

**NORTH DAKOTA ADMINISTRATIVE CODE**

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**Prepared by the Legislative Council staff  
for the  
Administrative Rules Committee**



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**TITLE 20.5**  
**Dietetic Practice, Board of**



OCTOBER 2000

CHAPTER 20.5-02-01

**20.5-02-01-01. Licensure application.** An application for a license for dietetic practice must be made to the state board of dietetic practice on forms approved by the board. The application must contain such information as the board may reasonably require.

1. Each application for a license as a licensed registered dietitian must be accompanied by:
  - a. The prescribed fee; and
  - b. A copy of the certificate indicating registration by the commission on dietetic registration of the American dietetic association.
2. Each application for a license as a licensed nutritionist must be accompanied by:
  - a. The prescribed fee; and
  - b. ~~An official transcript verifying completion of an academic program in dietetics, or food and nutrition in a program approved through rules as promulgated by the board; proof of~~ Proof that the applicant:
    - (1) Has received a master's or doctorate degree in human nutrition, nutrition education, foods and nutrition, or public health nutrition from an accredited college or university; or ~~proof of~~ a master's or doctorate degree in a related field that meets eligibility requirements of the commission on dietetic

registration of the American dietetic association;  
or

e: (2) ~~A--person--must--have~~ Has completed and received a baccalaureate degree and a minimum of nine semester hours or twelve quarter hours of academic nutrition credits with at least two semester hours or three quarter hours in advanced nutrition. Such advanced nutrition must have human physiology and either organic chemistry or biochemistry as a prerequisite. For applicants who enroll in a baccalaureate program after August 1, 2000, the applicant's baccalaureate degree must be in the field of dietetics or food and nutrition as approved by the board and from an accredited college or university. If the baccalaureate degree is greater than ten years old, evidence of current continuing education in nutrition under section 20.5-02-01-05 must be provided.

3. All applications must be signed by the applicant and notarized.

4. The board may request such additional information or clarification of information provided in the application as it deems necessary.

5. ~~--If--any--licensee--allows--his--or--her--license--to--lapse--for--a--period--of--more--than--two--years--the--licensee--may--be--required--to--reapply--for--licensure--~~

**History:** Effective December 1, 1986; amended effective May 1, 1987; October 1, 2000.

**General Authority:** NDCC 43-44-03

**Law Implemented:** NDCC 43-44-07, 43-44-08

**20.5-02-01-02. Initial licensure.** Any person who has maintained membership in ~~one of the following organizations:~~ American institute of nutrition, American society for clinical nutrition, or the American board of nutrition, ~~prior to July 1, 1985,~~ and who can present evidence to the board regarding employment and competence as a nutritionist prior to July 1, 1985, will be granted a license as a licensed registered dietitian or a licensed nutritionist upon application and proof of certification or registration to the board.

**History:** Effective December 1, 1986; amended effective October 1, 2000.

**General Authority:** NDCC 43-44-03

**Law Implemented:** NDCC 43-44-09

**20.5-02-01-03. Licensure renewal.** Licenses are renewable annually and are effective for a renewal year which runs from October first to the following September thirtieth.



1. Applications for renewal of license will be mailed by the board on or before August thirty-first to all licenseholders. Fees are payable to the board on or before September thirtieth of the year preceding the renewal year.
2. License fees are considered delinquent and a late charge is assessed if the renewal application is not postmarked on or before September thirtieth of the year preceding the renewal year.
3. ~~Licenses--will-be-revoked-if-the-renewal-form-and-fees-are-not-received-within-sixty-days,-from-October-thirty-first--of--the-renewal--year:~~ A licensee may have the licensee's license renewed up to one year after the license has lapsed without submitting a new application. To reapply-for-licensure apply for renewal of a lapsed license, an applicant must submit:
  - a. An application form;
  - b. The initial license fee; and
  - c. Late charges assessed by the board.
4. Renewal licenses must be mailed on or before October thirty-first of the renewal year if the renewal request is complete and postmarked on or before September thirtieth.
5. ~~The--initial-license-period-runs-from-October-1,-1986,-through-September-30,-1987:~~ Notwithstanding the provisions in this section regarding renewal of lapsed licenses, once a license has lapsed, the person who held the lapsed license may not practice as a dietitian or use a title reserved under state law for individuals who are licensed by the board until the person's license is renewed or until a new license is issued. A person whose license has lapsed but who continues to practice as a dietitian or use a restricted title violates state law and this chapter. Such a violation is grounds for denying an application by the former licensee for renewal of the lapsed license or for a new license.

