

**201 KAR 28:130. Supervision of occupational therapy assistants, occupational therapy aides, occupational therapy students, and temporary permit holders.**

RELATES TO: KRS 319A.010(4), (5), 319A.100

STATUTORY AUTHORITY: KRS 319A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.070(3)(1) authorizes the board to promulgate administrative regulations to define appropriate supervision for persons who are delivering occupational therapy services. This administrative regulation establishes the requirements of that supervision, the documentation required in supervision, and the process for reviewing the supervision process.

**Section 1. Definitions.**

- (1) "Countersign" means the OT/L signs the client's documentation after actively reviewing the history of the intervention provided to the client and confirming that, in light of the entire intervention plan, the OTA/L's entry is proper.
- (2) "Face-to-face supervision" means being physically present in the room and being able to directly communicate with an individual while observing and guiding the activities of that individual, including:
  - (a) A review of the occupational therapy services being provided to a client that might affect the therapeutic outcomes and the revision of the plan of care for each client; and
  - (b) An interactive process between the supervisor and the individual under supervision involving direct observation, cotreatment, dialogue, teaching, and instruction in a face-to-face setting.
- (3) "Supervisor" means the OT/L who is providing supervision.

**Section 2. General Policy Statement for Supervision.**

- (1) The OT/L shall have the ultimate responsibility for occupational therapy outcomes. Supervision shall be a shared responsibility.
- (2) The supervising OT/L shall have a legal and ethical responsibility to provide supervision and the supervisee shall have a legal and ethical responsibility to obtain supervision.
- (3) Supervision by the OT/L of the supervisee's provision of occupational therapy services shall always be required, even when the supervisee is experienced and skilled in a particular practice area.

**Section 3. Supervision of Licensed Occupational Therapy Assistants.**

- (1) An OTA/L shall assist in the practice of occupational therapy only under the supervision of an OT/L.
- (2) The supervisor shall provide no less than four (4) hours per month of general supervision for each occupational therapy assistant which shall include no less than two (2) hours per month of face-to-face supervision.
- (3) The amount of supervision time shall be prorated for a part-time OTA/L.
- (4) The supervisor or the OTA/L may institute additional supervision based on the competence and experience of the OTA/L.
- (5) The supervisor shall assign and the OTA/L shall accept only those duties and responsibilities for which the OTA/L has been specifically trained and which the OTA/L is qualified to perform.
- (6) Specific responsibilities for supervising OT/Ls and OTA/Ls.
  - (a) Assessment and reassessment.
    1. Client evaluation is the responsibility of the OT/L.
    2. The OTA/L may contribute to the evaluation process by gathering data, administering structured tests, and reporting observations.

3. The OTA/L may not evaluate independently or initiate therapy prior to the OT/L's evaluation.
- (b) Intervention planning.
  1. The OT/L shall take primary responsibility for the intervention planning.
  2. The OTA/L may contribute to the intervention planning as directed by the OT/L.
- (c) Intervention.
  1. The OT/L shall be responsible for the outcome and delivery of the occupational therapy intervention.
  2. The OT/L shall be responsible for assigning appropriate therapeutic interventions to the OTA/L.
- (d) Discontinuation of intervention.
  1. The OT/L shall be responsible for the discontinuation of occupational therapy services.
  2. The OTA/L may contribute to the discontinuation of intervention as directed by the OT/L.
- (7) Documentation requirements.
  - (a) Notations recorded by an OTA/L to an initial evaluation, plan of care, or discharge summary, that are documented in a client's permanent record, shall be countersigned by the supervisor within fourteen (14) calendar days of the notation.
  - (b) The supervising OT/L and individuals under supervision shall each maintain a log which shall document:
    1. The frequency of the supervision provided;
    2. The observation, dialogue and discussion, and instructional techniques employed;
    3. The type of supervision provided, either general or face-to-face;
    4. The dates on which the supervision occurred; and
    5. The number of hours worked by the OTA/L each month.
  - (c) It shall be the responsibility of the supervising OT/L to maintain a list of any OTA/L that he or she has supervised with the OTA/L's name and license number.
  - (d) It shall be the responsibility of the OTA/L under supervision to maintain a list of his or her supervising OT/L with that individual's name and license number.
- (8) A supervising OT/L shall not have more than the equivalent of three (3) full time OTA/Ls under supervision at any one (1) time.
- (9)
  - (a) In extenuating circumstances, when the OTA/L is without supervision, the OTA/L may continue carrying out established programs for up to thirty (30) calendar days under agency supervision while appropriate occupational therapy supervision is sought.
  - (b) It shall be the responsibility of the OTA/L to notify the board of these circumstances and to submit, in writing, a plan for resolution of the situation.
- (10) A supervisor shall be responsible for ensuring the safe and effective delivery of OT services and for fostering the professional competence and development of the OTA/Ls under his or her supervision.

#### Section 4. Supervision of Occupational Therapy Aides.

- (1) An occupational therapy aide shall provide supportive services only with face-to-face supervision from an OT/L or OTA/L.
- (2) The supervising OT/L or OTA/L shall be in direct verbal and visual contact with the occupational therapy aide, at all times, for all therapy-related activities.

#### Section 5. Occupational Therapy Students.

- (1) A person practicing occupational therapy and performing occupational therapy services under KRS 319A.090(1)(c) shall be enrolled in an ACOTE accredited

occupational therapy or occupational therapy assistant educational program or its equivalent.

(2) When an occupational therapy student is participating in supervised fieldwork education experiences, the student may, at the discretion of the supervising OT/L or OTA/L, be assigned duties or functions commensurate with his or her education and training.

(3) A supervisor shall be responsible for ensuring the safe and effective delivery of OT services and for fostering the professional competence and development of the students under his or her supervision.

#### Section 6. Temporary Permits.

(1) A temporary permit holder shall be:

(a) Supervised by an OT/L; and

(b) The OT/L shall be responsible for all occupational therapy outcomes.

(2) The supervising OT/L shall be available at all times to provide supervision.

(3) Face-to-face supervision shall be provided for at least thirty (30) minutes daily. The face-to-face supervision shall not occur through electronic means.

(4) The temporary permit holder who is applying for a license as an OT/L may perform all of the functions of the OT/L, with the exception of supervision.

(5) A temporary permit holder who is applying for a license as a OTA/L may perform all of the functions of a OTA/L, with the exception of supervision.

#### Section 7. Audit of Supervision Activities.

(1) The board shall perform a random audit of supervision logs for up to ten (10) percent of all licensees.

(2) The licensee who is audited shall be required to furnish documentation of the completed supervision log required by Section 3(7) of this administrative regulation.

(3) The licensee who is audited by the board shall respond to the audit within sixty (60) days of the date of the request.

(4) A licensee who fails to comply with the supervision requirements of this administrative regulation shall be subject to disciplinary action that may include suspension or revocation of the person's license.

(13 Ky.R. 1189; eff. 1-13-1987; Am. 20 Ky.R. 1060; 1856; eff. 2-10-1994; 30 Ky.R. 640; 852; eff. 10-15-2003; 2173; eff. 6-16-2004; 37 Ky.R. 1006; Am. 1422; eff. 12-15-2010; 41 Ky.R. 1430; eff. 5-1-2015; Cert. eff. 4-15-2022.)