

## **AGENDA ITEM 5**

**REVIEW AND VOTE ON APPROVAL OF THE SEPTEMBER 17, 2024, COMMITTEE MEETING HIGHLIGHTS.**



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## **AD HOC COMMITTEE ON SUPERVISION STANDARDS MEETING HIGHLIGHTS**

**September 17, 2024**

### **Committee Members Present**

Denise Miller, Chair/Board Member

Beata Morcos, Board Vice President  
 Manager

Cesar Arada

Ada Boone Hoerl

Candace Chatman

Dominique Embrey

Joyce Fries

Heather Kitching

July Mclaughlin Gray

Terry Peralta-Catipon

Samia Rafeedie

Penny Stack

### **Board Staff Present**

Heather Martin, Executive Officer

Rachael Hutchison,

Austin Porter, Analyst

### **Committee Members Absent**

Sharon Pavlovich, Board Member

Kersten Laughlin

Jessica Padilla

Liz Phelps

Erin Schwier

### **Tuesday, September 17, 2024**

#### **8:00 am – Committee Meeting**

1. Call to order, roll call, establishment of a quorum.

The meeting was called to order at 8:15 a.m., roll was called and a quorum was established.

2. Committee Chair’s Opening Remarks.

Chair Denise Miller welcomed all in attendance.

3. Introductions by all Committee members.

The Committee members chose not to introduce themselves.

4. Public Comment for Items Not on the Agenda.

Ms. Deanna Mannarelli<sup>8</sup>, Director of Fieldwork and Doctoral Capstone Coordinator for the Entry-Level OTD Program, and Assistant Professor of Clinical Occupational Therapy at the University of Southern California (USC) chose to introduce herself.

5. Review and vote on approval of the August 14, 2024, Committee meeting minutes.

*This agenda item was tabled until the next meeting.*

6. Consideration and possible recommendation to the Board on amending California Code of Regulations (CCR), Title 16, Division 39, Article 9, Section 4180, Definitions, and Section 4181, Supervision Parameters.

Executive Officer Heather Martin summarized the highlights from the August 14, 2024, Committee meeting, which included clarifying what “no more than” and “at any one time” meant regarding supervision limitations.

The Committee discussed the language in Section 4181(d)(5) and (d)(6) regarding the appropriate ratio of occupational therapy assistants supervising Level I fieldwork students, or Limited Permit holders at any one time and Section 4181(d)(6) regarding no more than twenty Level I fieldwork students in faculty-led fieldwork.

Concern was noted about how fifteen to twenty students would even fit into the physical space of the fieldwork sites and that the setting of the site should be considered in general whether it is a school-based or hospital site, etc.

A Committee member mentioned that according to her research, 81% of the states and territories do not have supervision caps or limitations for students. However, California is a highly regulated state and the existing ratios were present due to violations that have taken place.

The Committee discussed whether or not a Doctoral Capstone Student needed supervision.

A robust discussion ensued regarding separating Level I fieldwork students, Level II fieldwork students, and Limited Permit holders regarding supervision limitations. Concerns about consumer safety, practice setting, and corporations forcing practitioners to have the maximum number of students to supervise to leverage free labor were raised. Another trepidation was that the practitioner’s responsibility for patients/clients increases exponentially when supervising students.

Many Committee members agreed that three was a good maximum for the number of Level II students to be supervised at any one time.

The committee discussed defining the clinical experience, as not all clinical experiences look the same across the education programs. At a fieldwork site, doctoral capstone students could spend more time supporting a Level II student while Level I students observed. If a fieldwork site hosted three Level II students, then they could not host any Level I students; therefore, overlap is another concern.

After reviewing Florida’s supervision guidelines, a suggestion was made to format California’s guidelines similarly.

A recommendation was made to consider not having supervision limitations applied to

Level I students. At Level I, the students are gaining exposure to the patient population. They are not expected to put their hands on a patient. The observation of Level I students can be varied allowing for more flexibility. At times, other healthcare professionals instead of an occupational therapist are overseeing the Level I students. However, it was pointed out that the experience of a Level I student could vary as it was not in writing. Level I fieldwork students could participate in terms of engaging with a patient/client in other ways.

The consensus of the committee regarding the language in Section 4181(e)(2) was to remove the phrase, “at any one time” and to add “no more than” before Level I fieldwork students, Level II fieldwork students, and Doctoral capstone students. There was a brief discussion regarding Section 4181(e)(1) and moving it to subsection (e)(3).