**History:** Effective December 1, 1986; amended effective October 1, 2000.

**General Authority:** NDCC 43-44-03

**Law Implemented:** NDCC 43-44-03, 43-44-14

**20.5-02-01-04. Fees.** The board has adopted the following fee payment schedule:

1. Initial license fee:

Licensed registered dietitian	\$ 60.00
Licensed nutritionist	60.00
Limited permit	25.00

2. License fees for renewal are:

Licensed registered dietitian	\$ 45.00
Licensed nutritionist	45.00
Limited permits	25.00

3. Late fees in the amount of five dollars per month must be charged for all applications received by the board which are postmarked after September thirtieth of the year prior to the year of renewal.

4. An application for a new license from a person whose license has lapsed within the last twelve months will be treated as an application for renewal of the lapsed license and must be accompanied by all applicable late fees.

5. Dietetic practitioners who initially become licensed after August first of any year are exempt from licensure renewal for a period of one year.

5- 6. Limited permits are issued for one year and are renewable for six one additional months six-month period. On receipt of notification of change in status to registered dietitian, no additional fee is charged until renewal time, at which time the initial fee would be due.

**History:** Effective December 1, 1986; amended effective October 1, 1993; October 1, 2000.

**General Authority:** NDCC 43-44-03

**Law Implemented:** NDCC 43-44-03, 43-44-05, 43-44-12

**20.5-02-01-05. Continuing education.** To renew a license a person must present proof of having attended at least twelve clock-hours of continuing education approved by the board. This yearly requirement may be waived upon a showing by the licensee of having attended at least seventy-five hours of continuing education in a consecutive five-year period. The applicant must submit evidence to the board of having attended the required number of continuing education hours.

Continuing education courses must be related to or increase the professional competence of the attendee. This determination will be made by the board through approval of requested courses. If any licensee allows ~~his-or-her~~ the licensee's license to lapse for a period of more than ~~two-years~~ one year, the licensee may be required to submit proof of completion of at least twelve clock-hours of continuing education for each year that ~~their~~ the licensee's license has lapsed up to a total of sixty hours.

**History:** Effective December 1, 1986; amended effective October 1, 2000.

**General Authority:** NDCC 43-44-03

**Law Implemented:** NDCC 43-44-03

## CHAPTER 20.5-02-02

**20.5-02-02-01. Code of ethics.** The board has adopted and incorporated into these rules by reference, the standards---of professional--responsibility code of ethics for the profession of dietetics and review process for alleged violations of the American dietetic association, as amended-January-1,-1985 revised June 1, 1999.

**History:** Effective December 1, 1986; amended effective October 1, 2000.

**General Authority:** NDCC 43-44-03

**Law Implemented:** NDCC 43-44-03

**20.5-02-02-02. Unacceptable professional conduct.** The following constitute unacceptable professional conduct by a licensed registered dietitian or nutritionist and shall subject such licensee or potential licensee to sanction:

1. Taking financial advantage of a client, or using one's position within an agency to enhance one's private practice or the private practice of others for personal gain.
2. Entering into any illegal acts with a client.
3. Participating in, condoning, or being an accessory to dishonesty, fraud, deceit, or misrepresentation in the practice of dietetics.
4. Not providing clients with accurate and complete information regarding the extent and nature of the services available to them.
5. Convicted of a criminal act which affects the practice of the profession. (North Dakota Century Code section 12.1-33-02.1).
6. Violating any federal or state confidentiality client care regulation statutes.
7. Violating any federal or state discrimination statutes or regulations.
8. Refusal to seek adequate and appropriate treatment for any illness or disorder which interferes with professional functioning or ability to perform the basic expected functions, or both, of a dietitian or a nutritionist.
9. Using misrepresentation in the procurement of licensing as a dietitian or nutritionist or knowingly assisting another in the procurement of licensing through misrepresentation. Misrepresentation of professional qualifications,

certifications, accreditations, affiliation, and employment experiences.

10. Failure to report through the proper channels the incompetent, unethical, or illegal practice of any licensed dietitian or nutritionist who is providing such service.
11. Participating in activities that constitute a conflict of professional interest and adversely affect the licensee's ability to provide dietetic services.
12. Violating any of the principles of ethics as listed in the code of ethics for the profession of dietetics and review process for alleged violations of the American dietetic association as revised ~~January-1,-1985~~ June 1, 1999.
13. Providing any inaccurate, misleading, or false information to the board regarding a licensure action.
14. Providing inaccurate or incompetent services to a client which present a risk of harm to the client, even if harm does not actually occur.

