

***OKLAHOMA ADMINISTRATIVE CODE**
TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 30. OCCUPATIONAL THERAPISTS AND ASSISTANTS

435:30-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly in-dictates otherwise:

"Alternate supervisor" means an Oklahoma licensed Occupational Therapist who has signed a Form #5, Verification of Supervision, agreeing to provide supervision to the Occupational Therapy Assistant or applicant for licensure in the absence of the supervising Occupational Therapist. The alternate supervisor assumes all duties and responsibilities of the primary supervisor during that absence.

"Consultation" means periodic meetings to review and to provide recommendations and resource information regarding methods of implementation of the occupational therapy programs.

"Direct supervision" means personal supervision and specific delineation of tasks and responsibilities by an Oklahoma licensed occupational therapist who has signed a Form #5, Verification of Supervision, agreeing to supervise the Occupational Therapy Assistant or applicant for licensure, and Direct supervision shall include the responsibility for personally reviewing and interpreting the results of any habilitative or rehabilitative procedures conducted by the supervisee. It is the responsibility of the ~~Oklahoma licensed~~ supervising occupational therapist to be onsite during treatment to ensure that the supervisee does not perform duties for which he is not trained.

"General supervision" means responsible supervision and control by an Oklahoma licensed occupational therapist who has signed a Form #5, Verification of Supervision, agreeing to supervise the Occupational Therapy Assistant or applicant for licensure, ~~with the~~ The Oklahoma licensed supervising occupational therapist providing provides both initial direction in developing a plan of treatment and periodic inspection of the actual implementation of the plan. Such plan of treatment shall not be altered by the supervised individual without prior consultation with and approval of the supervising occupational therapist. The supervising occupational therapist need not always be physically present or on the premises when the assistant is performing services; however, except in cases of emergency, supervision shall require the availability of the supervising occupational therapist for consultation with and direction of the supervised individual. Supervision is an interactive process, more than a paper review or a co-signature, and requires direct in-person contact.

"In association with" means a formal working relationship in which there is regular consultation.

"Occupational therapist of record" means the occupational therapist who assumes responsibility for the provision and /or supervision of occupational therapy services for a client, and is held accountable for the coordination, continuation and progression of the plan of care.

"Primary supervisor" means the Oklahoma licensed Occupational Therapist who has signed a Form #5, Verification of Supervision, agreeing to provide supervision to the Occupational Therapy Assistant or applicant for licensure. The Primary Supervisor must have access to the client's plan of care.

435:30-1-16. Responsible supervision

- (a) An occupational therapist will not sign the Form #5, Verification of Supervision, to be the direct clinical supervisor for more than a total of four occupational therapy assistants or applicants for licensure regardless of the type of professional licensure or level of training.
- (b) It shall be the responsibility of the occupational therapist to monitor the number of persons under his/her direct clinical supervision. It shall be the responsibility of the occupational therapy assistant to inquire of the occupational therapist in regards to the number of persons being directly supervised.
- (c) ~~In unique cases~~ On a case-by-case basis, an occupational therapist may petition the Committee to receive permission to supervise additional occupational therapy assistants or applicants.
- (d) If responsible supervision is not practiced, both the occupational therapist and occupational therapy assistant are in violation of this rule.
- (e) If the licensed occupational therapist agrees to supervise an occupational therapy assistant, the occupational therapist shall:
- (1) determine the frequency and manner of consultations, taking into consideration the treatment settings being used, client rehabilitation status, and the competency of the occupational therapy assistant being supervised;
 - (2) maintain a record of all consultations provided;
 - (3) document in the client treatment record each time the occupational therapist supervising the occupational therapy assistant is physically present and directly supervises the treatment of a client by the occupational therapy assistant being supervised.
 - (4) make herself/himself available to the occupational therapy assistant in person or via telecommunication for consultation prior to implementation of any treatment program revisions; and
 - (5) review with the occupational therapy assistant in person or via telecommunication the diagnosis of the condition to be treated, the authorization of the procedure, dismissal of the client, and evaluation of the performance of the treatment given.
- (f) The licensed occupational therapy assistant shall:
- (1) consult with the supervising occupational therapist in person or via telecommunication prior to any treatment program revision; and
 - (2) notify the supervising occupational therapist of any significant changes in the physical, cognitive and/or psychological status of the client. Contact, or attempts to contact the supervising occupational therapist will be documented in the record.
- (g) Occupational therapy assistants with more than one employer must have a primary supervisor at each job who has completed a Form #5, Verification of Supervision.
- (h) The evaluating occupational therapist will document transfer of care to the occupational therapist of record.

AGENCY RULE REPORT

DATE NOTICE OF RULEMAKING INTENT PUBLISHED:

September 15, 2011

NAME AND ADDRESS OF RULEMAKING AUTHORITY:

Oklahoma State Board of Medical Licensure and Supervision
101 N.E. 51st St
P.O. Box 18256
Oklahoma City, OK 73154

TITLE OF RULE:

435:30-1-2. Definitions [AMENDED]
435:30-1-16. Responsible supervision [AMENDED]

AUTHORITY FOR RULEMAKING:

TITLE 59 O.S., Section 888.14, Section 489, State Board of Medical Licensure and Supervision

SUMMARY OF RULE:

The proposed amendments to **OAC 435:30-1-2. Definitions** and **OAC 435:30-1-16. Responsible supervision** add definitions for Occupational Therapist supervisors at different levels and clarifies the meaning of supervision at the different levels. The proposed amendments also further clarify the responsibilities of both the Occupational Therapist and the Occupational Therapy Assistant in their roles as supervisor/supervisee.

