

AGENDA ITEM 11

AD HOC COMMITTEE ON SUPERVISION STANDARDS UPDATE.

Included are the following:

- Highlights from the October 23, 2024, Committee meeting.
- Board Acceptance of the August 14, 2024, Committee Meeting minutes.
- Board Acceptance of the September 17, 2024, Committee Meeting minutes.
- Board Acceptance of the September 25, 2024, Committee Meeting minutes.

Meeting materials relied upon:

- Excerpts from past Board and Committee meeting minutes.
- Proposed Text for Sections 4180 and 4181.
- 2023 ACOTE Standards. (Effective 7/31/2025)
- AOTA list of states' supervision limitations.
- Laws and/or regulations regarding supervision requirements, limitations, exemptions, and practice considerations for supervision of students, limited permit holders, and OTAs for Florida, Illinois, and New York.
- California Board of Occupational Therapy Regulations, Title 16, Division 39, California Code of Regulations.



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AD HOC COMMITTEE ON SUPERVISION STANDARDS MEETING HIGHLIGHTS

October 23, 2024

Committee Members Present

Denise Miller, Chair/Board Member
 Beata Morcos, Board Vice President
 Cesar Arada
 Ada Boone Hoerl
 Candace Chatman
 Joyce Fries
 Heather Kitching
 July Mclaughlin Gray
 Liz Phelps
 Samia Rafeedie
 Penny Stack

Board Staff Present

Heather Martin, Executive Officer
 Rachael Hutchison, Manager
 Austin Porter, Analyst

Committee Members Absent

Domenique Hendershot-Embrey
 Kersten Laughlin
 Jessica Padilla
 Sharon Pavlovich
 Terry Peralta-Catipon

Wednesday, October 23, 2024

8:00 am – Committee Meeting

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

The meeting was called to order at 8:02 a.m., roll was called and a quorum was established.

2. Committee Chair’s Opening Remarks.

Chair Miller thanked the committee for their hard work and expertise.

3. Public Comment for Items Not on the Agenda.

There were no public comments.

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

There were no Committee member remarks.

There were no public comments.

- Heather Kitching moved to approve the August 14, 2024, Committee meeting minutes and directed Board staff to make any non-substantive changes.
- Candace Chatman seconded the motion.

Committee Member vote

Denise Miller	Yes
Beata Morcos	Yes
Cesar Arada	Yes
Ada Boone Hoerl	Yes
Candace Chatman	Yes
Joyce Fries	Yes
Heather Kitching	Yes
Julie McLaughlin Gray	Yes
Liz Phelps	Yes
Samia Rafeedie	Yes
Penny Stack	Yes

The motion carried.

5. Review and vote on approval of the September 17, 2024, Committee meeting minutes.

There were no Committee member remarks.

There were no public comments.

- Penny Stack moved to approve the September 17, 2024, Committee meeting minutes and directed Board staff to make any non-substantive changes.
- Ada Boone Hoerl seconded the motion.

Committee Member vote

Denise Miller	Yes
Beata Morcos	Yes
Cesar Arada	Yes
Ada Boone Hoerl	Yes
Candace Chatman	Yes
Joyce Fries	Yes
Heather Kitching	Yes
Julie McLaughlin Gray	Yes
Liz Phelps	Yes
Samia Rafeedie	Yes
Penny Stack	Yes

The motion carried.

6. Review and vote on approval of the September 25, 2024, Committee meeting minutes.

There were no Committee member remarks.

There were no public comments.

- Liz Phelps moved to approve the September 25, 2024, Committee meeting minutes and directed Board staff to make any non-substantive changes.
- Joyce Fries seconded the motion.

Committee Member vote

Denise Miller	Yes
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Beata Morcos	Abstain
Cesar Arada	Yes
Ada Boone Hoerl	Yes
Candace Chatman	Yes
Joyce Fries	Yes
Heather Kitching	Yes
Julie McLaughlin Gray	Yes
Liz Phelps	Yes
Samia Rafeedie	Yes
Penny Stack	Yes

The motion carried.

7. 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 (E.O.) Heather Martin provided a summary of the materials provided for the meeting. In the prior Committee meeting, only the language for the occupational therapists (OT) was discussed. That day, Ms. Martin presented the same suggested language for the OTs for the occupational therapy assistants (OTAs). Ms. Martin also noted the term “accredited” was now defined and included the three different statuses instead of going through the legislative process to change the language in the Board’s laws.

The Committee recognized that the Accreditation Council for Occupational Therapy Education (ACOTE) standards discuss mentorship. Verifying mentorship versus oversight would be too difficult. The Committee agreed to keep both “mentorship” and “oversight” in CCR 4180(f). There was a consensus that the more the Board’s language aligned with the ACOTE language, the less room there would be for misinterpretation. However, ultimately the Committee agreed to remove 4180(f) as supervision parameters were already identified in Section 4181.

There were no additional Committee member remarks.
There were no public comments.

- Heather Kitching moved to approve the proposed language for CCR Section 4180, as presented for recommendation to the Board with a correction to subsection (e) changing “occupational therapist student” to “occupational therapy student,” the removal of subsection (f), “Supervision of an entry-level doctoral capstone experience.”
- Penny Stack seconded the motion.

Committee member vote

Denise Miller	Yes
Beata Morcos	Yes
Cesar Arada	Yes
Ada Boone Hoerl	Yes
Candace Chatman	Yes
Joyce Fries	Yes

Heather Kitching	Yes
Julie McLaughlin Gray	Yes
Liz Phelps	Yes
Samia Rafeedie	Yes
Penny Stack	Yes

The motion carried.

E.O. Martin provided a summary of the language in Section 4181. Last year the Board approved language for CCR Section 4181, for consistency with the amendment to the Practice Act, which increased the number of OTAs an OT could supervise. The proposed language in red is the current language which did not account for the occupational therapy doctoral student completing a non-clinical capstone or the limited permit holders.

The Committee agreed to strike CCR Section 4180(d), replace it with a new subsection (d), and provide a list of whom occupational therapy assistants (OTAs) can supervise. In 4181(d), “occupational therapist assistants” would be changed to “occupational therapy assistants.”