**History:** Effective June 1, 1991; amended effective October 1, 2000.

**General Authority:** NDCC 43-44-03

**Law Implemented:** NDCC 43-44-03

**TITLE 55.5**  
**Occupational Therapy Practice, Board of**



NOVEMBER 2000

CHAPTER 55.5-01

**55.5-01-01-01. Organization of the board of occupational therapy practice.**

1. **History and function.** The 1983 legislative assembly passed legislation to license occupational therapists, codified as North Dakota Century Code chapter 43-40. This chapter requires the governor to appoint a state board of occupational therapy practice. It is the responsibility of the board to license occupational therapists.
2. **Board membership.** The board ~~consists~~ shall consist of five members appointed by the governor. Three members are must be licensed occupational therapists, one member ~~is-an~~ must be a licensed occupational therapy assistant, and one member ~~is~~ must be a consumer. Each board member serves a term of three years. No member may serve more than two successive terms on the board.
3. **Officers.** Officers are must be elected annually in January of each year. The board may hire an executive secretary as necessary.
4. **Inquiries.** Inquiries regarding the board may be addressed to:

~~Board-of-Occupational-Therapy-Practice~~  
~~1837-South-Fifteenth-Street~~  
~~Fargo,-North-Dakota--58103~~

OP

Board-of-Occupational-Therapy-Practice  
North-Dakota-State-Department-of-Health  
and-Consolidated-Laboratories  
Division-of-Legal-Services  
1200-Missouri-Avenue,-P.O.-Box-5520  
North Dakota State Board of Occupational  
Therapy Practice  
P.O. Box 4005  
Bismarck, North-Dakota--58502 ND 58502-4005  
Telephone & Fax (701) 250-0847

**History:** Effective April 1, 1988; amended effective June 1, 1993;  
November 1, 2000.

**General Authority:** NDCC 28-32-02.1, 43-40-05

**Law Implemented:** NDCC 43-40-04



CHAPTER 55.5-02-01

**55.5-02-01-01. Licensure application.** An application for a license to practice occupational therapy must be made to the state board of occupational therapy on forms approved by the board available upon request. The application must contain such information as the board may reasonably require.

1. Each application for a license must be accompanied by:
  - a. A prescribed fee.
  - b. ~~An official transcript verifying completion of an academic program in occupational therapy recognized by the board.~~ Official verification of a passing score on an examination by a national occupational therapy certifying agency approved by the board.
2. All applications must be signed by the applicant and notarized.
3. Should any information included in the application change during the application process, the applicant must advise the board of those changes.
4. The board may request such additional information or clarification of information provided in on the application as it deems necessary, including verification of licensure in good standing from other jurisdictions.
4. ~~5.~~ If the board so directs, may direct an applicant shall personally to appear before the board concerning the application.
6. If the application process extends beyond six months from the date of application, the applicant must submit a new application.
7. The board may require a completed self-assessment of the applicant's or licensee's knowledge of the North Dakota laws, rules, and regulations of occupational therapy.

**History:** Effective April 1, 1988; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-08

**55.5-02-01-02. Licensure renewal.** Licenses are renewable annually.

1. Licensure renewal for occupational therapist.

- a. Applications for renewal of license occupational therapy licenses will be mailed by the board on or before May first to all licenseholders. Fees Renewal applications, continued competency documentation, and fees are due and payable to the board on or before June first of the year preceding the renewal year.
2. b. License Occupational therapy renewal license fees are considered delinquent and a late charge is shall be assessed if the renewal application is not postmarked by the United States postal service or other delivery service on or before June first of the year preceding the renewal year.
3. c. Licenses Occupational therapy licenses will be revoked expire if the renewal form, continued competency documentation, and fees are not received within ninety days from by July first of the renewal year. To reapply for--license reinstate an expired license, an applicant must submit:
- a. (1) An A renewal application form;
  - b. (2) The initial renewal license fee; and
  - e. (4) Late charges as assessed by the board.
- No late renewal of an occupational therapy license may be granted more than three years after expiration, at which time the initial application process is required.
4. d. The renewal of an occupational therapy license will be mailed to the applicant by July first of the renewal--year if the renewal request is complete and postmarked on or before June first.
5. e. Practicing---certified---occupational--therapy--assistants requesting--renewal--shall--submit--a--"substantiation--of supervision"--form--with--their--renewal--application--beginning with--renewal--year--1986;--and--annually--thereafter. The board may require a completed self-assessment of the licensee's knowledge of the North Dakota laws, rules, and regulations of occupational therapy.

