

AGENDA ITEM 6

CONSIDERATION AND POSSIBLE RECOMMENDATION TO THE BOARD ON ADDITIONAL AMENDMENTS TO SECTIONS 4180 AND SECTION 4181.

The following attached for review:

- Proposed Text for Sections 4180 and 4181
- 2023 ACOTE Standards (Effective 7/31/2025)

Link to **2023 ACOTE Standards** below:

<https://acoteonline.org/download/5856/?tmstv=1706886053>

California Code of Regulations
Title 16 Professional and Vocational Regulations
Division 39. California Board of Occupational Therapy
Article 9. Supervision Standards

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout .
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Amend section 4180 to read as follows:

§ 4180. Definitions

In addition to the definitions found in Business and Professions Code sections 2570.2 and 2570.3 the following terms are used and defined herein:

~~(a)~~ ~~"Client related tasks" means tasks performed as part of occupational therapy services rendered directly to the client.~~

~~(b)~~ (a) "Level I student" means an occupational ~~therapy~~ therapist or occupational therapy assistant student participating in activities designed to introduce him or her to fieldwork experiences and develop an understanding of the needs of clients.

~~(c)~~ (b) "Level II student" means an occupational ~~therapy~~ therapist or occupational therapy assistant student participating in delivering occupational therapy services to clients with the goal of developing competent, entry-level practitioners.

(c) "Doctoral Capstone student" means an occupational therapy student completing a capstone project or capstone experience while enrolled in an ACOTE-accredited doctoral degree program or doctoral program with ACOTE pre-accreditation or candidacy status.

(d) "Supervision of a doctoral capstone experience" means the mentorship of the doctoral capstone student completing a direct patient/client care experience.

(e) "Client related tasks" means tasks performed as part of occupational therapy services rendered directly to the client.

(f) "Faculty-led fieldwork" means a fieldwork completed in direct in-sight supervision of a licensed occupational therapist or occupational therapy assistant employed by a California educational institution.

~~(d)~~ (g) "Non-client related tasks" means clerical, secretarial and administrative activities; transportation of patients/clients; preparation or maintenance of treatment equipment and work area; taking care of patient/client personal needs during treatments; and assisting in the construction of adaptive equipment and splints.

~~(e)~~ (h) "Periodic" means at least once every 30 days.

Note: Authority cited: Sections 2570.13 and 2570.20, Business and Professions Code.

Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

Amend section 4181 of Division 39, Title 16 of the California Code of Regulations to read as follows:

§ 4181. Supervision Parameters

(a) Appropriate supervision of an occupational therapy assistant includes, at a minimum:

(1) The weekly review of the occupational therapy plan and implementation and periodic onsite review by the supervising occupational therapist. The weekly review shall encompass all aspects of occupational therapy services and be completed by telecommunication or onsite.

(2) Documentation of the supervision, which shall include either documentation of direct client care by the supervising occupational therapist, documentation of review of the client's medical and/or treatment record and the occupational therapy services provided by the occupational therapy assistant, or co-signature of the occupational therapy assistant's documentation.

(3) The supervising occupational therapist shall be readily available in person or by telecommunication to the occupational therapy assistant at all times while the occupational therapy assistant is providing occupational therapy services.

(4) The supervising occupational therapist shall provide periodic on-site supervision and observation of client care rendered by the occupational therapy assistant.

(b) The supervising occupational therapist shall at all times be responsible for all occupational therapy services provided by an occupational therapy assistant, a limited permit holder, a student or an aide. The supervising occupational therapist has continuing responsibility to follow the progress of each client, provide direct care to the client, and assure that the occupational therapy assistant, limited permit holder, student or aide do not function autonomously.

(c) The level of supervision for all personnel is determined by the supervising occupational therapist whose responsibility it is to ensure that the amount, degree, and pattern of supervision are consistent with the knowledge, skill and ability of the person being supervised.

