

Clearinghouse Rule 99-118

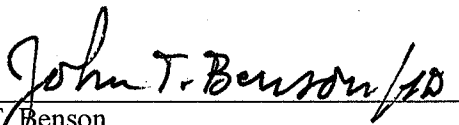
CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF PUBLIC INSTRUCTION)

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to occupational therapy was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

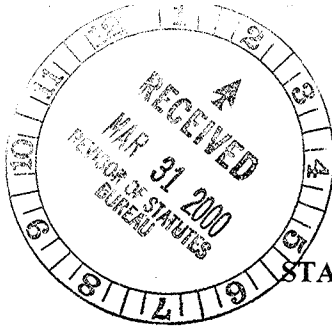
I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 31st day of March, 2000.



John T. Benson
State Superintendent
State Department of Public Instruction





**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES**

The state superintendent of public instruction hereby amends PI 11.24 (9) (c), relating to occupational therapy.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: s. 227.11 (2) (a), Stats.

Statute interpreted: ss. 115.76 (14) and 448.05, Stats.

Chapter 115, Subchapter V, requires school districts to provide the related service of occupational therapy to children with disabilities who need this service to benefit from special education. The requirement for a medical referral from a licensed physician in s. PI 11.24 (9) (c), Wis. Admin. Code, is based directly on Chapter Med 19, Wis. Admin. Code, which regulates all practice of occupational therapy.

On February 1, 1999, the Council to the state Medical Examining Board responded to a request from the Occupational Therapy Examining Council to interpret s. Med 19.08. Based on the legislative history of the provision, the board concluded that the provision is directed exclusively at rehabilitation services, which include evaluation for the purpose of rehabilitative treatment. Since school occupational therapy is not a rehabilitative treatment system, but a system designed to assist a child to benefit from special education, the board concluded that s. Med 19.08 does not require school occupational therapists to obtain a physician's referral.

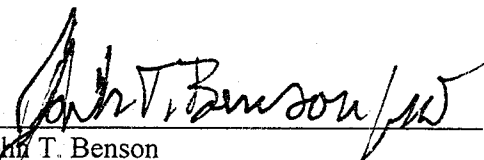
The proposed rule brings the department's Administrative Code (s. PI 11.24 (9) (c)) into conformity with the state Medical Examining Board's Administrative Code (s. Med 19.08), relating to occupational therapy.

SECTION 1. PI 11.24 (9) (c) is amended to read:

PI 11.24 (9) (c) *Medical information.* The school occupational therapist shall have medical information ~~and medical referral from a licensed physician~~ regarding a child before a the child is evaluated for receives occupational therapy.

The rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 31st day of March, 2000



John T. Benson
State Superintendent