The committee discussed the need to clarify what Level I supervision entailed, for example, does the supervisor need to be in the student’s line of sight, or do they only need to be accessible?

Taking the word “clinical” out of 4180(e)(2) and adding “engaged in patient/client care” and taking the number “twenty” out of 4180(e)(3) was suggested.

The idea that it should be the responsibility of the practitioner to decide when they are supervising too many students as opposed the Board regulating the supervision of students was discussed as no study has identified the perfect number of students for a practitioner to supervise.

The Committee agreed to add language to 4180(e) that read, “no more than a total of three Level I fieldwork students directly engaged in client-related tasks.”

The Committee agreed to meet on September 25<sup>th</sup> and were optimistic that they would be ready to vote on the proposed language for both Sections 4180 and 4181 at that time.

7. Review of CCR Title 16, Division 39, to identify other sections possibly affected by proposed amendments to CCR Sections 4180 and 4181 and recommend proposed regulatory amendment(s) to the Board to ensure consistency.

*This agenda item was tabled until the next meeting.*

8. Discussion on the need for a future meeting.

*This agenda item was tabled until the next meeting.*

9. New suggested agenda items for a future meeting.

*This agenda item was tabled until the next meeting.*

**The meeting adjourned at 9:53 a.m.**

## **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

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**

<b>Legend:</b>	Added text is indicated with an <u>underline</u> . Deleted text is indicated by <del>strikeout</del> .
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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.~~ **"Student" means an individual enrolled in an entry-level ACOTE-accredited degree program or an educational program with ACOTE pre-accreditation or candidacy status.**

(Is *under the supervision of licensee* helpful/needed?)

(b) "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) "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.

**(d) "Entry-level doctoral capstone student" means an occupational therapist student completing a doctoral capstone project and experience.**

**(e) "Supervision of an entry-level doctoral capstone experience" means the (mentorship OR oversight) of the student when completing a direct patient/client care experience. Does *project* need to be included?)**

**(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.**

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

~~(d)~~ **(h) "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)~~ **(i) "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.;~~

**(d) Occupational therapy assistants may supervise 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 and no more than a total of three: (Re-visit "accredited")**

**(1) Aides providing non-client related tasks-;**

**(2) Level I fieldwork students directly engaged in client-related tasks or patient/client care;**

**(3) Level II fieldwork students, at any one time;**

**(4) Doctoral capstone students completing a clinical, direct patient/client care experience, at any one time;**

**(5) Occupational therapist limited permit holders, at any one time; and**

**(6) Occupational therapy assistant limited permit holders, at any one time.**

**(e) Occupational therapists may supervise no more than a total of three:**

**(1) Level I fieldwork students directly engaged in client-related tasks or patient/client care;**

**(2) Level II fieldwork students, at any one time;**

**(3) Doctoral capstone students completing a clinical, direct patient/client care experience, at any one time;**

**(4) Occupational therapist limited permit holders, at any one time;**

**(5) Occupational therapy assistant limited permit holders, at any one time; and**

**(6) Occupational therapy assistants, except as approved by the Board.**

**(f) Occupational therapists may supervise no more than 20 Level I fieldwork students in a faculty-led fieldwork, at any one time.**

**(g) Without limitation, occupational therapists may also 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; (Re-visit "accredited")**

**(2) Level I fieldwork students observing XXXXXX;**

**(e) (h)** 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, **education, supervision, and practice**. (*Re-visit verbiage*)

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.

### **Business and Professions Code Section 2570.3**

(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 the occupational therapist's 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, the occupational therapist shall conduct at least weekly review and inspection of all aspects of occupational therapy services by the occupational therapy assistant.

- (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.
- (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 three times the number of occupational therapists regularly employed by a facility at any one time.

## **AGENDA ITEM 7**

**REVIEW OF BOARD REGULATIONS TO IDENTIFY OTHER SECTIONS POSSIBLY AFFECTED BY PROPOSED AMENDMENTS TO SECTIONS 4180 AND 4181 AND RECOMMEND PROPOSED REGULATORY AMENDMENT(S) TO THE BOARD TO ENSURE CONSISTENCY.**

**PLEASE NOTE: THE LINK FOR THE CALIFORNIA CODE OF REGULATIONS IS INCLUDED BELOW.**

[https://bot.ca.gov/board\\_activity/laws\\_regs/cc\\_regulations.shtml](https://bot.ca.gov/board_activity/laws_regs/cc_regulations.shtml)