It was suggested to edit CCR Section 4181(d)(2), to read, “Level I OT or OTA fieldwork students directly engaged in client-related tasks or patient/client care, and for 4181(d)(3) to state, “Level II OTA fieldwork students.” Removing Section 4181(d)(4) & (5) altogether was discussed and Ms. Martin liked that suggestion.

The Committee agreed that CCR Section 4181 (d)(3) should read, “Level II OTA fieldwork students,” and 4181(d)(2) should read, “Level I OT or OTA fieldwork students.”

Ms. Martin agreed with the suggestion to edit CCR Section 4181(d)(3) to read, Level II OTA fieldwork students.” However, in Section 4181(d)(2) an amendment would not be necessary as it is already defined in Section 4180.

Concern was expressed regarding CCR Section 4181(d)(4) & (5). Some thought it was odd that an OTA could supervise a doctoral capstone student and an OT limited permit holder. It was mentioned that the intent was to capture the non-clinical students to be under the supervision of OTAs since it did not involve direct patient care.

The Committee agreed that the language in 4181(g) regarding faculty-led fieldwork should be added to those that occupational therapy assistant can supervise.

Public Comment

Kristen Neville, State Affairs Manager at the American Occupational Therapy Association (AOTA), appreciated the discussion. Ms. Neville noted that she had discussed the proposed language with her AOTA colleagues. They also had concerns regarding who OTAs could supervise and supported removing CCR Sections 4181(d)(4) & (5). AOTA also had concerns that the proposed language might be too detailed, possibly causing confusion which might deter some from becoming supervisors. The new language could stifle innovation in academic programs that educators are trying to implement but are met with barriers regarding supervision parameters.

The Committee was surprised by the timing of AOTA's feedback; the Committee had met several times without hearing from AOTA. The Committee felt that they had achieved their goal with the proposed language of balancing the Board's regulatory language with what is happening in real-time.

In response to the Committee's frustration, Ms. Neville expressed that AOTA didn't wait until the last minute because the Committee had not yet proposed anything to the Board. Ms. Neville added that she did call out language in the Board's regulations that might confuse licensees, regarding what "at any one time" meant.

Concerning the innovation comment from AOTA, the Committee mentioned that in the context of CCR Section 4181(e), "(e) Occupational therapy assistants may supervise doctoral capstone students completing an experience in research skills, administration, leadership, program and policy development, advocacy, or education," the education programs believe that OTAs having the ability to supervise doctoral capstone students in the non-clinical roles will offer more in terms of collaboration with occupational therapy doctoral programs.

The Committee felt comfortable moving forward with their recommendations to the Board despite Ms. Neville's feedback regarding AOTA's concerns. Ms. Miller added that, as a long-time member of AOTA, she values the association's input and doesn't feel that the two are that far apart. The Board did look to other states for guidance, but California is a highly regulated state and we need language that supports that.

Regarding the language in CCR Section 4181(i), requesting an exception from the Board concerning the maximum number of students being supervised, it was noted that the section would be revisited when the Board received feedback from the Board's attorney.

Ms. Martin explained that an exemption exists in the Board's statutes; CCR Section 4181(i) was an attempt to clarify and provide that implementation to provide practitioners an avenue to request an exception to exceed that maximum.

Ms. Neville expressed her appreciation for all that Chair Miller and the Committee had accomplished.

Chair Miller thanked Ms. Neville for her comments and invited her and the Committee to the November Board meeting.

There were no additional Committee member remarks.

There were no additional public comments.

- Joyce Fries moved to approve the proposed language for CCR Section 4181, as presented for recommendation to the Board, **excluding subsection (i)**, the exception language, with the following amendments: update subsection (d)(3), to "Level II fieldwork occupational therapy assistant students," remove subsections (d)(4) & (d)(5); and add "no more than twenty Level I fieldwork faculty-led students" and "no more than 20 Level I fieldwork students in a faculty-led

fieldwork” to the purview of whom occupational therapy assistants may supervise.

- Beata Morcos seconded the motion.

Committee member vote

Denise Miller	Yes
Beata Morcos	Yes
Cesar Arada	Yes
Ada Boone Hoerl	Yes
Candace Chatman	Yes
Joyce Fries	Yes
Heather Kitching	Yes
Julie McLaughlin Gray	Yes
Liz Phelps	Yes
Samia Rafeedie	Abstain
Penny Stack	Yes

The motion carried.

Chair Miller expressed her appreciation for the Committee and noted they had addressed the hard issues other states have not. Ms. Miller said it had been an honor and a pleasure.

Further, Chair Miller expressed her appreciation for E.O. Heather Martin who would be retiring in December. Ms. Martin has been with the Board since 2005. Ms. Miller felt blessed, honored, and privileged to work with her.

There were no additional Committee member remarks.
There were no public comments.

8. 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 item was tabled.

9. Discussion on the need for a future meeting.

This item was tabled.

Meeting adjournment at 10:10 a.m.



AD HOC COMMITTEE ON SUPERVISION STANDARDS MEETING MINUTES

August 14, 2024

Committee Members Present

Denise Miller, Chair/Board Member
 Beata Morcos, Board Vice President
 Sharon Pavlovich, Board Member
 Cesar Arada
 Candace Chatman
 Joyce Fries
 July Mclaughlin Gray
 Dominique Hendershot-Embrey
 Ada Boone Hoerl
 Heather Kitching
 Kersten Laughlin
 Terry Peralta-Catipon
 Liz Phelps
 Penny Stack

Board Staff Present

Heather Martin, Executive Officer
 Rachael Hutchison, Manager
 Jeanine Orona, Analyst

Committee Members Absent

Samia Rafeedie
 Erin Schwier

Wednesday, August 14, 2024

8:00 am – Committee Meeting

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

The meeting was called to order at 8:02 a.m., roll was called, and a quorum was established.

2. Committee Chair’s Opening Remarks.

Chair Denise Miller welcomed all in attendance. Ms. Miller summarized the committee’s discussion items at the April 12, 2024, meeting as follows:

- Concern regarding the term “services” in Section 4181(e) prompted the suggested language: “prior to when providing occupational therapy services, education, supervision, and practice.”
- Some programs have students fulfill their capstone experience during the pre-accreditation phase; therefore, using the phrase, “Accreditation Council of Occupational Therapy Education (ACOTE)-accredited and pre-accredited doctoral degree program” was recommended.