NEED FOR RULE:

The goal of the amendments is to tighten the relationship between Occupational Therapists and the Assistants that they supervise to ensure better, safer care is provided to the citizens of Oklahoma. The rules will encourage accountability between the OT and the OTA, between the professionals and their clients, and with the Board.

DATE AND LOCATION OF ADOPTION:

Adopted on November 3, 2011, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 101 N.E. 51st St., Oklahoma City, Oklahoma.

COMMENTS RECEIVED AND CHANGES MADE:

Comment: There may be difficulties obtaining a primary supervisor at every location. Language changed to state that the supervising OT must have access to the client's plan of care.

Comment: The OT will have to fully document the supervision provided including every time they consult with the OTA.

Language changed to state the OT shall maintain a record of all consultations provided.

Comment: Requirement to countersign the patient treatment record could cause problems in facilities/locations where electronic records do not allow an countersignature.

Language changed to "document" rather than "countersign".

Comment: Not all occupational therapy settings use the term "Patient". Language changed to "client".

Comment: OT of Record language is confusing. Language changed to state the evaluating OT will document transfer of care to the OT of Record.

PERSONS OR ORGANIZATIONS WHO APPEARED OR REGISTERED FOR OR

AGAINST THE PROPOSED RULES AT THE PUBLIC HEARING AND THOSE WHO COMMENTED IN WRITING BEFORE OR AFTER THE HEARING:

Christy O'Conner, OT
Amy Jones, OTA
Peggy Renshaw, OT
Jackie Reeves, OT
Ginger Castleberry, OT

RULE IMPACT STATEMENT:

Attached

BOARD MEMBERS AND VOTE:

Scott Meyers, MD	Aye
G. David Casper, MD	Aye
Jenny Boyer, MD	Aye
Bill Kinsinger, MD	Aye
Mr. Hank Ross	Aye
Mr. Chuck Skillings	Aye
J. Andy Sullivan, MD	Aye

RULE IMPACT STATEMENT
PROPOSED RULE:
435:30-1-2. Definitions (AMENDED)
435: 30-1-16. Responsible Supervision (AMENDED)

PURPOSE OF PROPOSED RULE:

The proposed amendments to **OAC 435:30-1-2. Definitions** and **OAC 435:30-1-16. Responsible supervision** add definitions for Occupational Therapist supervisors at different levels and clarifies the meaning of supervision at the different levels. The proposed amendments also further clarify the responsibilities of both the Occupational Therapist and the Occupational Therapy Assistant in their roles as supervisor/supervisee. The goal of the amendments is to tighten the relationship between Occupational Therapists and the Assistants they supervise to ensure better, safer care is provided to the citizens of Oklahoma. The rules will encourage accountability between the OT and the OTA, between the professionals and their patients, and with the Board.

CLASSES AFFECTED:

The classes of persons who most likely will be affected by the proposed rules are Occupational Therapists and Occupational Therapy Assistants and the patients they treat. There will be no additional costs in implementing these amendments. No cost impacts have been received by this agency from any private or public entities.

PERSONS BENEFITTED:

The classes of persons who will benefit from the proposed rules are the patients who are treated by Occupational Therapists and Occupational Therapy Assistants.

PROBABLE ECONOMIC IMPACT:

1. On affected classes : There will be little or no economic impact due to the proposed changes in these rules. There are no fees associated with this rule change.
2. On political subdivision: There will be little or no impact due to the proposed changes in these rules.
3. Fees: The proposed rule changes do not address fees.

PROBABLE COST TO THE AGENCY:

Administrative only. No additional personnel or budget expenses are anticipated.

WILL THE RULE IMPACT POLITICAL SUBDIVISIONS:

No economic impact or, or a need for cooperation from political subdivisions is anticipated.

SMALL BUSINESS IMPACT:

There is no anticipated adverse impact on small business, with reference to Sections 303 (A) (4) and 304 (b) (6) of the APA.

ALTERNATIVE METHODS AND COSTS OF COMPLIANCE:

There are no apparent alternative methods for compliance. The Agency does not anticipate any additional costs of administration due to implementation of these rule changes.

PUBLIC HEALTH/ SAFETY CONCERNS:

There will be no adverse impact or concerns with public safety or environment that will result for these proposed rule changes. Their implementation will result in better public health for the citizens of Oklahoma.

EFFECT OF NON IMPLEMENTATION ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT:

There could possibly be an adverse impact on public health and safety if these rules are not amended in this manner. Most Occupational Therapists and Occupational Therapy Assistants utilize, or should utilize, some system of communication. The proposed amendments make more clear the minimum standards and documentation required by the Board to show that compliance with supervision standards are being maintained

Patients are at risk of being treated by an Occupational Therapy Assistant without direction from an Occupational Therapist who is familiar with their case. The Occupational Therapy Assistant is put in additional risk if their supervising Occupational Therapist is not providing adequate supervision. These proposed amendments would help reduce that risk by ensuring that the Occupational Therapy Assistant knows who the patient's Occupational Therapist is and who they Occupational Therapy Assistant can call for guidance and direction. In addition, the proposed rules will help ensure that the Occupational Therapy Assistant does not change the directions/instructions given by the Occupational Therapist without first contacting the patient's Occupational Therapist. If the proposed rules are not implemented, the public health and safety is put in jeopardy by a lack of communication between the OT and OTA. There would be no affect on the environment if these proposed rules changes are not implemented.

DATE OF RULE IMPACT STATEMENT:

September 15, 2011

Amended: September 21, 2011

PREPARED BY:

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