Substantiation-of-supervision-requirements-are-as-follows:

- a. Supervision--means--providing--direction--in--the--performance of--specific;--delineated--tasks--and--responsibilities--that are--delivered--by--a--licensed--occupational--therapist assistant--and--includes--the--responsibility--of--reviewing--the

results-of-any-occupational-therapy-procedure-conducted-by  
the-supervise.

b.--The--entry--level--occupational--therapy-assistant-who-has  
practiced-occupational-therapy-less--than--one--year--(one  
thousand--six--hundred--fifty--hours)--shall--receive--onsite  
supervision--from--a--licensed--occupational--therapist.---The  
supervising-occupational-therapist-must-be-on-the-premises  
during-the-occupational-therapy--assistant's--occupational  
therapy-work-hours.

e.--The--occupational-therapy-assistant,-with-greater-than-one  
year-(one-thousand-six-hundred-fifty-hours)-but-less--than  
five--years--of--work--experience-in-occupational-therapy,  
shall---receive---onsite---supervision---by---a---licensed  
occupational--therapist--a--minimum-of-two-hours-per-forty  
occupational-therapy-work-hours-or--five--percent--of--the  
total--occupational--therapy--work--hours--as-a-practicing  
therapist-assistant.

d.--The--occupational-therapy-assistant-with-greater-than-five  
years--of--occupational--therapy--work--experience---shall  
receive--onsite--supervision--by--a--licensed--occupational  
therapist-at-a-minimum-of-one-hour-per-forty--occupational  
therapy--work--hours--or--two--and-one-half-percent-of-the  
total-occupational-therapy-work-hours.

e.--Under---special---circumstances---the--board--may--provide  
exemption-to--this--section--upon--receipt--of--a--written  
request-by-the-parties-involved.

## 2. Licensure renewal for occupational therapy assistant.

a. Application for renewal of an occupational therapy  
assistant license will be mailed by the board on or before  
May first to all licenseholders. Renewal applications,  
continued competency documentation, and fees are payable  
to the board on or before June first.

(1) An occupational therapy assistant supervised during  
the renewal period shall submit a renewal  
application, substantiation of supervision, a renewal  
license fee, and continued competency documentation.

(2) An occupational therapy assistant not practicing  
occupational therapy during the renewal period shall  
submit the renewal application, renewal license fee,  
and continued competency documentation. Upon  
resumption of occupational therapy practice, the  
occupational therapy assistant shall submit  
substantiation of supervision.

b. Delinquency and late charges.

- (1) Occupational therapy assistants who are supervised at the time of renewal are considered delinquent and a late charge will be assessed if the renewal application, renewal license fee, continued competency documentation, and substantiation of supervision are not submitted, and the renewal application is not postmarked by the United States postal service or other delivery service on or before June first.
  - (2) Occupational therapy assistants who are not practicing occupational therapy at the time of renewal are considered delinquent and a late charge shall be assessed if the renewal application, renewal license fee, and continued competency are not submitted and the renewal application is not postmarked by the United States postal service or other delivery service on or before June first.
- c. Licenses will expire if the renewal form, renewal license fee, continued competency documentation, and substantiation of supervision form is not received by July first. To reinstate an expired license, an applicant must submit:
- (1) A renewal application;
  - (2) The renewal license fee;
  - (3) Substantiation of supervision (if supervised); and
  - (4) Continued competency documentation.
- No late renewal of a license may be granted more than three years after expiration, at which time the initial application process is required.
- d. The renewal of license will be mailed to the applicant by July first if the renewal request is completed and postmarked on or before June first.
- e. The board may require a completed self-assessment of the licensee's knowledge of the North Dakota laws, rules, and regulations of occupational therapy.

**History:** Effective April 1, 1988; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-15

**55.5-02-01-03. Fees.** The board has adopted the following fee payment schedule:

- |    |   |                            |
|----|---|----------------------------|
| 1. | <u>Initial application fees for occupational therapist license and occupational therapy assistant license</u>   | \$50.00                    |
| 2. | Initial license fee:  |                            |
|    | a. Occupational therapist   | <del>\$40.00</del> \$75.00 |
|    | b. Occupational therapy assistant   | <del>30.00</del> \$55.00   |
| 3. | Renewal fee:  |                            |
|    | a. Occupational therapist   | \$75.00                    |
|    | b. Occupational therapy assistant   | \$55.00                    |
| 2- | 4. <del>Limited</del> <u>Student limited</u> permit fee:  |                            |
|    | a. Occupational therapist   | \$40.00                    |
|    | b. Occupational therapy assistant   | \$30.00                    |
|    | <u>No--additional-charge-will-be-assessed-when-the-limited-permit is-replaced-with-a-license. Student limited permit fees will be applied to the initial license fee.</u>   |                            |
|    | 5. <u>Late fee</u>  | \$100.00                   |
|    | 6. <u>Copy of license</u>   | \$10.00                    |
|    | 7. <u>Change of license</u>   | \$10.00                    |
|    | 8. <u>Verification of license</u>   | \$20.00                    |
|    | <u>3---License--renewal-fee---Renewal-and-late-renewal-fees-are-based on-an-assessment-of-the-previous-year's--expenses--divided--by the---number---of---total---licensed--therapists--and--therapy assistants---In-no--event--may--the--renewal--fee--exceed--the initial-license-fee.</u> |                            |
| 4- | 9. Therapists who initially become licensed after April first of any-year and before July first are exempt from the renewal license fee for one-year the next licensing period.   |                            |

History: Effective April 1, 1988; amended effective November 1, 2000.

