

**APPROVAL OF THE AUGUST 16, 2021, COMMITTEE MEETING
MINUTES**

The meeting minutes are attached for review.



TELECONFERENCE OTD COMMITTEE MEETING MINUTES

Monday, August 16, 2021

4:00 pm – Committee Meeting

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

California Board of Occupational Therapy (Board) Member and OTD Committee Chairperson Sharon Pavlovich called the meeting to order at 4:05pm. Board staff called the roll and a quorum was established.

Committee Members Present

Board President – Sharon Pavlovich –
Loma Linda University
Sarah Bream – USC
Kitsum Li – Dominican University
Akemi McNeil – Stanbridge University
Terry Peralta- Catipon – Dominquez Hills
Wynn Schultz-Krohn – San Jose State
Gigi Smith – San Jose State
Julia Wilbarger – Dominican University
Stacey Willis – West Coast University

Committee Members Absent

N/A

Board Staff Present

Heather Martin – Executive Officer
Jody Quesada Novey – Associate Analyst

2. Chairperson opening remarks.

Chairperson Sharon Pavlovich welcomed all that were present and introduced herself as a Professor at Loma Linda University's Occupational Therapy program and President of the California Board of Occupational Therapy. Ms. Pavlovich thanked the committee members for making time to participate on the committee.

3. Introductions by all Committee Members.

All committee members took the opportunity to introduce themselves.

4. Public Comment Session for items not on the Agenda.

Heather Kitching and Lora Woo greeted the committee members and expressed their appreciation for being able to join the meeting.

There was no additional public comment.

5. Group discussion and sharing of the doctoral capstone/clinical experience process at each occupational therapy programs. Discussing the issue of licensure, passing the exam administered by the National Board for Certification in Occupational Therapy and supervision of the capstone/clinical experience to include in a future report to the Board.

Chairperson Pavlovich asked all committee members present to disclose how their respective programs are handling the issue of licensure, passing the exam administered by the National Board for Certification in Occupational Therapy (NBCOT) and supervision of the capstone/clinical experience

Stacey Willis of West Coast University reported that their OTD program is entry level, so their students are not required to pass the NBCOT exam prior to beginning the OTD program.

Kitsum Li of Dominican University commented that ACOTE Accreditation standards require entry level OTD students to finish their Capstone before they sit for the NBCOT exam. Dominican University is planning their Capstone after the students come back from their Level II Fieldwork. Ms. Li stated that Dominican faculty will collaborate with the community organization to provide supervision.

Chairperson Pavlovich noted that licensure is not a problem for Post Professional programs but rather the issue revolves around the gray area of what supervision means for Capstone programs.

Wynn Schultz-Krohn of San Jose State University (SJSU) reported that SJSU has an entry level OTD program and following 24 weeks of Level II fieldwork the students return and then begin their Doctoral Capstone Experience (DCE). She added that if students are at a clinical site there would be supervision provided by a licensed occupational therapist.

Sarah Bream of University of Southern California (USC) reported that USC currently has a post-professional program, which means that all participants hold a license to practice. USC will launch their entry level program in 2022 and if the student's DCE involves a clinical experience there would be a licensed occupational therapist supervising.

Chairperson Pavlovich inquired if USC planned to keep the post professional program open.

Ms. Bream stated that USC planned to keep the post-professional program open to benefit their large population of international practitioners.

Terry Peralta-Catipon reported that California State University, Dominguez Hills (Dominguez Hills) has an entry level OTD program that is similar to San Jose States' program. Supervision would be dependent on the site and she wanted to clarify that the use of the word 'capstone' is used in a generic sense at Dominguez Hills to refer to a culminating activity.

Chairperson Pavlovich stated that she was aware that the ACOTE accreditation standards state that a student cannot sit for their NBCOT exam until the DCE is complete, however, some people may assume that program development is not hands-on treatment. Ms. Pavlovich commented that the question of supervision is going to be very important from a Board perspective.

Akemi McNeil of Stanbridge University stated that they are a master's level program but are submitting proposals for an OTD program.

Chairperson Pavlovich reported that Loma Linda University (Loma Linda) has a post professional program that they intend to keep open until a time when it needs to be re-evaluated. The DCE and what it will look like at Loma Linda University is still being discussed.

Public Comment

There was no public comment.

6. Review and discussion of the capstone/clinical experience completed as part of a doctoral program relative to the Occupational Therapy Practice Act requirements and possible recommendation(s) to the Board.

Executive Officer Heather Martin pointed out Section 2570.4 and the fact that the Practice Act had not been updated in several years relevant to education. Ms. Martin referred to the "gray area" as there being no distinction within the Practice Act between Entry Level and Post Professional in reference to supervision and the two different types of doctorates.

Chairperson Pavlovich asked for input from the committee about how they could assist the Board in being more proactive.