- ACOTE defines “pre-accreditation” as the point in time at which the education program submitted its self-study or was close to doing so.
- The next steps for the committee included:
 - Reviewing literature and statistics to see if the proposed supervision ratios were justified;
 - Inviting an ACOTE representative to the next meeting;
 - Researching other states “supervision limitations” and “ratios” and
 - Clarifying the phrase “at any one time.”

Chair Miller summarized the committee’s discussion at the June 26, 2024, meeting as follows:

- ACOTE’s Director reported that the standards were written to be general and not prescriptive.
- Moving “at any one time” to the beginning of the proposed language was suggested.
- Removing OTAs from the proposed supervision limitation language and creating a new section for them was suggested. and
- Defining “faculty-led fieldwork” and “faculty-led site visits.”

3. Public Comment for Items Not on the Agenda.

There were no public comments for items not on the agenda and the public attendees chose not to introduce themselves.

4. Review and vote on approval of the April 12, 2024, committee meeting minutes.

- Penny Stack moved to approve the April 12, 2024, committee meeting minutes.
- Beata Morcos seconded the motion.

There were no additional committee member remarks.

There were no public comments.

Committee Member Vote

Beata Morcos	Yes
Sharon Pavlovich	Yes
Cesar Arada	Yes
Candace Chatman	Yes
Joyce Fries	Yes
July Mclaughlin Gray	Yes
Domenique Hendershot-Embrey	Yes
Ada Boone Hoerl	Yes
Heather Kitching	Yes
Kersten Laughlin	Yes
Terry Peralta-Catipon	Yes
Liz Phelps	Yes
Penny Stack	Yes
Denise Miller	Yes

The motion carried.

5. Review and vote on approval of the June 26, 2024, committee meeting minutes.

- Heather Kitching moved to approve the June 26, 2024, committee meeting minutes.
- Julie McLaughlin Gray seconded the motion.

There were no additional committee member remarks.

There were no public comments.

Committee Member Vote

Beata Morcos	<i>Abstained</i>
Sharon Pavlovich	Yes
Cesar Arada	Yes
Candace Chatman	Yes
Joyce Fries	Yes
July McLaughlin Gray	Yes
Domenique Hendershot-Embrey	Yes
Ada Boone Hoerl	Yes
Heather Kitching	Yes
Kersten Laughlin	Yes
Terry Peralta-Catipon	Yes
Liz Phelps	Yes
Penny Stack	Yes
Denise Miller	Yes

The motion carried.

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

Chair Miller invited Ms. Kitching to discuss her comment that she emailed to the Executive Officer regarding proposed amendments to Section 4181(e)(2).

Ms. Kitching summarized her concern that the distinction between entry-level capstone students versus post-professional remained unclear. In her opinion, post-professional students should not be included in the list of whom “no more than a total of three” shall be supervised at any one time. There are also doctoral capstone students who are post-professional students; meaning they are already in practice and licensed and those individuals would not require the same level of supervision.

Ms. Miller thanked Ms. Kitching for her comment. Ms. Miller reminded the committee that at the last meeting, the committee had a robust discussion in terms of what “at any one time” meant. The committee also discussed the phrase, “no more than” and identified that more occupational therapy assistants could be supervised than students at any one time or the number should be equal. However, Ms. Miller suggested that the committee begin with wrapping up their discussion regarding the California Code of Regulations (CCR), Title 16, Division 39, Article 9, Section 4180. Ms. Miller asked the committee to think about Section 4180 in terms of licensed versus unlicensed practitioners in future discussions.

Ms. McLaughlin Gray agreed with Ms. Kitching in terms of distinguishing between entry-level and post-professional student capstone experiences. She also suggested the committee add “doctoral capstone student” to 4180(c). She noted that although it was inferred, the committee could provide more clarity by using consistent language in 4180(a),(b), and (c).

Ms. Boone Hoerl added that she agreed with Ms. Kitching’s comments. Ms. Kitching’s letter inspired Ms. Boone Hoerl to research the American Occupational Therapy Association’s (AOTA) language regarding capstone mentorship versus capstone supervision.

Ms. Hendershot Embrey stated that Section 4180 includes “entry-level” language and that repeating it in Section 4181 would be clearer.

Ms. Kitching expressed her appreciation for Ms. Miller’s comment regarding the need to focus on licensed versus unlicensed student supervision parameters.

Mr. Arada suggested that the Committee propose inserting “entry-level doctoral capstone student” in Section 4180(c) to distinguish entry-level versus post-professional doctoral capstone students. However, he did feel that it was clear that the language was for the supervision standards for the unlicensed students.

Ms. Miller suggested adding “entry-level” to language referencing doctoral capstone students.

Ms. McLaughlin Gray suggested keeping the language consistent across Section 4180(a), (b), and (c). She added that the suggested language “with the goal of developing competent, entry-level practitioners” would be clearer if it was “with the goal of developing entry-level competence” was used instead.

Ms. Boone Hoerl suggested language for 4180(b) read as “Level II Student means an occupational therapist or occupational therapy assistant student participating in delivering occupational therapy services to clients.”

Ms. Miller proposed defining an entry-level student as an occupational therapist or occupational therapy assistant student participating in delivering occupational therapy services to clients.

Ms. McLaughlin Gray liked Ms. Miller’s proposed definition of entry-level students.

Ms. Stack agreed that the term “Level II” implies that it is entry-level, ACOTE-accredited, or in candidacy status, and focused on developing competency.

Ms. Pavlovich that those criteria need to remain as a large range of stakeholders need to be able to interpret the definition of Level II students.

Ms. McLaughlin Gray suggested placing the term “entry-level” before “occupational therapist” resulting in, “entry-level occupational therapist or entry-level occupational therapy assistant...”

Ms. Miller agreed that adding “entry-level” at the beginning of the definition provided clarity.

Ms. McLaughlin Gray agreed and suggested the definition be, “doctoral capstone student means an entry-level occupational therapy doctoral student completing a capstone project and experience” and removing, “while enrolled in an ACOTE-accredited doctoral degree program or doctoral program with ACOTE pre-accreditation or candidacy status.”

Chair Miller asked if it made sense to reference “ACOTE-accredited” and ACOTE pre-accredited somewhere else in the section and make a note that the terms “ACOTE-accredited” and ACOTE pre-accredited” pertain to all of the definitions.

