

AGENDA ITEM C

BPC 138. Every board in the department, as defined in Section 22, shall initiate the process of adopting regulations on or before June 30, 1999, to require its licentiates, as defined in Section 23.8, to provide notice to their clients or customers that the practitioner is licensed by this state. A board shall be exempt from the requirement to adopt regulations pursuant to this section if the board has in place, in statute or regulation, a requirement that provides for consumer notice of a practitioner's status as a licensee of this state.

BPC 680. (a) Except as otherwise provided in this section, a health care practitioner shall disclose, while working, his or her name and practitioner's license status, as granted by this state, on a name tag in at least 18-point type. A health care practitioner in a practice or an office, whose license is prominently displayed, may opt to not wear a name tag. If a health care practitioner or a licensed clinical social worker is working in a psychiatric setting or in a setting that is not licensed by the state, the employing entity or agency shall have the discretion to make an exception from the name tag requirement for individual safety or therapeutic concerns. In the interest of public safety and consumer awareness, it shall be unlawful for any person to use the title "nurse" in reference to himself or herself and in any capacity, except for an individual who is a registered nurse or a licensed vocational nurse, or as otherwise provided in Section 2800. Nothing in this section shall prohibit a certified nurse assistant from using his or her title.

(b) Facilities licensed by the State Department of Social Services, the State Department of Mental Health, or the State Department of Health Services shall develop and implement policies to ensure that health care practitioners providing care in those facilities are in compliance with subdivision (a). The State Department of Social Services, the State Department of Mental Health, and the State Department of Health Services shall verify through periodic inspections that the policies required pursuant to subdivision (a) have been developed and implemented by the respective licensed facilities.

(c) For purposes of this article, "health care practitioner" means any person who engages in acts that are the subject of licensure or regulation under this division or under any initiative act referred to in this division.

BPC 680.5. (a) (1) A health care practitioner licensed under Division 2 (commencing with Section 500) shall communicate to a patient his or her name, state-granted practitioner license type, and highest level of academic degree, by one or both of the following methods:

(A) In writing at the patient's initial office visit.

(B) In a prominent display in an area visible to patients in his or her office.

(2) An individual licensed under Chapter 6 (commencing with Section 2700) or Chapter 9 (commencing with Section 4000) is not required to disclose the highest level of academic degree he or she holds.

(b) A person licensed under Chapter 5 (commencing with Section 2000) or under the Osteopathic Act, who is certified by (1) an American Board of Medical Specialties member board, (2) a board or association with requirements equivalent to a board described in paragraph (1) approved by that person's medical licensing authority, or (3)

a board or association with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in the person's specialty or subspecialty, shall disclose the name of the board or association by either method described in subdivision (a).

(c) A health care practitioner who chooses to disclose the information required by subdivisions (a) and (b) pursuant to subparagraph (A) of paragraph (1) of subdivision (a) shall present that information in at least 24-point type in the following format:

HEALTH CARE PRACTITIONER INFORMATION

- 1. Name and license.....
- 2. Highest level of academic degree.....
- 3. Board certification (ABMS/MBC).....

(d) This section shall not apply to the following health care practitioners:

(1) A person who provides professional medical services to enrollees of a health care service plan that exclusively contracts with a single medical group in a specific geographic area to provide or arrange for professional medical services for the enrollees of the plan.

(2) A person who works in a facility licensed under Section 1250 of the Health and Safety Code (*SEE MORE INFO BELOW*) or in a clinical laboratory licensed under Section 1265.

(3) A person licensed under Chapter 3 (commencing with Section 1200), Chapter 7.5 (commencing with Section 3300), Chapter 8.3 (commencing with Section 3700), Chapter 11 (commencing with Section 4800), Chapter 13 (commencing with Section 4980), or Chapter 14 (commencing with Section 4990.1). (*SEE MORE INFO BELOW*)

(e) A health care practitioner, who provides information regarding health care services on an Internet Web site that is directly controlled or administered by that health care practitioner or his or her office personnel, shall prominently display on that Internet Web site the information required by this section.

Facilities listed in #2 above

HSC 1250. As used in this chapter, "health facility" means ... and includes:

- (a) "General acute care hospital"
- (b) "Acute psychiatric hospital"
- (c) "Skilled nursing facility"
- (d) "Intermediate care facility"
- (e) "Intermediate care facility/developmentally disabled habilitative"
- (f) "Special hospital" means a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical or dental staff that provides inpatient or outpatient care in dentistry or maternity.
- (g) "Intermediate care facility/developmentally disabled"
- (h) "Intermediate care facility/developmentally disabled-nursing"
- (i) (1) "Congregate living health facility"
- (j) (1) "Correctional treatment center".
- (k) "Nursing facility"
- (l) n/a
- (m) "Intermediate care facility/developmentally disabled-continuous nursing (ICF/DD-CN)"

Licensees listed in # 3 above

Chapter 3 (commencing with Section 1200) *Clinical Laboratory*

Chapter 7.5 (commencing with Section 3300) *Hearing Aid Dispensers*

Chapter 8.3 (commencing with Section 3700) *Respiratory Therapists*

Chapter 11 (commencing with Section 4800) *Veterinary Medicine*

Chapter 13 (commencing with Section 4980) *Marriage and Family Therapists*

Chapter 14 (commencing with Section 4990.1) *Social Workers*

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

PROPOSED AMENDED REGULATORY LANGUAGE
Title 16, Division 39, California Code of Regulations

Proposed amendments are shown by ~~strikeout~~ for deleted text and underline for new text.

