

DEFINITIONS OF TYPES OF REGULATION FOR OCCUPATIONAL THERAPY

Type of Regulation	Description	Requirements for Practice*	Oversight Agency
Licensure/Practice Act	Provides highest level of public protection by prohibiting unlicensed individuals from practicing occupational therapy or referring to themselves as occupational therapists/occupational therapy assistants. Licensure laws reserve a certain scope of practice for those who are issued a license.	Mandates entry-level competence.	State Health Department delegates authority to an occupational therapy board or advisory board, consisting of occupational therapy practitioners, consumers and/or other health professionals
Mandatory Certification* [Certification as granted by the OT regulatory board or advisory board/council. To be distinguished from certification granted to individuals passing the National Board for Certification in Occupational Therapy (NBCOT) exam.]	Protects the public by prohibiting non-certified individuals from referring to themselves as occupational therapists/occupational therapy assistants. Unlike licensure, individuals under certain circumstances, can practice if they do not refer to their services as occupational therapy. Certification laws may provide for definition of occupational therapy.	Mandates entry-level competency.	Government agency maintains registry of individuals who successfully complete eligibility requirements.
Mandatory Registration*	Protects the public by prohibiting non-registered individuals from referring to themselves as occupational therapists/occupational therapy assistants, although they can practice if they do not refer to their services as occupational therapy. Registration laws may provide for definition of occupational therapy.	Competency standards may be required by the government agency maintaining the register.	Government agency maintains registry of individuals who successfully complete eligibility requirements.

Type of Regulation	Description	Requirements for Practice*	Oversight Agency
Voluntary Certification or Registration	Voluntary certification or registration do not protect either the title or the practice. The state does not have the legal authority to prohibit a non-certified or non-registered person from practicing occupational therapy unless that person has violated certain standards of care.	There are usually no state requirements for practice, however, the practitioner's professional association may advise on entry-level competency. Practitioners are subject to the entry level competency requirements for reimbursement by third-party insurers, private insurers and Medicare.	Other than the state's constitutional authority to govern health, safety and welfare, there are usually no express requirements for the governance of the profession.
Title Control (sometimes called a Trademark Act)	Prohibits individuals who have not met specific education and entry level examination requirements from referring to themselves as occupational therapists/occupational therapy assistants, although they can practice under certain circumstances, if they do not refer to their services as occupational therapy.	Mandates entry-level competency.	Government agency maintains registry of individuals who successfully complete eligibility requirements.

* The terms registration and certification are often used interchangeably. Therefore, it is important to understand the provisions and protections of each type or regulation, rather than assuming certain provisions are automatically included.