

LCB File No. R179-01

**PROPOSED REGULATION OF THE
BOARD OF OCCUPATIONAL THERAPY**

Chapter 640A of NAC is hereby amended by adding thereto a new section to read as follows:

NAC640A.XXX Application for a temporary provisional license. A temporary provisional license is issued to a recent graduate of an accredited school who has not taken and passed the national examination given by an agency approved by the board.

To obtain a temporary provisional license, an applicant must, at least 30 days before his first day of work:

1. *Submit to the board an application with accompanying documentation that complies with subsections 1, 2, 4, and 5 of NAC 640A.030;*
 - A. *If subsection 2(a) is not available, the applicant must request a letter to be sent directly to the board from the program director of their school stating the applicant has successfully completed all academic and fieldwork requirements. This letter will be sufficient to obtain a license until the applicant's degree is posted on their transcripts and then forwarded to the board;*
 - B. *If subsection 2(b) is not available, the applicant must provide written proof to the board as to the date and place of his scheduled national examination provided by an agency approved by the board and request the agency mail directly to the board his examination scores when available;*
2. *A temporary provisional licensee may renew their license if the national examination is being given after their original license expires. The licensee may renew the temporary provisional license for an additional six months by providing a letter of request and the renewal fee (see 640A.160 subsection 1-e / 2-e);*
3. *A temporary provisional licensee who takes and fails the national examination, may renew the temporary provisional license for an additional six months provided they sit for the next available examination. The licensee must provide the board with a letter of request and the renewal fee (see 640A.160 subsection 1-e / 2-e).*
4. *A temporary provisional licensee who takes and fails the national examination twice, would then be unable to continue to practice until the national examination has been taken and passed.*

NAC640A is hereby amended to read as follows:

NAC640A.062 Application for a temporary license. *A temporary license is issued to an applicant who will be practicing in the state for no more than six months.* To obtain a temporary license as an occupational therapist or occupational therapy assistant, an applicant must, at least 30 days before his first day of work:

1. Submit to the board an application with accompanying documentation that complies with subsections 1, 2, 3, and 4 ~~[5]~~ of NAC 640A.030.

~~[2.] [Provide the board with written verification of the date and place of his scheduled examination provided by an agency approved by the board; and]~~

2. *An occupational therapy assistant must also comply with subsection 5 of NAC640.030.*
- ~~3. [Request that the agency mail directly to the board his examination scores when available.]~~
3. *A temporary licensee may extend his license for an additional six months by providing the board with a written request to extend the license plus the renewal fee (see 640A.160 subsection 1-e or 2-e).] This is a one-time extension, if the licensee will be practicing occupational therapy in the state for longer than one year, the licensee must then apply for a permanent license.*
4. *A temporary licensee may convert his license to a permanent license by providing the board with a written request to convert his license plus the appropriate fee (see 640A.160 subsection 1-a or 2-a).*

NAC640A is hereby amended to read as follows:

NAC640A.275 *Direct Supervision, interpreted.* Supervision of occupational therapy aide or technician: ~~["Directly Supervise" interpreted.]~~ As used in 640A. ~~[230]~~ 270, the board interprets the term ~~["directly supervise"]~~ *direct supervision* to mean supervision of an occupational therapy aide or technician by a licensed occupational therapist who:

1. Is physically present on the premises at all time when the aide or technician is working with patients;
2. Provides personal instruction to the aide or technician on a regular basis;
3. Personally evaluates the work of the aide or technician on a regular basis; and
4. Sets forth detailed statements of the duties and responsibilities of the aide or technician.

NAC640A is hereby amended to read as follows:

NAC640A.205 Adoption by reference of code of ethics and standards of practice.

1. The board hereby adopts by reference:
 - (a) The *Occupational Therapy Code of Ethics* approved by the representative assembly of the American Occupational Therapy Association in ~~[July of 1994]~~ *2000*; and
 - (b) The *Standards of Practice for Occupational Therapy* approved by the representative assembly of the American Occupational Therapy Association in 1998.
2. A copy of the *Occupational Therapy Code of Ethics* or the *Standards of Practice for Occupational Therapy* may be obtained, free of charge, from the executive director of the board, P.O. Box 70220, Reno, Nevada 89570-*0220*.

NAC640A is hereby amended to read as follows:

NAC640A.250 Practice by occupational therapy assistant *or temporary provisional licensee.*

1. An occupational therapy assistant shall not practice occupational therapy without the general supervision of an occupational therapist. Immediate physical presence or constant presence on the premises where the occupational therapy assistant is practicing is not required of the supervising occupational therapist. To provide satisfactory general supervision, the occupational therapist shall:
 - A. ~~[Give written approval for any]~~ *Provide an* initial plan of treatment or program of intervention *and any subsequent changes to the initial plan of treatment or*

program of intervention ~~[if the direct care of the patient is being provided principally by the]~~ *for patients assigned to an* occupational therapy assistant.