(d) Occupational therapy assistants may supervise:

(1) Level I occupational therapy students;

(2) Level I and Level II occupational therapy assistant students; and

(3) Aides providing non-client related tasks;

(4) Doctoral capstone students completing an experience in research skills, administration, leadership, program and policy development, advocacy, or education, as required by an accredited educational program;

(5) No more than a total of three Level I fieldwork students, Level II fieldwork students, or Limited Permit holders at any one time; and

(6) No more than 20 Level I fieldwork students in a faculty-led fieldwork.

(e) Occupational therapists may supervise:

(1) Doctoral capstone students completing an experience in research skills, administration, leadership, program and policy development, advocacy, and education, as required by an accredited educational program;

(2) No more than a total of three Level I fieldwork students, Level II fieldwork students, Limited Permit holders, or Doctoral capstone students completing a clinical, direct patient/client care experience, at any one time; and

(3) No more than 20 Level I fieldwork students in a faculty-led fieldwork.

~~(e)~~ (f) The supervising occupational therapist shall determine that the occupational therapy practitioner possesses a current license or permit to practice occupational therapy prior to allowing the person to provide occupational therapy services.

Note: Authority: Sections 2570.13 and 2570.20, Business and Professions Code. Reference: Sections 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, and 2570.13, Business and Professions Code.

Supervision Limitations¹

State	
Alabama	<p>Regulation: Alabama Administrative Code 625-X-8-.01 Supervision Of Licensed Occupational Therapy Assistants.</p> <p>(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 preceptorship, 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.</p>
Alaska	<p>Regulation: Title 12, Chapter 54, Article 7, Occupational Therapy Standards of Practice.</p> <p>§12 AAC 54.800. OCCUPATIONAL THERAPY STANDARDS.</p> <p>(b) An occupational therapist may not supervise more than three aides, assistants, students, foreign-educated candidates, or permittees at the same time, in any combination.</p>
Arizona	
Arkansas	
California	<p>Statute: California Business & Professions Code Division 2, Chapter 5.6, §2570.3</p> <p>(j) “Supervision of an occupational therapy assistant” means that the responsible occupational therapist shall at all times be responsible for all occupational therapy services provided to the client. The occupational therapist who is responsible for appropriate supervision shall formulate and document in each client’s record, with his or her signature, the goals and plan for that client, and shall make sure that the occupational therapy assistant assigned to that client functions under appropriate supervision. As part of the responsible occupational therapist’s appropriate supervision, he or she shall conduct at least weekly review and inspection of all aspects of occupational therapy services by the occupational therapy assistant.</p> <p>(1) The supervising occupational therapist has the continuing responsibility to follow the progress of each client, provide direct care to the client, and to ensure that the occupational therapy assistant does not function autonomously.</p>

¹ **DISCLAIMER:** This chart is provided for informational and educational purposes only and is not a substitute for legal advice or the professional judgment of health care professionals in evaluating and treating patients. Contact your state licensing board, committee, or agency with any questions regarding this information or to verify the accuracy of this information.

State	
	(2) An occupational therapist shall not supervise more occupational therapy assistants, at any one time, than can be appropriately supervised in the opinion of the board. Three occupational therapy assistants shall be the maximum number of occupational therapy assistants supervised by an occupational therapist at any one time, but the board may permit the supervision of a greater number by an occupational therapist if, in the opinion of the board, there would be adequate supervision and the public's health and safety would be served. In no case shall the total number of occupational therapy assistants exceed twice the number of occupational therapists regularly employed by a facility at any one time.
Colorado	<p>Regulations: Colorado Code of Regulations 3 CCR 715-1.8, Supervision of Licensed Occupational Therapy Assistants and Aides</p> <p>C. An occupational therapist must exercise professional judgment when determining the number of personnel the occupational therapist can safely and effectively supervise to ensure that quality client care is provided at all times.</p> <p>D. An occupational therapist must provide adequate staff-to-client ratio at all times to ensure the provision of safe, quality care.</p>
Connecticut	
Delaware	
Dis of Columbia	
Florida	
Georgia	
Guam	
Hawaii	
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	
Maine	
Maryland	
Massachusetts	<p>3.05: Supervision of Personnel</p> <p>(2) Occupational therapists and occupational therapy assistants must exercise their professional judgment when determining the number of personnel they can safely and effectively supervise to ensure that safe and appropriate care is provided at all times.</p> <p>(a) Specific frequency, methods, and content of supervision should be determined based on the following factors:</p> <ol style="list-style-type: none"> 1. Complexity of Clients' needs; 2. Number of Clients; 3. Diversity of Client conditions;