Ms. Pavlovich stated that at Loma Linda University, to qualify for a post-professional program to earn a doctoral degree, it is required to pass the NBCOT exam and obtain licensure first, however, some programs do not have that requirement. She noted that as Ms. Martin mentioned earlier, some programs allow students to finish their program and enroll directly into an entry-level doctoral program without pursuing licensure.

Ms. Chatman suggested that “entry-level doctoral capstone students” and “post-professional doctoral capstone students” be defined separately. It would then be clear that the supervision parameter language only referred to entry-level doctoral capstone students. She noted that the current language in Section 4180(c) for a doctoral capstone student more accurately defined an entry-level doctoral capstone student.

Ms. Chatman also suggested a post-professional doctoral capstone student could be defined as “a licensed occupational therapist returning to an occupational therapy doctoral program.” She added that the post-professional doctoral capstone occupational therapy programs are not ACOTE-accredited.

Ms. Phelps said using the term “licensed” would be problematic because, for example, in her program, a short period exists when students are not licensed; meaning those students would not fit into either definition. She proposed the language, “a post-professional doctoral capstone student that has completed an entry-level degree.” Then it would be at the discretion of the fieldwork site to determine a student’s level of supervision based on whether or not they were licensed.

Chair Miller asked if for those programs that do not require licensure for enrollment, would it be problematic if California’s regulatory language pushed schools to require students to be licensed. Ms. Miller asked the Committee to consider where the programs are headed in terms of requirements in the future so they could recommend language to the Board that could potentially last many years.

Ms. Fries said that there used to be a requirement that the applicants had to have five years of clinical practice for admittance into a post-professional education program.

Ms. McLaughlin Gray asked if an unlicensed student is in a post-professional doctoral program, then the Committee wished to apply supervision standards, however, if the student is licensed then the Committee does not wish to apply supervision standards to

those individuals. In her opinion, the phrase, “doctoral capstone student” insinuates entry-level knowledge and abilities. In her program, doctoral capstone students are referred to as residents. She suggested adding “for the purpose of these regulations” to the definition of a doctoral capstone student. The definition would be, “A doctoral capstone student means either an entry-level occupational therapy doctoral capstone student completing a capstone project or capstone experience.” Alternatively, the definition could be, “an unlicensed post-professional occupational therapy doctoral capstone student.”

Ms. Chatman suggested defining the post-professional doctoral capstone student as, “a person who has received an entry-level occupational therapy degree and is either licensed or pursuing licensure while enrolled in a post-professional occupational therapy doctoral program.”

Ms. Martin noted that Business and Professions Code 2570.4(a) provides the Board authority over unlicensed students because they provide services to patients/clients. She suggested defining a student as “an individual enrolled in an ACOTE-accredited degree program or an educational program with ACOTE pre-accreditation or candidacy status.”

Chair Miller noted that the phrase, “with the goal of developing entry-level competence” distinguished the capstone from the Level I and the Level II students.

Ms. McLaughlin Gray pointed out that the terms “occupational therapist” and “occupational therapy student” are inconsistent among the definitions. In Section 4180(c) students are referred to as “occupational therapy students,” however, in Section 4180(a) and (b) the students are referred to as “occupational therapist” students. She recommended that the Committee use the same term throughout the section.

Ms. Peralta-Catipon said that regarding Section 4180(c) it was her understanding that the Committee was moving toward creating a distinction between Level I, Level II, and capstone students. According to ACOTE, Level I students gain an understanding of the needs of clients, Level II students prepare for entry-level competency, and for doctoral capstone students, the goal is to gain in-depth exposure to a specific area of practice.

Ms. Stack suggested that because the doctoral capstone project and experience occur together, the language could be, “completing a doctoral capstone project *and* experience.”

Chair Miller read the Committee’s proposed language thus far for Section 4180(c), “Doctoral capstone student means an occupational therapist student completing a doctoral capstone project and experience.”

Ms. McLaughlin Gray noted “with a goal of developing entry-level competence” only applied to Level II students. Ms. McLaughlin Gray suggested adding that phrase to Section 4180(b) and adding language to 4180(c) that described the goal of the doctoral capstone student, for example, “an in-depth experience and synthesis of knowledge.”

Ms. Martin suggested defining a Level II student as, “an occupational therapist or occupational therapy assistant student participating in delivering occupational therapy services to clients to develop entry-level competence” and removing “designed” from Section 4180(a).

Concern was noted that without the phrase, “participating in” in the Level II student definition, the fieldwork sites could potentially see a loophole; meaning the language could be interpreted as only the students are providing services.

Chair Miller announced that she felt the Committee had accomplished making the language in Section 4180(a), (b), and (c) consistent and the Committee had also identified new language to define a student.

Next, Chair Miller asked the Committee to focus on Sections 4180(d), (e), and (f) and began by stating that she was fond of the language proposed in Section 4180(d).

Ms. Stack agreed with the language proposed in Section 4180(d) as well.

Ms. Boone Hoerl noted that regarding Section 4180(d), ACOTE defined supervision as the direct inspection of quality of work and a supervisor as one who ensures tasks assigned to others are performed correctly and efficiently. ACOTE defines mentorship as dedicated to the personal and professional growth of the mentee. She suggested the Committee include a definition of mentorship as the demands of mentorship are different than the demands of clinical supervision.

Ms. Boone Hoerl cautioned the Committee to be careful not to equate supervision and mentorship as the rationale for the supervision ratios of the students.

Ms. Stack recalled a prior discussion regarding supervision versus mentorship and it was determined that the Board could not use the term mentorship in regulation.

Ms. Martin confirmed Ms. Stack’s recollection and explained that mentorship could not be used in the Board’s regulations as it was deemed too ambiguous; thus, the term supervision is used in both the Board’s statutes and regulations.

Chair Miller asked Ms. Martin if any changes to the language resulted from that discussion.

Ms. Martin replied that there were many iterations of the language and the language provided in the meeting materials and reflects the Committee’s suggestions to date except for the more recent callouts regarding the phrases, “no more than” and “at one time.” She clarified that the Committee still needs to discuss those phrases.

Ms. Miller asked why the term “mentorship” was still in Section 4180(d).

Ms. Stack agreed that the Committee should not use the term “mentorship” in that context and expressed that she was open to alternate language.

