

American Occupational Therapy Association  
Commission on Standards and Ethics

Advisory Opinion: **State Licensure, Professionalism, and the AOTA Occupational Therapy  
Code of Ethics**

***When does your state license expire?*** If you are unable to answer this question, please read on to heighten your awareness regarding the importance of state licensure renewal. Although not all states and territories of the United States require licensure per se, they all require some form of regulation for those wishing to provide occupational therapy services. Depending on your location, except in a state with trademark law, all occupational therapists in the United States, District of Columbia and Puerto Rico are required to be either licensed, state certified, registered, or to hold a temporary license/permit in order to provide services to clients. The same is true for occupational therapy assistants except in states with trademark law or those which do not regulate occupational therapy assistants. As such, all occupational therapy practitioners are required to adhere to state occupational therapy statutes and regulations. States' statutes and regulations governing occupational therapy practice vary in how titles and initials are used. Occupational therapists and occupational therapy assistants need to be aware of the specific provisions in their states so that they and their practice are in compliance with the law. It is unlawful for an unlicensed occupational therapist or occupational therapy assistant to represent oneself as an occupational therapy practitioner unless they are licensed by the state. State licensees who practice occupational therapy without renewing their license may be subject to criminal prosecution depending on the regulations of the state, district, or province.

The American Occupational Therapy Association (AOTA) *Occupational Therapy Code of Ethics (2000) (Code)* (AOTA, 2000) identifies standards that support regulatory bodies and licensing of occupational therapy practitioners. Licensure laws and the AOTA *Code* are requisite to protect recipients of services, the practitioner, and the profession. According to the AOTA *Code* as published in AOTA's *Reference Guide to the Occupational Therapy Code of Ethics*, "any action in violation of the spirit and purpose of this Code shall be considered unethical" (AOTA, 2003, p. 10). In other words, when practicing without a license, regardless of the reason, the offender is not only violating his or her licensing regulatory board laws but is also breaching the AOTA *Code*. Unfortunately, it is not uncommon for many occupational therapy practitioners to have such hectic personal and professional lives that one may neglect to take the time to check when their state license requires renewal.

In today's busy world, a variety of life situations arise that may interfere with obtaining or renewing your license to practice occupational therapy. Relocating without leaving a forwarding address for your licensure board or moving to a new state may disrupt your typical pattern for licensure renewal. Having a baby, a serious personal illness, or coping with the illness of a family member, or some other major life event, may be distracting and leave practitioners forgetful about licensure renewal. New practitioners may lack knowledge about how to obtain a license. Practitioners who change employment or work in a variety of states may not be aware of each state's licensure requirements. Traveling and international practitioners face the challenge of keeping up with state licensing processes, which are contingent on their relocation, which can

change several times within a year. These examples may sound familiar to you, and there can be understandable reasons for failing to apply or renew one's license. However, regardless of the situation each practitioner is ultimately responsible for ensuring that her or his license is current before practicing as an occupational therapist or occupational therapy assistant. AOTA's State Affairs Group maintains detailed information about state occupational therapy laws on the Association's website, including a directory of state occupational therapy regulatory authorities. Practitioners should contact individual state boards/agencies for specific questions about state regulatory requirements.

Licensure is not only a legal measure to protect consumers; it also serves as a safeguard for the profession, the practitioner, and the community at large, thus preventing nonqualified individuals from practicing occupational therapy. As a protective measure for recipients of service, licensure requirement is a process that affords patient safety in that it prevents individuals who are not trained occupational therapists from assuming such a role and providing spurious intervention under false pretense. An employer, a client, the client's family member(s), an occupational therapy practitioner, a colleague of another discipline, licensing organizations, or a related professional organization may report practitioners who provide occupational therapy services without a license. Practitioners reported to be providing occupational therapy services without a license may undergo a review and or penalty from several professional oversight organizations such as the licensing state, district, or province; the AOTA; and the National Board for Certification in Occupational Therapy (NBCOT). Unlicensed practitioners who are members of AOTA may be reported to the Association's Commission on Standards and Ethics (SEC) through a formal complaint process by one of the aforementioned groups or individuals. Depending on the nature of the violation as ascertained from thorough and objective information from relevant sources (e.g., the state regulatory board, NBCOT, the complainant, and/or the respondent); the SEC determines the principles of the *Code* that have been violated. State and national regulatory boards and professional organizations such as NBCOT (Certificant Code of Conduct) may adopt AOTA's *Code* or similar ethical language. Following are examples of principles of the *Code* that reflect the violation of practicing without a license or with an expired or lapsed license:

- **Principle 4.** "Occupational therapy personnel shall achieve and continually maintain high standards of competence. (duties)
  - A. Occupational therapy practitioners shall hold the appropriate national and state credentials for the services they provide." (AOTA, 2000, p. 615).