General Authority: NDCC 43-40-05, 43-40-07

Law Implemented: NDCC 43-40-05, 43-40-07

55.5-02-01-04. Continuing Continued competency. To--renew--a license-each-occupational-therapist-and-occupational--therapy--assistant shall--display--maintenance-of--a--current-membership-with-the-American occupational-therapy-association. Continued competency is the ongoing application and integration of knowledge, critical thinking,

interpersonal, and psychomotor skills essential to safely and effectively deliver occupational therapy services within the context of a practitioner's role and environment.

1. The board requires a minimum of ten contact hours within the twelve months prior to the renewal of licensure.
  - a. One contact hour is equal to one clock-hour.
  - b. Ten contact hours are equal to one continuing education unit.
2. When a practitioner has not been licensed for up to three years, the practitioner must submit evidence of a minimum of fifteen contact hours of continued competency.
3. Competency requirements for unlicensed practitioners.
  - a. When a practitioner has not been licensed for up to three years, the practitioner must submit evidence of a minimum of fifteen contact hours of continued competency to the board at the time of application for renewal.
  - b. When a practitioner has not been licensed for more than three years, the practitioner must submit evidence of a minimum of five contact hours for each year of nonlicensure with at least half of those hours of continued competency earned within the eighteen months preceding application or the practitioner must present official verification of a passing score on an examination by a national occupational therapy certifying agency approved by the board taken within the eighteen months prior to application for licensure.
4. Board-approved continued competency must:
  - a. Be directly related to or supportive of occupational therapy practice;
  - b. Enhance the occupational therapist's or occupational therapy assistant's professional development and competence; and
  - c. Be specific to the applicant's or licensee's current area of practice or an intended area of practice within the next year.
5. Continued competency includes:
  - a. Workshops, refresher courses, professional conferences, seminars, or education programs presented by organizations such as AOTA, NBCOT, NDOTA, medical associations, or educational and national or state health organizations.

There is no limit on hours that may be earned under this subdivision.

b. Presentations by licensee:

(1) Professional presentations, e.g., inservices, workshops, or institutes. Any such presentation may be counted only one time. There is no limit on hours that may be earned under this paragraph.

(2) Community or service organization presentations. Any such presentation may be counted only one time. No more than four hours may be earned under this paragraph.

c. Formal academic coursework.

(1) One or two credit hour class is equal to five contact hours.

(2) Three or four credit hour class is equal to ten contact hours.

d. Authoring professional publications. There is no limit on hours that may be earned under this subdivision. Publications include:

(1) Book;

(2) Chapter in a book;

(3) Thesis or dissertation;

(4) Article; or

(5) Multimedia.

e. Formal self-study course with a completion certificate. There is no limit on hours that may be earned under this subdivision.

f. Research approved by the board.

g. Supervised clinical practice preapproved by the board.

h. Professional leadership. This category encompasses leadership responsibilities or committee involvement in professional organizations including officer or committee chairperson in an occupational therapy or related practice area of a professional organization or item writing for a professional certification examination. No more than three hours may be earned under this subdivision.

- i. Facility-based continued competency education program. No more than three hours may be earned under this subdivision.
  - j. Distance learning activities.
6. A copy of a continuing education unit certificate must be submitted for board approval. The continuing education unit certificate must contain the person's name, dates of attendance, title of the course, and contact hours. If the program was not formally granted contact hours or continuing education units, the licensee must submit written verification of attendance signed by a supervisor or program coordinator which includes the name of the participant, dates of attendance, title of the course, and hours of the course, not including breaks and lunch.
7. Failure to meet the continuing competency requirements as outlined in this section may subject a licensee to disciplinary action as outlined in North Dakota Century Code section 43-40-16. The board may waive or allow exceptions due to extraordinary circumstances. Contact hour accumulation begins May 15, 2001, for the licensure period of July 1, 2002.

**History:** Effective April 1, 1988; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-15

**55.5-02-01-05. Passing score.** The successful passing of a national examination means obtaining a score equal to or greater than the passing score established by ~~the American~~ a national occupational therapy association certifying agency approved by the board which is in effect at the time of the administration of the test.

**History:** Effective April 1, 1988; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-11



CHAPTER 55.5-02-02

**55.5-02-02-01. Code of ethics.** The board has adopted and incorporated into this article by reference, the principles of occupational therapy code of ethics of the American occupational therapy association as-revised-in-April-of-1979 adopted by the representative assembly 2000 M15.