State	
	<p>4. Service Competency of the occupational therapist and the occupational therapy assistant; 5. Type of practice setting and the administrative requirements of that setting; and 6. Other regulatory requirements.</p>
Michigan	<p>Regulation: Michigan Administrative Code R 338.1229a. Delegation of tasks to an unlicensed individual; direct supervision of an unlicensed individual; requirements. (4) An occupational therapist shall not supervise more than 3 unlicensed individuals who are providing services to patients or clients at the same time.</p>
Minnesota	
Mississippi	
Missouri	
Montana	
Nebraska	
Nevada	
New Hampshire	<p>Regulations: New Hampshire Administrative Rules, Occ 400 CONTINUED STATUS, Part 407 ONGOING REQUIREMENTS Occ 407.08 Limitation on Number of Occupational Therapy Assistants Under Supervision. An occupational therapist shall not supervise at any one time more occupational therapy assistants than those whose combined work hours total the work hours of 2 full-time occupational therapy assistants.</p>
New Jersey	<p>Regulation: New Jersey Administrative Code, Title 13, Chapter 44K, Subchapter 6, Supervision 6.2 DESIGNATED SUPERVISOR: GENERAL QUALIFICATIONS AND RESPONSIBILITIES c) A licensed occupational therapist may supervise five occupational therapy students who are fulfilling the required fieldwork component of their educational training.</p>
New Mexico	
New York	<p>Regulations: New York Codes, Rules, and Regulations §76.8 Supervision of an occupational therapy assistant. f. In no event shall the occupational therapist or licensed physician supervise more than five occupational therapy assistants, or its full time equivalent, provided that the total number of occupational therapy assistants being supervised by a single occupational therapist or licensed physician shall not exceed 10.</p>
North Carolina	
North Dakota	
Ohio	
Oklahoma	<p>Regulation: Oklahoma Administrative Code Title 435, Chapter 30 435:30-1-16. Responsible supervision</p>

State	
	<p>(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.</p> <p>(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.</p> <p>(c) On a case-by-case basis, an occupational therapist may petition the Committee to receive permission to supervise additional occupational therapy assistants or applicants.</p> <p>(d) If responsible supervision is not practiced, both the occupational therapist and occupational therapy assistant are in violation of this rule.</p>
Oregon	
Pennsylvania	
Puerto Rico	
Rhode Island	
South Carolina	
South Dakota	
Tennessee	
Texas	
Utah	<p><u>Statute:</u> Utah Code Title 58, Chapter 42a, Part 3, Section 306 Supervision requirements.</p> <p>An occupational therapist who is supervising an occupational therapy assistant shall:</p> <p>(5) supervise no more than two full-time occupational therapy assistants at one time, or four part-time occupational therapy assistants if the combined work hours of the assistants do not exceed 40 hours per week, unless otherwise approved by the division in collaboration with the board;</p>
Vermont	
Virginia	<p><u>Regulation:</u> 18 VAC 85-80-110 Supervisory Responsibilities of an Occupational Therapist.</p>

State	
	C. An occupational therapist may provide clinical supervision for up to six occupational therapy personnel, to include no more than three occupational therapy assistants at any one time.
Washington	
West Virginia	
Wisconsin	
Wyoming	