A discussion ensued about the Practice Act and the need for defined boundaries surrounding clinical vs. nonclinical and what settings or activities would require licensed supervision. There was suggestion that if a new section was added that it should not be too restrictive, and the committee should suggest language that would be encouraging to new students.

An additional point of discussion was raised regarding Section 2570.4, which states, in relevant part, "Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of: Any person pursuing a supervised course of study ... at an accredited educational program." Since ACOTE is not specifically mentioned, it could be perceived that completing a program accredited by any accrediting agency is an acceptable course of study.

Ms. Martin commented that lack of clarity in this section is a problem as she believed there were neither post-professional nor entry-level occupational therapy doctoral programs in existence when the section was last amended. She added that the only other reference to ACOTE is in 2570.6 and that Board staff had no reason to believe that the reference to 'accredited educational program' in 2570.4 referred to anything other than ACOTE.

Ms. Martin stated that BPC Section 2570.4(c) made reference to BPC Section 2570.6, which refers to ACOTE as the accrediting agency for occupational therapy education programs but thought that adding 'completing an entry level doctorate capstone' would make it more clear.

Public Comment

There was no public comment.

Chairperson Pavlovich asked for committee recommendations to present to the Board.

The committee's recommendations were:

- Add language to 2570.4(b) that specified entry level degree and would strike "certificate".
- Add the following language to 2570.4(c) "or completing an entry level doctorate capstone" as it pertains to supervision.

Public Comment

There was no public comment.

7. Identify the Committee's next steps to determine need for another meeting.

The committee asked Board staff to update Section 2570.4 with their proposed suggestions and bring back 'draft' language to the next committee meeting for final review before presenting their recommendation to the Board.

Chairperson Pavlovich confirmed there would be a follow-up meeting.

Public Comment

There was no public comment.

8. Suggested agenda items for a future meeting if another meeting is necessary.

The committee agreed to discuss making a recommendation to the Board about adding prescriptive language as to how many students can be supervised on top of supervising COTAs.

Public Comment

There was no public comment.

9. Select future meeting date(s) if another meeting is necessary.

Chairperson Pavlovich asked Board staff to send another Doodle poll with suggested dates for the next committee meeting.

Public Comment

There was no public comment.

Chairperson Pavlovich thanked everyone in attendance on behalf of the Board and Board staff.

The meeting adjourned at 5:26 p.m.

BUSINESS AND PROFESSIONS CODE SECTION 2570.4.

Business and Professions Code Section 2570.4

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

Nothing in this chapter shall be construed as preventing or restricting the practice, services, or activities of any of the following persons:

(a) Any person licensed or otherwise recognized in this state by any other law or regulation when that person is engaged in the profession or occupation for which he or she is licensed or otherwise recognized.

(b) Any person pursuing a supervised course of study leading to an entry-level degree ~~or certificate~~ in occupational therapy at an accredited educational program, if the person is designated by a title that clearly indicates his or her status as a student or trainee.

(c) Any person completing an entry-level doctorate capstone or fulfilling the supervised fieldwork experience requirements of subdivision ~~(e)~~ (d) of Section 2570.6, if the experience constitutes a part of the experience necessary to meet the requirement of that provision.

(d) Any person performing occupational therapy services in the state if all of the following apply:

(1) An application for licensure as an occupational therapist or an occupational therapy assistant has been filed with the board pursuant to Section 2570.6 and an application for a license in this state has not been previously denied.

(2) The person possesses a current, active, and nonrestricted license to practice occupational therapy under the laws of another state that the board determines has licensure requirements at least as stringent as the requirements of this chapter.

(3) Occupational therapy services are performed in association with an occupational therapist licensed under this chapter, and for no more than 60 days from the date on which the application for licensure was filed with the board.

(e) Any person employed as an aide subject to the supervision requirements of this section.

(Amended by Stats. 2009, Ch. 307, Sec. 14. (SB 821) Effective January 1, 2010.)

AGENDA ITEM 6

BUSINESS AND PROFESSIONS CODE SECTION 2570.6.

Business and Professions Code Section 2570.6

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

An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall file with the board a written application provided by the board, showing to the satisfaction of the board that he or she meets all of the following requirements:

(a) That the applicant is in good standing and has not committed acts or crimes constituting grounds for denial of a license under Section 480.

(b)(1) That the applicant has successfully completed the academic requirements of an educational program for occupational therapists or occupational therapy assistants that is approved by the board and accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE), or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program.

(2) The curriculum of an educational program for occupational therapists shall contain the content required by the ACOTE accreditation standards, or as approved by AOTA's predecessor organization, or as approved by AOTA's Career Mobility Program.

(c)(1) For an applicant who is a graduate of an occupational therapy or occupational therapy assistant educational program who is unable to provide evidence of having met the requirements of paragraph (2) of subdivision (b), he or she may demonstrate passage of the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraph (2) of subdivision (b).