*All occupational therapy practitioners are ethically bound to adhere to and follow the credential requirements of their state, territory, or district in particular, maintaining the required credentials in a timely manner as required.*

- **Principle 5.** "Occupational therapy personnel shall comply with laws and Association policies guiding the profession of occupational therapy. (justice)
  - A. Occupational therapy personnel shall familiarize themselves with and seek to understand and abide by applicable Association policies; local, state, and federal laws, and institutional rules." (AOTA, 2000, p. 615)

*In the case of licensure, and its legal ramifications, the understanding here is that occupational therapy practitioners are ethically responsible for securing, reading, and understanding licensure rules and requirements for their state, territory, or district.*

- B.** “Occupational therapy practitioners shall remain abreast of revisions in those laws and Association policies that apply to the profession of occupational therapy and shall inform employers, employees, and colleagues of those changes” (AOTA, 2000, p. 615).

*Occupational therapy practitioners are responsible for maintaining up-to-date knowledge about changes and additions to their state licensure requirements.*

- C.** “Occupational therapy practitioners shall require those they supervise in occupational therapy-related activities to adhere to the *Occupational Therapy Code of Ethics (2000)*” (AOTA, 2000, p. 615).

*Occupational therapy practitioners who function in a leadership capacity are responsible for ensuring that occupational therapy professionals under their supervision have met all state requirements for licensure in the timely manner required by law.*

- D.** “Occupational therapy practitioners shall take reasonable steps to ensure employers are aware of occupational therapy’s ethical obligations, as set forth in this *Occupational Therapy Code of Ethics (2000)* and of the implications of those obligations for occupational therapy practice, education, and research” (AOTA, 2000, p. 615).

*All occupational therapy practitioners are responsible for communicating to their employer, supervisor, director, etc., up-to-date information regarding their licensure status.*

- **Principle 6.** “Occupational therapy personnel shall provide accurate information about occupational therapy services. (veracity)
  - A.** Occupational therapy personnel shall accurately represent their credentials, qualifications, education, experience, training, and competence. This is of particular importance for those to whom occupational therapy personnel provide their services or with whom occupational therapy practitioners have a professional relationship” (AOTA, 2000, p. 615).

*Any individual declaring themselves an occupational therapy practitioner and providing services to clients in that regard are required by the laws of their state, territory, or district and the AOTA to be credentialed according to the board regulations in their geographical*

*area. This assures recipients of occupational therapy services that they are receiving care from individuals who are qualified to do so.*

There are three core values inherent in the *Core Values and Attitudes of Occupational Therapy Practice* (OTA, 1993) document that are part of the Ethics Standards that reflect the commitment and responsibility of occupational therapy practitioners to maintain up-to-date practice credentials.

- **Justice**—The concept of justice is most relevant, as it requires the practitioner to adhere to laws and standards that are established by governing bodies. “The occupational therapy practitioner must understand and abide by the local, state, and federal laws governing professional practice” (OTA, 1993, p. 1086)

*It is the responsibility of the occupational therapist and occupational therapy assistant to ensure that they are informed about regulatory requirements in their state, territory, or district to provide services they identify as occupational therapy.*

- **“Truth** requires that we be faithful to facts and reality. Truthfulness or veracity is demonstrated by being accountable, honest, forthright, accurate, and authentic in our attitudes and actions” (OTA, 1993, p. 1086).

*Occupational therapists and occupational therapy assistants should be accountable by acquiring their initial license and renewal thereafter as required by their regulatory board. Occupational therapists and occupational therapy assistants are responsible for providing information to employers regarding their licensure status.*

- **“Prudence** is the ability to govern and discipline oneself through the use of reason. To be prudent is to value judiciousness, discretion, vigilance, moderation, care, and circumspection in the management of one’s affairs... and respond on the basis of intelligent reflection and rational thought” (OTA, 1993, p. 1086).