Ms. McLaughlin Gray noted that regarding Section 4180(c) and (d), supervision would be necessary when the student was providing a direct patient/client care experience,

and the mentorship would apply when the student was doing a capstone project or experience.

Ms. Stack noted that mentorship could be throughout the education process, not just when the students are hands-on with a patient/client. Mentorship should also include guiding the student through their capstone project or providing feedback on a report they might be working on.

Ms. McLaughlin Gray asked if the term “mentorship” really belonged in Section 4180 at all. In her opinion, only patient/care belonged in the guidelines.

Ms. Stack agreed with Ms. McLaughlin Gray.

Chair Miller suggested using “guidance” instead of “mentoring.”

Ms. McLaughlin Gray proposed using the term “oversight.”

Ms. Stack proposed the language, “supervision of a doctoral capstone experience means the supervision of the doctoral capstone student completing a direct patient/client experience” to keep the language consistent.

Ms. Martin opined that using the term “oversight” might be better because the ACOTE guidelines refer to the mentorship of a doctoral student but not to the supervision of a doctoral student. She recommended leaving the term “mentorship” in the definition because both ACOTE and AOTA publicly commented on that previously. This was to incorporate verbiage used in the ACOTE Guidelines and recognize that only students providing direct patient/client care needed supervision under a licensee.

Chair Miller asked if mentorship would be a concern for a patient/client who received services from a doctoral capstone student.

Ms. McLaughlin Gray noted that she liked the link to the ACOTE language described by Ms. Martin. Ms. McLaughlin Gray proposed the language, “supervision of a doctoral capstone experience means the mentorship of the doctoral capstone student when completing a direct patient/client experience.” Leaving “mentorship” in the definition would align the language with the ACOTE Guidelines and emphasize that the language pertained to when a student was providing direct patient/client care.

Chair Miller announced that the Board’s quarterly meeting was scheduled for August 22-23, 2024. The meeting was in person at Stanbridge University for those who wished to attend.

Ms. Miller added that Board staff would prepare a draft of the language based on the discussion today and be presented at the next Committee meeting.

Ms. Miller invited Committee members to send their comments about Sections 4180 and 4181 to Executive Officer Heather Martin in the interim; any comments received would be a springboard for discussion the next meeting.

The Committee agreed to meet again in September and Ms. Miller instructed Board staff to send out a Doodle Poll.

7. Review 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 item was tabled until the next meeting.

The meeting adjourned at 10:03 a.m.



AD HOC COMMITTEE ON SUPERVISION STANDARDS MEETING MINUTES

September 17, 2024

Committee Members Present

Denise Miller, Chair/Board Member
 Beata Morcos, Board Vice President
 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, Manager
 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, 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 the need to clarify what the terms “no more than” and “at any one time” meant regarding supervision limitations.

Chair Miller asked that the Committee discuss 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) no more than twenty Level I fieldwork students in a faculty-led fieldwork. Ms. Miller added that it would be impossible to address each scenario, however, the Committee was tasked with determining a ratio for supervision with consumer safety in mind.

Ms. Stack recalled that the number three originated from a committee member from the perspective of a parent of a patient/client wondering if their child received an acceptable quality of care with twenty students being supervised in a room while receiving care. The number twenty for supervision of Level I fieldwork students in faculty-led fieldwork originated from the idea that a faculty member might bring a portion of their class to a faculty-led site, although their maximum was fifteen students.

A robust discussion ensued regarding 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 site environment should be considered in general whether it is a school-based or hospital site, etc.

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

Mr. Arada and Ms. Rafeedie expressed concern about lumping Level I and Level II fieldwork students together when considering supervision limitations as they have different levels of familiarity.

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.

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

Public Comment

Deanna Mannarelli, 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), agreed with uncoupling Level I and Level II students when considering supervision limitations. Ms. Mannarelli added that a student could be Level I for as short as one to five days during an entire semester.

Chair Miller asked Ms. Mannarelli how many students USC typically sent out to one fieldwork site.

Ms. Mannarelli replied that USC usually sent two to three students to one fieldwork site. Some sites will host Level I students, Level II students, and Doctoral capstone students without jeopardizing the quality of care to the patients/clients. Ms. Mannarelli expressed concern that if a fieldwork site hosted three Level II students, they could not host any Level I students.

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.

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 oversee 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).

Ms. Stack expressed the need to clarify what the supervision of a Level I fieldwork student entailed, for example, should the supervisor need to be in the student's line of sight or was being accessible enough?

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 to the Board making that decision for the practitioner was discussed.

Kristen Neville, State Affairs Manager at American Occupational Therapy Associate, added that 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.”

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.

The Committee agreed to meet on September 25th and was optimistic that they would be ready to vote on the proposed language for Sections 4180 and 4181 during that 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.



AD HOC COMMITTEE ON SUPERVISION STANI MEETING MINUTES

September 25, 2024

Committee Members Present

Denise Miller, Chair/Board Member
 Cesar Arada
 Ada Boone Hoerl
 Candace Chatman
 Domenique Hendershot-Embrey
 Joyce Fries
 Heather Kitching
 Kersten Laughlin
 Sharon Pavlovich
 Terry Peralta-Catipon
 Liz Phelps
 Samia Rafeedie
 Penny Stack

Board Staff Present

Heather Martin, Executive Officer
 Rachael Hutchison, Manager
 Austin Porter, Analyst

Committee Members Absent

Beata Morcos, Board Vice President
 Erin Schwier
 Jessica Padilla
 July McLaughlin Gray

Wednesday, September 25, 2024

8:00 am – Committee Meeting

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

The meeting was called to order at 8:06 a.m., roll was called and a quorum was established.

2. Committee Chair’s Opening Remarks.

Chair Denise Miller welcomed everyone in attendance. Ms. Miller announced that the committee is developing language for the board to consider regarding supervision standards. The Committee has been focused on defining different levels of students and fieldwork, as well as, discussing supervision ratios. The goal is to reach a consensus and vote on the language before the November board meeting.

3. Introductions by all Committee members.

The committee members chose not to introduce themselves.

4. Public Comment for Items Not on the Agenda.

There were no comments for items not on the agenda.

5. Review and vote on approval of the September 17, 2024, Committee meeting highlights.

This item was informational only. Meeting minutes will be provided at 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.