**History:** Effective April 1, 1988; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-16

## CHAPTER 55.5-02-03

**55.5-02-03-01. Supervision.** The occupational therapist shall exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed therapist. No occupational therapist may supervise more than ~~two~~ three occupational therapy assistants at the same time providing that at least one of the occupational therapy assistants has five or more years of experience in occupational therapy.

1. Supervision is a collaborative process that requires both the licensed occupational therapist and the licensed occupational therapy assistant to share responsibility. Supervision is providing direction in the performance of specific, delineated tasks and responsibilities that are delivered by a licensed occupational therapy assistant and includes the responsibility of reviewing the results of any occupational therapy procedure conducted by the supervisee. Appropriate supervision will include consideration given to factors such as level of skill, the establishment of service competency, experience and work-setting demands, as well as the complexity and stability of the client population to be treated. Supervisors who take a leave of absence or vacation must make arrangements to have their supervisory responsibilities filled by another qualified supervisor.
2. The entry-level occupational therapy assistant who has practiced occupational therapy less than one thousand six hundred fifty hours shall receive onsite supervision from a licensed occupational therapist. Onsite supervision means daily, direct, face-to-face collaboration at least twenty-five percent of the workday and for the remaining seventy-five percent of the workday, the supervisor must be on the premises and readily available by methods such as telephone or electronic communication for face-to-face consultation.
3. The occupational therapy assistant, with greater than one thousand six hundred fifty hours but less than five years of work experience in occupational therapy, shall receive monthly, direct, face-to-face collaboration at the worksite by a licensed occupational therapist at least five percent of the total occupational therapy work hours as a practicing occupational therapy assistant with interim supervision occurring by other methods such as telephone or electronic communication.
4. The occupational therapy assistant with greater than five years of occupational therapy work experience shall receive monthly, direct, face-to-face collaboration by a licensed occupational therapist a minimum of two and one-half percent of the total occupational therapy work hours with interim

supervision occurring by other methods such as telephone or electronic communication.

5. Licensed occupational therapy assistants, regardless of their years of experience, may require closer supervision by the licensed occupational therapist for interventions that are more complex or evaluative in nature and for areas in which service competencies have not been established.
6. Minimal supervision of the occupational therapist and occupational therapy assistant limited permitholder shall include initial and periodic inspection of written evaluations, written intervention plans, patient notes, and periodic evaluation of client interaction. Such reviews and evaluations must be conducted in person by a licensed occupational therapist. A minimum of six hours of supervision per week is required. An occupational therapy assistant limited permitholder must have onsite supervision by a licensed occupational therapist.
7. Any documentation written by a limited permitholder for inclusion in the client's official record shall also be signed by the supervising licensed occupational therapist.
8. The supervising occupational therapist shall determine that limited permitholders and occupational therapy assistants hold current permits or licenses to practice or assist in the practice of occupational therapy prior to allowing the limited permitholders and occupational therapy assistants to engage in or assist in the practice of occupational therapy.

**History:** Effective April 1, 1988; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-01(3), 43-40-13

55.5-02-03-02. Delineation of tasks to unlicensed persons.

1. The primary function of unlicensed supportive personnel functioning in an occupational therapy setting is to perform designed routine tasks related to the operation of an occupational therapy service. An occupational therapist or an occupational therapy assistant may delegate to unlicensed persons only specific tasks which are neither evaluative, assessive, task selective, nor recommending in nature, and only after ensuring that the unlicensed person has been appropriately trained and has supportive documentation for the performance of the tasks. Such tasks may include:
  - a. Routine department maintenance;
  - b. Transportation of patients and clients;

- c. Preparation or setting up of treatment equipment and work area;
  - d. Taking care of patient's and client's personal needs during treatments;
  - e. Assisting the occupational therapist or occupational therapy assistant in the construction of adaptive equipment; and
  - f. Clerical, secretarial duties.
2. The occupational therapist or occupational therapy assistant may not delegate to unlicensed persons:
- a. Performance of occupational therapy evaluative procedures;
  - b. Initiation, planning, adjustment, modification, or performance of occupational therapy treatment procedures;
  - c. Making occupational therapy entries directly in patient's or client's official records; and
  - d. Acting on behalf of the occupational therapist in any matter related to occupational therapy intervention which requires decisionmaking.

**History:** Effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-03.1

**CHAPTER 55.5-02-04**

**GRIEVANCES**

[Repealed effective November 1, 2000]

CHAPTER 55.5-02-05

55.5-02-05-01. Address, name, supervision, or educational changes. Any licensee must report a change of address, name, supervision, or educational degree to the board. Proof of any educational--degree--change--must--also---be---submitted changes and substantiation of supervision status must also be submitted by both the occupational therapist and the occupational therapy assistant.

