30 days after the board's request.

148.6430 DELEGATION OF DUTIES; ASSIGNMENT OF TASKS.

The occupational therapist is responsible for all duties delegated to the occupational therapy assistant or tasks assigned to direct service personnel. The occupational therapist may delegate to an occupational therapy assistant those portions of a client's evaluation, reevaluation, and intervention that, according to prevailing national practice standards, can be performed by an occupational therapy assistant. The occupational therapist may not delegate portions of an evaluation or reevaluation of a person whose condition is changing rapidly.

148.6445 FEES.

Subd. 5. **Limited licensure fee.** The fee for limited licensure is \$100.

Subd. 6. **Fee for course approval after lapse of licensure.** The fee for course approval after lapse of licensure is \$100.

Subd. 8. **Verification to institutions.** The fee for verification of licensure to institutions is \$10.