

G.S. 150B-21.3A Report for 21 NCAC 38, BOARD OF OCCUPATIONAL THERAPY

Agency - Board of Occupational Therapy

Comment Period -December 1, 2025 - January 31, 2026

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	SECTION .0100 ORGANIZATION AND GENERAL PROVISIONS	21 NCAC 38 .0101	PURPOSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0102	BOARD OFFICE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0103	DEFINITIONS	Amended Eff. July 1, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 APPLICATION FOR LICENSE	21 NCAC 38 .0201	APPLICATION PROCESS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0203	INTERVIEWS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0204	FEES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0300 LICENSING	21 NCAC 38 .0301	LICENSE NUMBER: DISPLAY OF LICENSE AND IDENTIFICATION BADGE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0302	LICENSE RENEWAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0304	GROUND FOR LICENSE DENIAL OR DISCIPLINE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0305	CONTINUING DUTY TO REPORT CERTAIN CRIMES AND CIVIL SUITS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0308	CODE OF ETHICS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0400 GENERAL	21 NCAC 38 .0401	CHANGE OF ADDRESS OR BUSINESS NAME	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0402	ADVERTISING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0500 RULES	21 NCAC 38 .0501	PETITIONS FOR ADOPTION, AMENDMENT, OR REPEAL OF RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0502	PROCEDURE FOR ADOPTION OF RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0503	TEMPORARY RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0504	DECLARATORY RULINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0600 ADMINISTRATIVE HEARING PROCEDURES	21 NCAC 38 .0601	APPLICABLE HEARING RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		21 NCAC 38 .0602	RIGHT TO HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0603	REQUEST FOR HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0604	GRANTING OR DENYING HEARING REQUEST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0605	NOTICE OF HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0606	WHO SHALL HEAR CONTESTED CASES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0607	INFORMAL PROCEDURES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0608	PETITION FOR INTERVENTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0609	TYPES OF INTERVENTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0610	DISQUALIFICATION OF BOARD MEMBERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0611	SUBPOENAS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0612	WITNESSES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0613	FINAL DECISION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0614	PROPOSALS FOR DECISION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0700 PROFESSIONAL CORPORATIONS	21 NCAC 38 .0701	AUTHORITY AND DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0702	PREREQUISITES FOR INCORPORATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0703	CERTIFICATE OF REGISTRATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0704	GENERAL AND ADMINISTRATIVE PROVISIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		21 NCAC 38 .0705	FORMS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0706	FEES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0800 – CONTINUING COMPETENCE ACTIVITY	21 NCAC 38 .0801	CONTINUING COMPETENCE DEFINITIONS	Amended Eff. January 1, 2020	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0802	CONTINUING COMPETENCE REQUIREMENTS FOR LICENSURE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0803	APPROVAL OF ACTIVITIES FOR MAINTAINING CONTINUING COMPETENCE	Amended Eff. July 1, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0804	SCOPE OF QUALIFIED ACTIVITIES FOR MAINTAINING CONTINUING COMPETENCE	Amended Eff. January 1, 2020	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0805	QUALIFIED ACTIVITIES FOR MAINTAINING CONTINUING COMPETENCE	Amended Eff. January 1, 2020	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0806	WAIVER OF REQUIREMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0807	DOCUMENTATION/REPORTING PROCEDURES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0808	AUDIT OF CONTINUING COMPETENCE ACTIVITIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0900 - SUPERVISION, SUPERVISORY ROLES, AND CLINICAL RESPONSIBILITIES OF OCCUPATIONAL THERAPIST AND OCCUPATIONAL THERAPY ASSISTANTS	21 NCAC 38 .0901	NOTIFICATION OF SUPERVISION CHANGE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0902	SUPERVISION IS AN INTERACTIVE PROCESS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0903	TYPES OF SUPERVISION	Amended Eff. July 1, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0904	DOCUMENTATION OF SUPERVISION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		21 NCAC 38 .0905	DELINEATION OF CLINICAL RESPONSIBILITIES	Amended Eff. July 1, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1100 – SUPERVISION OF UNLICENSED PERSONNEL	21 NCAC 38 .1101	RESPONSIBILITY OF THE OCCUPATIONAL THERAPY PRACTITIONER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		21 NCAC 38 .1102	DELEGATION OF DUTIES TO UNLICENSED PERSONNEL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt