



Function First
MINNESOTA OCCUPATIONAL THERAPY ASSOCIATION

**Legislative Questionnaire for New or Expanded Regulation
Of Health Occupations (Licensing)**

Submitted by the Minnesota Occupational Therapy Association
1/28/14

What We Are Seeking With This Proposed Legislation.

The Minnesota Occupational Therapy Association is seeking to eliminate a cumbersome and outdated requirement that has been part of the occupational therapy licensing statutes since their inception in 1990 (OT registration changed to licensure in 2000). The statute 148.6440 currently requires additional certification to use physical agent modalities (PAMs). “Physical agent modalities mean modalities that use the properties of light, water, temperature, sound or electricity to produce a response in soft tissue” (MN Statutes 2012, Sec. 148.6402, Subd. 17).

Rationale for Proposed Legislation:

PAMs has been identified in our statutes as being within our scope of practice since occupational therapy practitioners were first regulated in Minnesota (148.6404 Scope of Practice). Since 2006, the Accreditation Standards for a Master’s-Degree-Level Educational Program for the Occupational Therapist and the Accreditation Standards for an Educational Program for the Occupational Therapy Assistant of the Accreditation Council on Occupational Therapy Education (ACOTE) has required that schools include basic education in the theory and use of PAMs in all curricula. Knowledge on PAMs is tested on the certification test

administered by the National Board for Certification of Occupational Therapy that all occupational therapy practitioners must pass before becoming licensed in Minnesota. In reality, many schools included this information prior to the implementation of this standard.

Ethics

While there are occupational therapy practitioners who graduated before PAMs was part of occupational therapy curricula, they are bound by the Code of Ethics and Ethical Standards of the American Occupational Therapy Association, the Code of Conduct of the National Board for Certification of Occupational Therapy, and the Grounds for Discipline or Denial of Licensure (Section 148.6448 of current licensure statutes). All these statutes and standards require occupational therapy practitioners to only provide services that they are competent to provide.

Cost Savings

Currently, MN Department of Health, Division of Health Occupations spends approximately 20 hours a month processing applications for PAMs certification, sometimes more. This does not include time spent on the phone answering questions from practitioners who are seeking clarification on the PAMs requirements. This would reduce the workload and enable the staff to process initial licensure applications and renewals more efficiently. There is no charge or surcharge for PAMs certification so there would be no revenue lost to the state for eliminating this certification.

- 1. What other professions are likely to be impacted by the proposed regulatory changes?** This change will have minimal, if any, impact on:

Physical Therapists

Physicians

Chiropractors

Athletic Trainers

Physician Assistants

Nurse Practitioners

Dentists

- 2. What position, if any, have professional associations of the impacted professions taken with respect to your proposal?**

MOTA sent a letter to each of these professions describing our proposed legislation and asking them for any concerns they may have. The following responses were received back.

- MNAPTA is not opposed to this change.
- Chiropractors are not opposed to this change.
- Physician Assistants are not opposed to this change.
- Advanced Practice Nursing is not opposed to this change.
- Physicians are not opposed to this change.
- Athletic Trainers have not responded to date.
- Dentistry has not responded to date.

The MN Department of Health, Health Occupations, is not opposed to this change.

3. Please describe what efforts you have undertaken to minimize or resolve any conflict or disagreement described above.

MNAPTA: We have had two meetings and several phone discussions to clarify supervision of assistants in relation to the use of PAMs. They were satisfied with our responses and are not opposed to our bill.

Department of Health, Health Occupations: We have had two meetings to answer questions they had regarding our bill. They are not opposed.

The other professionals (**Physicians, Physician Assistants, Chiropractors, and Advanced Nurse Practitioners**) have responded with no opposition and no meetings were needed.

Our bill does not expand our scope of practice or add regulation. Therefore, we have responded to the questions regarding our efforts to minimize or resolve any disagreement or conflict with other professions who use or refer physical agent modalities. We have no opposition that we are aware of. We think that eliminating unnecessary regulation when the safety and welfare of citizens is not at stake meets the governor's "un-session" theme.

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