*Although regulatory boards may provide renewal information to practitioners, it is the sole responsibility of the professional to be self-disciplined in securing and maintaining the credentials required by their state, territory, or district.*

When a credentialing violation has occurred, the SEC applies the *Enforcement Procedures for the Occupational Therapy Code of Ethics (2004)*, (OTA, 2004) as a disciplinary and protective measure based on the range of circumstances. OTA fully supports the legal and practice intent of credentialing out of concern for consumer and practitioner protection and as such, will enforce the OTA’s ethics in an effort to maintain the integrity of the profession. Examples of disciplinary actions that may be applied to cases involving the practice of occupational therapy without the appropriate credentials are:

- **Reprimand**— “a formal expression of disapproval of conduct communicated privately by a letter from the Chairperson of the SEC that is nondisclosable and noncommunicative to other bodies (e.g., State Regulatory Boards, National Board for Certification in Occupational Therapy...)” (AOTA, 2004, p. 655).
- **Censure**— “a formal expression of disapproval that is public” (AOTA, 2004, p. 656).
- **“Probation of membership subject to terms**— Failure to meet terms will subject a member to any of the disciplinary actions or sanctions” (AOTA, 2004, p. 656).
- **Suspension**— “removal of membership for a specified period of time” (AOTA, 2004, p. 656).
- **Revocation**— the most critical of the enforcement procedures, which is “permanent denial of membership” in AOTA (AOTA, 2004, p. 656).

### *Case Scenario*

You are an occupational therapy practitioner with 15 years of experience. You have been married for slightly over 2 years and have a 4 month-old baby. Your husband received a job transfer and you have recently moved to a new state. Two months after relocating to your new state, you join the state occupational therapy association. Through the state association, you learn of a job opening; you apply and are hired. Although the state requires licensure, they provide you with a grace period of 3 months to get the process completed. You have worked in three other states, so you need to supply past licensure information from those states, as well as information about having successfully completed the National Certification Exam for occupational therapy practitioners. You develop a case of influenza and are very ill for at least 2 weeks. During this time, you are worried about your family and your new employment. Eventually you recover and return to work with a great deal to catch up on, both at work and home. Along the way, you forget about the licensure requirements. It is now 15 months later and you receive a notice from the state board stating that you are facing disciplinary action as a result of practicing without a license. Your initial response is that you actually completed the licensure process. You search for the information, but are unable to locate any paperwork to verify that you actually completed the licensure process.

### **Discussion**

Even though your circumstances were challenging, the overriding issue is that you violated the law and practiced without a license for a significant period of time. Because of the collaborative professional relationship between organizations, state licensing boards routinely communicate information regarding lapsed licenses to the AOTA’s SEC. Referencing the aforementioned principles from the *Reference Guide to the Occupational Therapy Code of Ethics* (2003), the likelihood of disciplinary action from a variety of sources is probable. Regardless of your personal circumstances, the final determination will be influenced by the sum of information collected from all parties involved, including your supervisors from your place of employment.

## Conclusion

In many states, achieving regulatory status required extensive lobbying and legislative efforts. The collaborative effort between AOTA and state associations has been instrumental in assisting states to achieve this professional status. This widespread, successful effort legally ensures the quality of occupational therapy service for consumers, and prevents illegal behavior on the part of individuals without professional training and certification in occupational therapy who call themselves occupational therapists, thus aiding in the preservation of the integrity of the profession. Occupational therapy practitioners are legally bound by state requirements and are ethically responsible for compliance with them. The *Reference Guide to the Occupational Therapy Code of Ethics* (2003) serves as a helpful resource to understand the potential penalty for practicing as an unlicensed occupational therapy practitioner. An increased awareness and knowledge regarding the importance of state license renewal will protect us from unnecessary legal problems, work interruption, and professional and personal embarrassment. For a complete copy of the *Reference Guide to the Occupational Therapy Code of Ethics* contact AOTA's products division at 877-404-2682 or order online at [www.aota.org](http://www.aota.org). A copy of the *AOTA Occupational Therapy Code of Ethics (2000)* can be downloaded from the AOTA Web site at: [www.aota.org](http://www.aota.org).

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