The board changed the maximum number of fieldwork students that could be supervised by an occupational therapist from two to three based on feedback and input from AOTA, OTAC, and public comments.

There was discussion about the wording and clumping of the different types of fieldwork students, and it was ultimately agreed that the current proposed language is reasonable.

There was a suggestion to include language that allowed for exceptions to the maximum number of fieldwork students if approved by the board, however, a process to be approved by the Board does not exist at this time. The Board must detail what that process would look like in its regulations. The committee agreed to add the language "except as approved by the Board" after the language, "no more than a total of three" in Section 4181(e).

An attendee asked for clarification regarding, "no more than three" and it was explained that the limit is a total of three students of any combination or category.

Another attendee noted that Level I students could be supervised by someone other than an occupational therapist or occupational therapy assistant, and those individuals are not subject to the supervision limitations established by the Board.

It was added that in non-occupational therapy settings, a Level I could be about the exposure to populations and methods of interactions, in short, it would be more of an observational activity. Level I students could also help their supervising occupational therapist or occupational therapy assistant set something up for their session, which would not be considered a skilled service, and the primary intention would still be the exposure to a population and their needs.

The Board's law only mentions "accredited" programs, while the Committee's proposed regulatory language mentions "pre-accredited" and "candidacy status." However, the regulatory language cannot be broader than the law, but there might be potential for a bill to change the definition. The committee would consider revising the language to match the law.

The Committee discussed the language in Section 4181(g)(2) regarding the supervision of Level I fieldwork students by occupational therapists. Suggested phrases included, "strictly observational," "solely observational," or "exclusively observational."

It was pointed out that students could observe in one session and support in another and that there never would be an exclusively observational Level I student. To that extent, the Committee discussed the relevance of keeping 4181(g)(2). Ultimately, the consensus was to keep Section 4181(g)(2).

The Committee discussed adding, “at any one time,” back into Section 4181(e)(1). After they had agreed to add the phrase, “engaged in client-related tasks,” the phrase, “at any one time” became necessary.

Concerning Section 4181(g)(2), a suggestion was made to remove the word “observing” as it was too specific and replace it with the phrase, “Level I fieldwork students that are not engaged in direct patient/client care.”

The Committee deliberated on using the words, “accredited,” “pre-accredited,” and “candidacy status.” The members were reminded that the definition of “student” that the Committee previously agreed upon included those terms. However, it was pointed out that the statutory language only mentions, “accredited,” and the regulations cannot be broader than the laws. A bill would need to be introduced to include “pre-accredited” and “candidacy status” in the law. Therefore, the Committee agreed to bring two versions of the definition of “student” before the Board, one with the terms “pre-accredited” and “candidacy status” and one without.

The consensus was to make both sections gender-neutral by using the terms, “they” and “them.”

The consensus was to omit the phrases, “occupational therapy” to “occupational therapist,” throughout the definitions in Section 4180(b), (c), and (d), as those are mentioned in the definition of “student.”

The Committee then defined the Level I fieldwork student as, “participation in activities designed to introduce the student to fieldwork, apply knowledge to practice, and develop an understanding of the needs of clients.”.

The Committee then defined the Level II fieldwork student as “participation in delivering occupational therapy services, under the direct supervision of a licensee, to clients with the goal of developing competent, entry-level practitioners.

The Committee agreed to propose new language for Section 4181(d) regarding supervision by occupational therapy assistants as follows:

(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:

- (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.*

Chair Miller noted that the Committee would be provided with language that incorporated their discussions that day at the next meeting and that all highlights and minutes would be brought back from the previous meetings that needed to be voted on.

There were no additional Committee member remarks.
There were no additional public comments.

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 for a future meeting.

8. Discussion on the need for a future meeting.

The Committee agreed to meet again in mid-October.

Meeting adjournment at 10:02 a.m.

AGENDA ITEM 12

CONSIDERATION AND POSSIBLE ACTION TO INITIATE A RULEMAKING PACKAGE TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 16, DIVISION 39, ARTICLE 9, SECTION 4180, DEFINITIONS, AND SECTION 4181, SUPERVISION PARAMETERS.

CCR, Title 16, 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,~~ **2570.4, and 2570.6,** 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.~~ **"Accredited" means an entry-level occupational therapy degree program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE), or an entry-level degree program with candidacy status or pre-accreditation status with ACOTE.**

(b) **"Student" means an individual enrolled in an accredited entry-level occupational therapy or occupational therapy assistant degree program.**

~~(b) (c) "Level I fieldwork student" means an occupational therapy or occupational therapy assistant student participating~~ **participation** in activities designed to introduce him or her **the student** to fieldwork experiences, **apply knowledge to practice,** and develop an understanding of the needs of clients.

~~(c) (d) "Level II fieldwork student" means an occupational therapy or occupational therapy assistant student participating~~ **participation** in delivering occupational therapy services; **under the direct supervision of a licensee,** to clients with the goal of developing competent, entry-level practitioners.

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

(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.~~

Amend section 4181 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 no more than a total of three of the following:

(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 occupational therapy assistant students, at any one time; and

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

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

(f) Occupational therapy assistants may supervise doctoral capstone students completing an experience in research skills, administration, leadership, program and policy development, advocacy, or education.

(g) Occupational therapists may supervise no more than a total of three of the following:

(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.

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

(i) Without limitation, 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; and

(2) Level I fieldwork students exclusively in an observational role or providing non-client related tasks.

~~(e)~~ **(j)** 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.**

Proposed Text with NO Track Changes

Amend section 4180 to read as follows:

§ 4180. Definitions

In addition to the definitions found in Business and Professions Code sections 2570.2, 2570.3, 2570.4, and 2570.6, the following terms are used and defined herein:

- (a) "Accredited" means an entry-level occupational therapy degree program accredited by the Accreditation Council for Occupational Therapy Education (ACOTE), or an entry-level degree program with candidacy status or pre-accreditation status with ACOTE.
- (b) "Student" means an individual enrolled in an accredited entry-level occupational therapy or occupational therapy assistant degree program.
- (c) "Level I fieldwork means" participation in activities designed to introduce the student to fieldwork, apply knowledge to practice, and develop an understanding of the needs of clients.
- (d) "Level II fieldwork" means participation in delivering occupational therapy services, under the direct supervision of a licensee, to clients with the goal of developing competent, entry-level practitioners.
- (e) "Entry-level doctoral capstone student" means an occupational therapy student completing a doctoral capstone project and experience.
- (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.
- (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.
- (j) "Periodic" means at least once every 30 days.