Add section 4171 to Article 8 of Division 39 of Title 16 of the California Code of Regulations to read as follows:

§ 4171. Notice to Consumers.

(a) An occupational therapy practitioner shall provide notice to each patient or client of his or her name, license type, and that his or her license is issued and regulated by the board.

(b) A licensee may disclose his or her name and license type by wearing a name tag in at least 18-point type, or by prominently posting a copy of his or her license in the practice area or office where he or she works.

(c) A licensee may disclose that his or her license is issued and regulated by the board by any of the following methods:

(1) Including on a name tag, the words "CA Board of Occupational Therapy."

(2) Verbally at the time that services are requested, and each time services are rendered.

(3) On a business card identifying the person as a licensee of the California Board of Occupational Therapy that is provided to the patient or client at the time of initial evaluation.

(4) Written notice in a statement that includes the following information, either given to a patient or client in connection with services provided, or posted in an area visible to patients or clients on the premises where the licensee provides occupational therapy services:

NOTICE TO CONSUMERS

Occupational therapists and occupational therapy assistants

are licensed and regulated by the

California Board of Occupational Therapy

(916) 263-2294

www.bot.ca.gov

(A) If given to a patient or client, the notice shall be in at least 14-point type in Arial font, provided at the time of evaluation.

(B) If posted where services are provided, the notice shall be in at least 48-point type in Arial font.

Authority cited: Section 2570.20, Business and Professions Code; Reference: Sections 138 and 680, Business and Professions Code.

AGENDA ITEM D

California Board of Occupational Therapy
PRACTICE COMMITTEE

Roles & Responsibilities

1. Review and provide recommendations to Board staff on *Applications for Advanced Practice Post-Professional Education* received from course providers;
2. Review and provide recommendations to Board staff on initial applications for licenses/certificates received from individuals who have not been engaged in the practice occupational therapy for five years;
3. Review and provide recommended responses to the Board on various practice issues/questions submitted by licensees and consumers;
4. Provide guidance on continuing competency audits, including reviewing and providing recommendations on audit responses, if necessary;
5. Review and provide recommendations to Board staff on applicants for the Expert Reviewer Program;
6. Review and provide recommendations to Board staff on revisions to various applications and forms used by the Board;
7. Review and provide recommendations to the Board on practice related proposed regulatory amendments.
8. Establish resource pool of Expert Reviewers to review and provide recommendations to Board staff on *Applications for Advanced Practice Approval* in hand therapy, physical agent modalities, and swallowing assessment, evaluation, or intervention.

AGENDA ITEM E

CCR § 4180. Definitions

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

- (a) "Client related tasks" means tasks performed as part of occupational therapy services rendered directly to the client.
- (b) "Level I student" means an occupational therapy 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 or occupational therapy assistant student participating in delivering occupational therapy services to clients with the goal of developing competent, entry-level practitioners.
- (d) "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) "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.

CCR § 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.
- (e) The supervising occupational therapist shall determine that the occupational therapy practitioner possesses a current license, certificate or permit to practice occupational therapy prior to allowing the person to provide occupational therapy services.

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.

CCR § 4182. Treatments Performed by Occupational Therapy Assistants

- (a) The supervising occupational therapist shall determine the occupational therapy treatments the occupational therapy assistant may perform. In making this determination, the supervising occupational therapist shall consider the following:
 - (1) the clinical complexity of the patient/client;
 - (2) skill level of the occupational therapy assistant in the treatment technique; and
 - (3) whether continual reassessment of the patient/client status is needed during treatment.This rule shall not preclude the occupational therapy assistant from responding to acute changes in the client's condition that warrant immediate action. The occupational therapy assistant shall inform the supervising occupational therapist immediately of the acute changes in the patient's/client's condition and the action taken.
- (b) The supervising occupational therapist shall assume responsibility for the following activities regardless of the setting in which the services are provided:
 - (1) Interpretation of referrals or prescriptions for occupational therapy services.
 - (2) Interpretation and analysis for evaluation purposes.
 - (A) The occupational therapy assistant may contribute to the evaluation process by gathering data, administering standardized tests and reporting observations. The occupational therapy assistant may not evaluate independently or initiate treatment before the supervising occupational therapist performs an assessment/evaluation.
 - (3) Development, interpretation, implementation, and modifications of the treatment plan and the discharge plan.
 - (A) The supervising occupational therapist shall be responsible for delegating the appropriate interventions to the occupational therapy assistant.
 - (B) The occupational therapy assistant may contribute to the preparation, implementation and documentation of the treatment and discharge summary.

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.

§ 4183. Treatments Performed by Occupational Therapy Limited Permit Holders and Students

(a) Consistent with Code section 2570.4, subdivisions (b) and (c), a Level II student may, at the discretion of the supervising occupational therapy practitioner, be assigned duties or functions commensurate with his or her education and training.

(b) All documented client-related services by the limited permit holder or student shall be reviewed and cosigned by the supervising occupational therapist.

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.

TREATMENT RECORD \equiv 1 note for each contact with every patient
Which means, multiple notes requiring co-signature by OT??