**History:** Effective April 1, 1988; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-05

CHAPTER 55.5-03-01

55.5-03-01-02. Educational background and scope of practice.

1. The educational background of the occupational therapist includes anatomy, physiology, kinesiology, neuroanatomy, psychology, and other courses from the liberal arts and sciences, and enables the occupational therapist to assess and address an individual's deficits in occupational performance through the use of specific procedures, activities, modalities, and techniques, as taught in an accredited occupational therapy professional education program recognized by the board. The educational preparation and scope of practice of the occupational therapist to perform assessment and intervention may include, ~~but is not limited to~~, the following:

a. Neurological and physiological sciences:

- (1) Sensory integrative approaches;
- (2) Developmental approaches;
- (3) ~~Sensory-motor~~ Sensorimotor approaches;
- (4) Neurophysiological treatment approaches;
- (5) Neuromuscular treatment approaches;
- (6) Sensory education and reeducation;
- (7) Visual and perceptual training;
- (8) ~~Cognitive---training~~ Integrational and cognitive components;
- (9) Daily life tasks; and
- (10) Such other approaches in the neurological and physiological sciences as may be recognized by the board.

b. Behavioral and social sciences:

- (1) Behavioral approaches;
- (2) Sensory integration;
- (3) Interpersonal and intrapersonal skill development;
- (4) Movement therapy;

- (5) Vocational approaches;
- (6) Entry into community living;
- (7) Retirement planning;
- (8) Self-management training;
- (9) Leisure and play activities;
- (10) Daily life tasks;
- (11) Creative dramatics; and
- (12) Disability prevention and health promotion; and
- (13) Such other approaches in the behavioral and social sciences as may be recognized by the board.

c. Biomechanical sciences:

- (1) Work-related programs;
- (2) Vocational programs and activities;
- (3) Range of motion;
- (4) Positioning and seating;
- (5) Design, fabrication, and selection of orthotic devices;
- (6) Design, fabrication, and selection of adaptive equipment;
- (7) Prosthetic training;
- (8) Therapeutic exercise and activity;
- (9) Environmental accessibility;
- (10) Application Design, provision, and training of assistive technology;
- (11) Daily life tasks; and
- (12) Such other approaches in the biomechanical sciences as may be recognized by the board.

d. Liberal arts and sciences.

2. The occupational therapist and occupational therapy assistant are responsible for proving competency in the use of specific



procedures, activities, modalities, and techniques. Competency may be displayed through documented educational programs; ~~including post-professional programs; specific certification, inservice training, or professional experience approved by the board~~ in accordance with section 55.5-02-01-04.

- a. The board recognizes that the occupational therapist may be qualified and competent in the use of a variety of modalities; and that the occupational therapy assistant may utilize modalities under the direct supervision of the occupational therapist.
- b. When physical or therapeutic agents are selected, they may be used only in preparation for, or as an adjunct to, purposeful activity to enhance occupational performance.
- c. These qualifications and competencies may be obtained through programs recognized by the board, including accredited educational programs (including fieldwork education), specific certification, appropriate continuing education, inservice education, and postbaccalaureate higher education.
- d. The occupational therapist and occupational therapy assistant shall:
  - (1) Document and demonstrate these qualifications and competencies on at the request of the board;
  - (2) Comply with federal and state laws which, in the opinion of the board, have a direct bearing upon the ability to serve as an occupational therapist and occupational therapy assistant;
  - (3) Comply with the principles occupational therapy code of ethics; the philosophical base; of the American occupational therapy association adopted by the representative assembly 2000 M15; and the standards of practice of as revised in May 1999 by the American occupational therapy association; and
  - (4) Provide services in the best interests of the client.
- e. Continuing education competency offerings specific to modalities and techniques must conform with:
  - (1) Occupation as the common core of occupational therapy;
  - (2) The applicable provisions of the rules of the board;

- (3) Occupational therapy code of ethics as-defined, as revised in August 1994, by the American occupational therapy association; and
  - (4) Standards of practice as-defined-by, as revised in May 1999, of the American occupational therapy association.
- f. Occupational therapist, occupational therapy assistants, and students of occupational therapy use modalities and techniques only when the individual has received the theoretical and technical preparation necessary for safe and appropriate integration of the intervention in occupational therapy.
  - g. When an occupational therapist delegates the use of modalities to an occupational therapy assistant or student, both shall:
    - (1) Comply with appropriate supervision requirements; and
    - (2) Assure that their use is based on service competency.