Amend section 4181 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 no more than a total of three of the following:
- (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 occupational therapy assistant students, at any one time; and
 - (4) Occupational therapy assistant limited permit holders, at any one time.
- (e) Occupational therapy assistants may supervise no more than 20 Level I fieldwork students in a faculty-led fieldwork, at any one time.
- (f) Occupational therapy assistants may supervise doctoral capstone students completing an experience in research skills, administration, leadership, program and policy development, advocacy, or education.
- (g) Occupational therapists may supervise no more than a total of three of the following:
- (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.
- (h) Occupational therapists may supervise no more than 20 Level I fieldwork students in a faculty-led fieldwork, at any one time.
- (i) Without limitation, 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; and
 - (2) Level I fieldwork students exclusively in an observational role or providing non-client related tasks.
- (j) 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.

AGENDA ITEM 13

REPORT ON 2024 CHAPTERED LEGISLATION.

- Chaptered Legislation Report.
- AB 2725 Veto Message.

California Board of Occupational Therapy 2024 CHAPTERED & VETOED BILLS

Bill #	Author	Summary	Board Position/ Date Taken	Status
AB 1991	Bonta	Licensee and registrant renewal: National Provider Identifier. This bill would require a healing arts board, as defined, to require a licensee or registrant who electronically renews their license or registration to provide to that board the licensee's or registrant's individual National Provider Identifier, if they have one. The bill would provide that a violation of the bill's requirements is not a crime.	Watch May 3, 2024	Chaptered 9/22/24
AB 2442	Zbur	Healing arts: expedited licensure process: gender-affirming health care and gender-affirming mental health care. This bill would also require those boards to expedite the licensure process for an applicant who demonstrates that they intend to provide gender-affirming health care and gender-affirming mental health care, as defined, within the scope of practice of their license, and would specify the manner in which the applicant would be required to demonstrate their intent. <i>The bill would repeal its provisions on January 1, 2029.</i>	Watch May 3, 2024	Vetoed by Governor 9/27/24
AB 2725	Rubio, Maratsuchi	Teacher credentialing: administrative services credential: occupational and physical therapists. This bill would provide that a valid license to practice occupational therapy or physical therapy and verification of meeting a basic skills requirement, as specified, and 3 years of experience as a school-based occupational therapist or physical therapist may be used to satisfy respective requirements for a preliminary services credential with a specialization in administrative services, as provided.	Support May 3, 2024	Vetoed by Governor 9/27/24

Bill #	Author	Summary	Board Position/ Date Taken	Status
SB 1067	Smallwood-Cuevas	<p>Healing arts: expedited licensure process: medically underserved area or population.</p> <p>This bill would require the Board of Behavioral Sciences, the Board of Registered Nursing, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the California State Board of Pharmacy, the Dental Board of California, the Dental Hygiene Board of California, and the Physician Assistant Board to develop a process to expedite the licensure process by giving priority review status to the application of an applicant for a license who demonstrates that they intend to practice in a medically underserved area or serve a medically underserved population, as defined. <i>The bill would repeal these provisions on January 1, 2029.</i></p>	Watch May 3, 2024	Vetoed by Governor 9/27/24 Senate's consideration of veto pending.



OFFICE OF THE GOVERNOR

SEP 27 2024

To the Members of the California State Assembly:

I am returning Assembly Bill 2725 without my signature.

This bill would allow occupational therapists and physical therapists with three years of school-based experience to obtain an administrative services credential, provided they also meet the basic skills requirement and complete an administrative services program, or pass an examination aligned to administrative services standards adopted by the Commission on Teacher Credentialing (CTC).

While this bill is well-intentioned, there is no state requirement that occupational therapists and physical therapists must hold an administrative services credential to hold supervisory or administrative roles in local educational agencies. The pathways for these licensed professionals can be created at the local level, through human resources and collective bargaining. As a more appropriate statewide approach, the CTC could create at least two administrative services pathways: one for teachers, and one for other credential or license holders without a teacher preparation background. As such, I am requesting that the CTC develop such pathways.

For these reasons, I cannot sign this bill.

Sincerely,

Gavin Newsom



AGENDA ITEM 14

REPORT ON PENDING LEGISLATION.

California Board of Occupational Therapy
Legislative Update as of October 9, 2024

Bill #	Author	Summary	Board Position/ Date Taken	Status
AB 2269	Flora	<p>Board membership qualifications: public members. This bill would prohibit a public member or a lay member of any board from having a specified relationship with a licensee of that board, for services provided pursuant to that license, within 3 years of the public member's or lay member's appointment. The bill would provide that these requirements apply to a public member or a lay member of a board upon appointment or reappointment on or after January 1, 2025.</p>	Support May 3, 2024	Referred to Senate B., P. & E. D. Set, 2 nd Hearing. (Hearing cancelled by author.)
AB 2753	Ortega	<p>Rehabilitative and habilitative services: durable medical equipment and services. This bill would specify that coverage of rehabilitative and habilitative services and devices under a health care service plan or health insurance policy includes durable medical equipment, services, and repairs, if prescribed or ordered by a health professional acting within the scope of their license. The bill would define "durable medical equipment." The bill would prohibit coverage of durable medical equipment and services from being subject to financial or treatment limitations, as specified.</p>	Watch August 23, 2024	Re-referred to Assembly Appropriations. Held under submission.
AB 2862	Gipson	<p>Department of Consumer Affairs: African American applicants. Existing law establishes the Department of Consumer Affairs, which is composed of specified boards that license and regulate various professions. This bill would require those boards to prioritize African American applicants seeking licenses under these provisions, especially applicants who are descended from a person enslaved in the United States. The bill would repeal those provisions on January 1, 2029.</p>	Watch August 23, 2024	Referred to Senate B., P. & E. D. and JUD. (Hearing cancelled by author.)