~~[B.] [Give written approval for any subsequent changes to a plan of treatment or program of intervention if the direct care of the patient is being provided principally by the occupational therapy assistant.]~~

~~[C.] [Provide a minimum of 4 hours per month of direct:~~

~~1.—Clinical observation and supervision; and~~

~~2.—Communication between the occupational therapy assistant and the supervising occupational therapist. The mode and frequency of that communication must be dependent upon the setting for the occupational therapy assistant's practice, the caseload of the occupational therapy assistant and the competency of the occupational therapy assistant as determined by the supervising occupational therapist.]~~

B. Provide the occupational therapy assistant with supervision with the minimum amount equal to 2.5% of the monthly work hours (4 hours per month for a 40-hour workweek). The mode and frequency of communication between the occupational therapist and the occupational therapy assistant is a joint responsibility, dependent upon the practice setting. This may include, but is not limited to, direct or co-treatment of the patient by the occupational therapist; supervision of the occupational therapy assistant while providing services; face to face meetings at the work site; telephone communications, written messages; review of patient records and conferences.

~~[d.] [Maintain written records of the direct supervision required by paragraph (c).]~~

~~[2.] [The supervising occupational therapist and the occupational therapy assistant shall jointly ensure that each record regarding a patient treated by the occupational therapy assistant is signed, dated and reviewed by both the occupational therapy assistant and the supervising occupational therapist. In reviewing the record, the occupational therapist and the occupational therapy assistant shall verify, without limitation:~~

~~—(a) The accuracy of the record; and~~

~~—(b) That there is continuity in the services received by the patient pursuant to the plan of treatment or program of intervention.]~~

2. The occupational therapist and occupational therapy assistant or temporary provisional licensee will maintain documentation of supervision, which may include, but is not limited to, daily or weekly schedules, supervisory logs and patient records.

3. The caseload of the occupational therapy assistant shall be determined by the supervising occupational therapist based on the competency of the occupational therapy assistant.

4. All documentation regarding patient treatment is the joint responsibility of the supervising occupational therapist and occupational therapy assistant or temporary provisional licensee. The occupational therapy assistant or temporary provisional licensee shall document all treatment provided; the supervising occupational therapist shall review all documentation. This completion of the review may be as a separate progress note made by the supervising occupational therapist or by co-signature and date of review on the occupational therapy assistant or temporary provisional licensee documentation, at the discretion of the supervising occupational therapist.

- ~~[3.]~~ 5. A supervising occupational therapist shall not delegate responsibilities to an occupational therapy assistant *or temporary provisional licensee* which are beyond the scope of ~~[his]~~ *the occupational therapy assistant's or temporary provisional licensee's* training.
- ~~[4.]~~ 6. The provisions of this section do not prohibit an occupational therapy assistant *or temporary provisional licensee* from responding to acute changes in a patient's condition that warrant immediate assistance or treatment.

NAC640A is hereby amended to read as follows:

NAC640A.265 Delegation of duties to occupational therapy assistants and unlicensed persons; limitations.

1. An occupational therapist shall supervise any program of treatment which is delegated to an occupational therapy assistant.
2. Only an occupational therapist may:
 - A. Interpret the record of a patient who is referred to the occupational therapist by a ~~[provider of]~~ health care *provider*;
 - B. Interpret the evaluation of a patient and identify any problem of the patient;
 - C. Develop a plan of care for a patient based upon the initial evaluation of the patient, which includes the goal of the treatment of the patient;
 - D. Determine the appropriate portion of the program of treatment and evaluation to be delegated to an occupational therapy assistant.
 - E. Delegate the treatment to be administered by the occupational therapy assistant.
 - F. Instruct the occupational therapy assistant regarding:
 1. The specific program of treatment of a patient;
 2. Any precaution to be taken to protect a patient;
 3. Any special problem of a patient;
 4. Any procedure which should not be administered to a patient; and
 5. Any other information required to treat a patient;
 - G. Review the program of treatment of a patient in a timely manner.
 - H. Record the goal of treatment of a patient; *and*
 - I. Revise the plan of care when indicated.
 - ~~[J.] [Supervise the dissemination of any written or oral reports; and]~~
 - ~~[K.] [Supervise the final evaluation and discharge summary and determine when treatment should be terminated unless the treatment is terminated by a patient or a referring provider of health care.]~~
3. *An occupational therapist, or occupational therapy assistant in collaboration with the occupational therapist, may:*
 - A. *Disseminate any written or oral reports;*
 - B. *Write the final evaluation and discharge summary of a patient; and*
 - C. *Determine when treatment should be terminated unless treatment is terminated by a patient or a referring healthcare provider.*
- ~~[3.]~~ 4. A licensee shall not knowingly delegate to a person who is less qualified than the licensee any program of treatment which requires the skill, common knowledge and judgment of the licensee.
- ~~[4.]~~ ~~[An occupational therapist shall not delegate the following duties to an occupational therapy assistant or to a person who is not licensed by the board:~~
 - A. ~~—The interpretation of a test or measurement made on a patient; or~~

~~B. The planning of an initial program of treatment and any subsequent program of treatment based on the results of a test performed on a patient.]~~

NAC640A is hereby amended to read as follows:

NAC640A.267 Delegation of duties to student *or temporary provisional licensee*; limitations. ~~[Except as otherwise provided in subsections 3 and 4 of NAC 640A.265, a]~~ A licensed occupational therapist, who is supervising a student participating in the supervised experience required by NRS 640A.120 *or supervising a temporary provisional licensee*, may delegate duties to the student *or temporary provisional licensee* if the occupational therapist determines, before he delegates a duty, that the student *or temporary provisional licensee* possesses the necessary knowledge, competence, training, and skills to perform the duty.