

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 625 Department or Agency Board of Occupational Therapy
Rule No. 625-X-8-.01.
Rule Title: Supervision of Licensed Occupational Therapy Assistants
 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Ann Cosby
Date 9.19.13

Date Filed Stamp

Board of Occupational Therapy
NOTICE OF INTENDED ACTION

AGENCY NAME:

Board of Occupational Therapy

RULE NO. & TITLE:

625-X-8-.01 Supervision of Licensed Occupational Therapy Assistants

INTENDED ACTION:

The Alabama State Board of Occupational Therapy proposes to amend the above rule.

SUSTANCE OF PROPOSED ACTION:

The Alabama Occupational Therapy Practice Act authorizes the Board of promulgate such regulations as are needed to enforce the provisions of Act 90-383, codified as 34-39-1, Code of Alabama 1975, which makes illegal, except in certain specific instances, the practice of occupational therapy without a license and requires the licensure of all persons desiring to practice occupational therapy. This rule is being amended to improve the current regulations for supervision of occupational therapy assistants.

TIME, PLACE, MANNER FOR PRESENTING VIEWS:

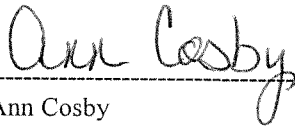
Any person who wishes to review a copy of the proposed rules or who wishes to present their views may contact the Alabama State Board of Occupational Therapy in writing at 64 North Union Street, Suite 734, Montgomery, AL 36130-4510, fax 334-353-4465, email ann.cosby@ot.alabama.gov or call 334-353-4466. An appointment may be made for oral comment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Any person who wishes to review a copy of the proposed amended rules or present their views must do so before 12:00 pm on November 5, 2013.

CONTACT PERSON FOR AGENCY:

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Ann Cosby
Executive Director

625-X-8-.01 Supervision Of Licensed Occupational Therapy Assistants.

(1) "Occupational therapy assistant" means a person licensed to assist in the practices of occupational therapy under the supervision of, or with the consultation of, a licensed occupational therapist whose license is in good standing.

(2) "Supervision" means a collaborative process for the responsible periodic review and inspection of all aspects of occupational therapy services. Responsibility of supervision is shared between the supervising occupational therapist(s) and the occupational therapy assistant(s) and/or all unlicensed personnel involved with the provision of occupational therapy services, including aides and students.

(3) An occupational therapist may assign an increased level of supervision if necessary for the safety of a patient or client. The levels of supervision are:

- a. Direct Supervision: the supervising occupational therapist is in the immediate area of the occupational therapy assistant while performing supportive services.
- b. Close Supervision: the supervising occupational therapist provides initial direction to the occupational therapy assistant and daily contact while on the premises at least 50% of the occupational therapy assistant's direct patient care hours per month.
- c. General Supervision: the supervising occupational therapist has face-to-face contact with the occupational therapy assistant at least once every 30-calendar days, with the supervising occupational therapist available by telephone, electronic, or written communication.

(4) Supervision Ratios:

An occupational therapist may supervise up to three (3) full-time occupational therapy assistants, but never more than two (2) occupational therapy assistants who require "direct" level of supervision. The total number of supervised occupational therapy assistants, occupational therapy personnel on a limited permit, and non-licensed occupational therapy personnel (including any occupational therapy students, occupational therapy assistant students, licensee applicants required to perform a perceptorship, and/or aides) may not exceed five (5) without prior Board approval. The Board may permit the supervision of a greater number by an occupational therapist if, in the Board's opinion, there would be adequate supervision to protect public health and safety.

(5) Only a licensed occupational therapist shall:

- A. Prepare an a written initial treatment plan prior to implementation by the occupational therapy assistant, initiate or re-evaluate a client or patient's treatment plan, or authorize in writing a change of a treatment plan;
- B. Delegate duties to a licensed occupational therapy assistant, designate an assistant's duties, and assign a level of supervision; and
- C. Authorize a patient discharge.

(6) A licensed occupational therapy assistant shall not:

- A. Evaluate or develop a treatment plan independently;
- B. Initiate a treatment plan before a client or patient is evaluated and a written treatment plan is prepared by an occupational therapist;
- C. Continue a treatment procedure appearing harmful to a patient or client until the procedure is reevaluated by an occupational therapist; or
- D. Continue or discontinue occupational therapy services unless the treatment plan is approved or re-approved by a supervising occupational therapist.

(7) A supervising occupational therapist shall supervise a licensed occupational therapy assistant as follows:

- A. Supervision should be "Direct" if ~~the occupational therapy assistant has less than 12-months work experience~~ at the discretion of the supervising occupational therapist.
- B. Supervision should be "Close" if the occupational therapy assistant has less than 12 months ~~but less than 24 months~~ of experience.
- C. Supervision should be at least "General" if an occupational therapy assistant has more than 24 12 months of experience.
- D. For occupational therapy assistants employed by state agencies and those employed by public schools and colleges of this state who provide screening and rehabilitation services for the educationally related needs of the student, the "Direct" and "close" supervision mandate based on work experience does not apply. In these instances, supervision should be at least "General".
- E. The following levels of supervision are minimal. An occupational therapist must assign an increased level of supervision if the occupational therapy assistant is new to a practice setting or particular skill. An occupational therapist must assign an increased level of supervision if necessary for the safety of a patient or client.
- F. All occupational therapist(s) who delegate to occupational therapy assistants must participate in the supervision of that occupational therapy assistant.
- G. Occupational therapy assistants working part-time should have no less than one hour of direct supervision per calendar month, and meet all other supervision requirements within this section.
- H. Occupational therapy assistants who work with more than one employer must notify the board of the supervisor(s) for each employer.
- I. The occupational therapist shall ensure that the occupational therapy assistant is assigned only those duties and responsibilities for which the assistant has been specifically educated and which the occupational therapy assistant is qualified to perform.

~~(8) This rule shall be effective September 1, 2013.~~

Author: Alabama State Board of Occupational Therapy
Statutory Authority: Code of Alabama 1975, §34-39-3, 34-39-11
History: Filed January 7, 1992; Amended December 18, 1995;
Amended April 12, 1996; Amended May 17, 2013