(2) For an applicant who completed AOTA's Career Mobility Program, he or she shall demonstrate participation in the program and passage of the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association, as evidence of having successfully satisfied the requirements of paragraphs (1) and (2) of subdivision (b).

(d) That the applicant has successfully completed **an entry-level doctorate capstone or** a period of supervised fieldwork experience approved by the board and arranged by a recognized **ACOTE-accredited** educational institution where he or she met the academic requirements of subdivision (b) ~~or (c) or arranged by a nationally recognized professional association~~. The fieldwork requirements for applicants applying for licensure as an occupational therapist or certification as an occupational therapy assistant shall be consistent with the requirements of the ACOTE accreditation standards, or AOTA's predecessor organization, or AOTA's Career Mobility Program, that were in effect when the applicant completed his or her educational program. **The capstone requirement for applicants applying for licensure as an occupational therapist shall be consistent with the ACOTE accreditation standards in effect when the applicant completed his or her doctoral program**

(e) That the applicant has passed an examination as provided in Section 2570.7.

(f) That the applicant, at the time of application, is a person over 18 years of age, is not addicted to alcohol or any controlled substance, and has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

(Amended by Stats. 2018, Ch. 490, Sec. 3. (AB 2221) Effective January 1, 2019.)

AGENDA ITEM 7

BUSINESS AND PROFESSIONS CODE SECTION 2570.3 AND REGULATIONS PERTAINING TO SUPERVISION.

Business and Professions Code Section 2570.3

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

(a) No person shall practice occupational therapy or hold himself or herself out as an occupational therapist or as being able to practice occupational therapy, or to render occupational therapy services in this state unless he or she is licensed as an occupational therapist under the provisions of this chapter. No person shall hold himself or herself out as an occupational therapy assistant or work as an occupational therapy assistant under the supervision of an occupational therapist unless he or she is licensed as an occupational therapy assistant under the provisions of this chapter.

(j) "Supervision of an occupational therapy assistant" means that the responsible occupational therapist shall at all times be responsible for all occupational therapy services provided to the client. The occupational therapist who is responsible for appropriate supervision shall formulate and document in each client's record, with his or her signature, the goals and plan for that client, and shall make sure that the occupational therapy assistant assigned to that client functions under appropriate supervision. As part of the responsible occupational therapist's appropriate supervision, he or she shall conduct at least weekly review and inspection of all aspects of occupational therapy services by the occupational therapy assistant.

(1) The supervising occupational therapist has the continuing responsibility to follow the progress of each client, provide direct care to the client, and to assure that the occupational therapy assistant does not function autonomously.

(2) An occupational therapist shall not supervise more occupational therapy assistants, at any one time, than can be appropriately supervised in the opinion of the board. Three occupational therapy assistants shall be the maximum number of occupational therapy assistants supervised by an occupational therapist at any one time, but the board may permit the supervision of a greater number by an occupational therapist if, in the opinion of the board, there would be adequate supervision and the public's health and safety would be served. In no case shall the total number of occupational therapy assistants exceed twice the number of occupational therapists regularly employed by a facility at any one time.

(Amended by Stats. 2018, Ch. 490, Sec. 2. (AB 2221) Effective January 1, 2019.)

Title 16, Division 39, California Code of Regulations

Article 9. Supervision Standards

4180. Definitions

In addition to the definitions found in Business and Professions Code sections 250.2 and 2570.3 sections 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.

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 or permit to practice occupational therapy prior to allowing the person to provide occupational therapy services.

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.

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.

4184. Delegation of Tasks to Aides

- (a) The primary function of an aide in an occupational therapy setting is to perform routine tasks related to occupational therapy services. Non-client related tasks may be delegated to an aide when the supervising occupational therapy practitioner has determined that the person has been appropriately trained and has supportive documentation for the performance of the services.
- (b) Client related tasks that may be delegated to an aide include specifically selected routine aspects of an intervention session. In addition to the requirements of Code section 2570.2, subdivisions (a) and (b), the following factors must be present when an occupational therapist delegates a selected aspect of an intervention to an aide:
- (1) The outcome anticipated for the aspects of the intervention session being delegated is predictable.
 - (2) The situation of the client and the environment is stable and will not require that judgment or adaptations be made by the aide.
 - (3) The client has demonstrated previous performance ability in executing the task.
 - (4) The aide has demonstrated competence in the task, routine and process.
- (c) The supervising occupational therapist shall not delegate to an aide the following tasks:
- (1) Performance of occupational therapy evaluative procedures;
 - (2) Initiation, planning, adjustment, or modification of treatment procedures.
 - (3) Acting on behalf of the occupational therapist in any matter related to occupational therapy treatment that requires decision making.

4187. Occupational Therapy Assistants Serving in Administrative Positions

An occupational therapy assistant in an administrative role, or supervisory role related to the provision of occupational therapy services may provide administrative responsibilities in a setting where permitted by law.