Bill #	Author	Summary	Board Position/ Date Taken	Status
AB 3127	McKinnor	<p>Reporting of crimes: mandated reporters. This bill would remove the requirement that a health practitioner make a report to law enforcement when they suspect a patient has suffered physical injury caused by assaultive or abusive conduct. The bill would instead require that a health practitioner make a report when the injury is life threatening or results in death, as specified, or is the result of child abuse or elder or dependent adult abuse. The bill would require the health practitioner to additionally make a report when a person is seeking care for injuries related to domestic, sexual, or any nonaccidental violent injury if the patient requests a report be sent, as specified.</p>	Watch August 23, 2024	Re-referred to Senate Appropriations. Held under submission.
SB 1290	Roth	<p>Health care coverage: essential health benefits. This bill would express the intent of the Legislature to review California’s essential health benefits benchmark plan and establish a new benchmark plan for the 2027 plan year. The bill would limit the applicability of the current benchmark plan benefits to plan years on or before the 2027 plan year.</p>	Watch August 23, 2024	Ordered to Inactive File by Assembly Member Bonta.

AGENDA ITEM 15

REVIEW OF THE AMERICAN OCCUPATIONAL THERAPY ASSOCIATION'S (AOTA) PROPOSED GUIDELINES FOR REENTRY INTO THE FIELD OF OCCUPATIONAL THERAPY.

Guidelines for Reentry Into the Field of Occupational Therapy

These guidelines are designed to assist occupational therapists and occupational therapy assistants who have left the field of occupational therapy for 24 months or more and have chosen to return to the profession and deliver occupational therapy services. The guidelines represent minimum recommendations only and are designed to support practitioners in meeting their ethical obligation to maintain high standards of competence and to provide guidance to regulatory bodies.

Purpose of the Guidelines

It is expected that practitioners will identify and meet requirements outlined in applicable state and federal regulations, relevant workplace policies, the *Occupational Therapy Code of Ethics (2015)* (American Occupational Therapy Association [AOTA], 2015a), and continuing competence and professional development guidelines prior to reentering the field.

Clarification of Terms

Reentry

For the purpose of this document, reentering occupational therapists and occupational therapy assistants are individuals who

- Have previously practiced in the field of occupational therapy;
- Have not engaged in the practice of occupational therapy (e.g., direct service delivery to clients, supervision, education, consultation, administration, case or care management, community programming, research) for a minimum of 24 months; and
- Desire to return to the practice of occupational therapy.

Formal Learning

Formal learning refers to any learning that has established goals and objectives that are measurable and support evidence-informed occupational therapy practice. It may include activities such as

- Attending workshops, seminars, lectures, and professional conferences
- Auditing or participating in formal academic coursework
- Participating in external self-study series (e.g., AOTA Self-Paced Clinical Courses)
- Participating in independent distance learning, either synchronous or asynchronous (e.g., continuing education article, video, audio, or online courses) with established goals and objectives that are measurable
- Participating in an AOTA-approved fellowship program.

Supervised Service Delivery

In this document, *supervised service delivery* refers to provision of occupational therapy services under the supervision of a qualified occupational therapy practitioner. The *Guidelines for Supervision, Roles, and Responsibilities During the Delivery of Occupational Therapy Services* (AOTA, 2020c) state that

within the scope of occupational therapy practice, supervision is a process aimed at ensuring the safe and effective delivery of occupational therapy services and fostering professional competence and professional development. . . . *Supervision* is viewed as a cooperative process in which two or more people participate in a joint effort to establish, maintain, and/or elevate competence and performance.

Guidelines for Reentry

Practitioners who are seeking reentry must abide by state licensure and practice regulations and any requirements established by the workplace. In addition, the following suggested guidelines are recommended:

1. Engage in a formalized process of self-assessment and complete a professional development plan that addresses the *Standards for Continuing Competence* (AOTA, 2015b).
2. Attend a minimum of 12 hours of formal learning related to occupational therapy service delivery for each year (12 consecutive months) out of practice. At least 24 hours of the formal learning must occur within the 24 months directly preceding anticipated reentry. A minimum of 3 hours of formal learning must relate to ethics, and 3 hours of formal learning must relate to laws and regulations to support evidence-informed occupational therapy practice.
3. Attain relevant updates to core knowledge of the occupational therapy profession and the responsibilities of occupational therapy practitioners consistent with material found in AOTA official documents such as the *Occupational Therapy Practice Framework: Domain and Process* (4th ed.; AOTA, 2020d), the *Occupational Therapy Code of Ethics (2015)* (AOTA, 2015a), *Standards for Continuing Competence* (AOTA, 2015b), *Standards of Practice for Occupational Therapy* (AOTA, 2015c), and *Guidelines for Supervision, Roles, and Responsibilities During the Delivery of Occupational Therapy Services* (AOTA, 2020c).
4. For practitioners who have been out of practice for 3 or more years, complete a minimum of 10 hours of documented supervised service delivery in occupational therapy for each year out of practice, to a maximum of 80 hours.
 - a. The supervised service delivery should be completed between 12 months prior to anticipated reentry and the first 30 days of employment.
 - b. The reentering practitioner, in conjunction with the supervising occupational therapy practitioner(s), should establish specific goals and objectives for the supervised hours. Goals, objectives, and related assessments of performance may be developed or adapted from a variety of sources, including competency and performance review resources existing within the setting and AOTA resources such as the *Fieldwork Performance Evaluation* forms (AOTA, 2020a, 2020b).
 - c. Supervised service delivery should occur with an occupational therapist supervising an occupational therapist or occupational therapy assistant, and an occupational therapy assistant supervising an occupational therapy assistant.
 - d. Supervision should be direct face-to-face contact, which may include observation, modeling, cotreatment, discussion, teaching, and instruction (AOTA, 2020c), and may be augmented by indirect methods such as electronic communications.

Ongoing Continuing Competence

After practitioners have successfully returned to the delivery of occupational therapy services, they are encouraged to engage in activities that support their ongoing continuing competence, such as

- Seeking mentoring, consultation, or supervision, especially during the first year of return to practice
- Building a professional network and facilitating opportunities for practice guidance through relevant AOTA Special Interest Section forums, communities of practice, and AOTA-sponsored online communication platforms
- Exploring relevant AOTA Board and Specialty Certifications and using the identified criteria as a blueprint for ongoing professional development
- Exploring postprofessional fellowship programs

- Engaging in scholarly activities such as research, evidence-based practice projects, and quality initiatives
- Joining and becoming active in both AOTA and their state occupational therapy association to stay abreast of practice trends and increase opportunities for networking.

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