**History:** Effective November 1, 1992; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-01, 43-40-05

**55.5-03-01-04. Occupational therapy assessment evaluation.** Assessment Evaluation is the planned process of obtaining, interpreting, and documenting the functional status of the individual. The purpose of the assessment evaluation is to identify the individual's abilities and limitations, including deficits, delays, or maladaptive behavior that can be addressed in occupational therapy intervention. Data can be gathered through a review of records, observation, interview, and the administration of test procedures. Such procedures may include, but are not limited to, the use of standardized and nonstandardized tests, questionnaires, performance checklists, activities, and tasks designed to evaluate assess specific performance abilities.

**History:** Effective November 1, 1992; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-01, 43-40-05

**55.5-03-01-05. Occupational therapy intervention.**

- 1. Occupational therapy addresses function and uses specific procedures, activities, modalities, and techniques to do any or all of the following:

- a. Develop, maintain, improve, or restore the performance of necessary functions.
  - b. Compensate for dysfunction.
  - c. Minimize or prevent debilitation.
  - d. Promote health and wellness.
2. Categories of function are occupational performance areas and performance components. Occupational performance areas include activities of daily living, work and productive activities, and play or leisure activities. Performance components refer to the functional abilities required for occupational performance, including ~~sensory~~ sensorimotor, motor, neuromuscular, cognitive, and psychological or psychosocial components, as well as cognitive integration and psychosocial skills. Deficits or delays in these occupational performance areas may be addressed by occupational therapy intervention.

**History:** Effective November 1, 1992; amended effective November 1, 2000.

**General Authority:** NDCC 43-40-05

**Law Implemented:** NDCC 43-40-01, 43-40-05



**TITLE 87**

**Veterinary Medical Examiners, Board of**



NOVEMBER 2000

CHAPTER 87-01.1-01

87-01.1-01-01. Examination - Waiver.

1. To qualify for a North Dakota license, each applicant must take and pass a North Dakota examination, the national board examination, and the clinical competency test or the North American veterinary licensing examination. The North Dakota examination is a combination written jurisprudence examination and oral interview.
2. The board adopts the passing score on the examination recommended by the national board examination committee. Applicants must request that their examination scores be sent to the board.
3. The national board examination and clinical competency test are or the North American veterinary licensing examination is required of all applicants for licensure in North Dakota who have been in practice less than five years. For an applicant who has been in practice more than five years, the applicant may petition the board to waive this requirement if the applicant meets the requirements of North Dakota Century Code section 43-29-07.2.
4. The North Dakota examination may not be waived.
5. A senior veterinary student may take the North Dakota test if the student has taken and passed the national board examination and the clinical competency test or the North American veterinary licensing examination and submits a letter

from the dean of a veterinary college indicating the student's anticipated graduation date.

6. Candidates may take the North American veterinary licensing examination for the first time during the testing window six months prior to their expected graduation.

**History:** Effective January 1, 1999; amended effective November 1, 2000.

**General Authority:** NDCC 43-29-07.2

**Law Implemented:** NDCC 43-29-07.2

**87-01.1-01-02. Examination application fee.** An applicant who takes the examination must file with the board a completed application, a copy of the applicant's diploma or other official proof of graduation, and an examination fee of fifty dollars. The examination fee will not be refunded. All required material and money must be submitted thirty days prior to the examination date. Candidates for initial licensure in North Dakota must submit their application at least sixty days prior to the opening of the testing window for the North American veterinary licensing examination.

**History:** Effective January 1, 1999; amended effective November 1, 2000.

**General Authority:** NDCC 43-29-07.2

**Law Implemented:** NDCC 43-29-07.2

**87-01.1-01-03. Permit.** An applicant who has taken and passed the national board examination and clinical competency test or the North American veterinary licensing examination and has not for good cause taken the North Dakota test may obtain a permit to practice in North Dakota until the next examination is given. The fee for the permit is twenty-five dollars. A permit expires on the date the next examination is given.

**History:** Effective January 1, 1999; amended effective November 1, 2000.

**General Authority:** NDCC 43-29-07.2

**Law Implemented:** NDCC 43-29-07.2

**87-01.1-01-04. Veterinarians from foreign nonaccredited institutions.**

1. For a graduate of a foreign nonaccredited veterinary college to qualify to write the North Dakota examination, the graduate must have a certificate issued by the educational commission for foreign veterinary graduates.
2. All credentials from foreign institutions must be translated into English over the signature and seal of the consul of the country in which such documents may have been issued and said consul must certify that said institution is recognized and



approved by the authorities as a veterinary college in the country where it is located.

3. Candidates from nonaccredited colleges must be enrolled in the educational commission for foreign veterinary graduates program in order to be approved to take the North American veterinary licensing examination.

**History:** Effective January 1, 1999; amended effective November 1, 2000.

**General Authority:** NDCC 43-29-07.2

**Law Implemented:** NDCC 43-29-07.2

