# CHAPTER 55.5-02-03
# SUPERVISION

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### 55.5-02-03-01. Supervision.

The occupational therapist and occupational therapy assistant shall exercise appropriate supervision over individuals who are authorized to practice only under supervision.

Supervision is a cooperative process in which two or more people participate in a joint effort to establish, maintain, and elevate a level of competence and performance. Within the scope of occupational therapy practice, supervision is aimed at ensuring the safe and effective delivery of occupational therapy services and fostering professional competence and development. Supervision involves guidance and oversight related to the delivery of occupational therapy services and the facilitation of professional growth and competence. It is the responsibility of the occupational therapist and the occupational therapy assistant to seek the appropriate quality and frequency of supervision to ensure safe and effective occupational therapy service delivery.

**History:** Effective April 1, 1988; amended effective November 1, 2000; February 1, 2004; April 1, 2014.
**General Authority:** NDCC 43-40-05
**Law Implemented:** NDCC 43-40-01, 43-40-03.1, 43-40-13

### 55.5-02-03-01.1. Definitions.

For purposes of sections 55.5-02-03-01.2 and 55.5-02-03-01.3:

1. "Direct supervision" means face-to-face contact, including observation, modeling, cotreatment, discussions, teaching, and video teleconferencing.

2. "Indirect supervision" means other than face-to-face contact, including phone conversations, written correspondence, electronic exchanges, and other methods using secure telecommunication technology.

**History:** Effective April 1, 2014.
**General Authority:** NDCC 43-40-05
**Law Implemented:** NDCC 43-40-01, 43-40-13

### 55.5-02-03-01.2. Supervision of occupational therapy assistants.

An occupational therapy assistant must be supervised by an occupational therapist.

1. An occupational therapist may not supervise more than three occupational therapy assistants licensed or limited permitholders at the same time.

2. An occupational therapy assistant must be directly supervised as needed by evidence of clinical practice, and indirectly supervised as is necessary. In determining the methods, frequency, and content of supervision, an occupational therapist shall consider all of the following:

   a. Complexity of clients' needs.

b. Number and diversity of clients.

c. Skills of the occupational therapy assistant.

d. Type of practice setting.

e. Changes in practice settings.

f. Requirements of the practice setting.

g. Other regulatory requirements.

3. An occupational therapist and a supervised occupational therapy assistant shall make a written supervision plan, including all of the following:

   a. Documentation that the occupational therapy assistant is competent to perform the services provided.

   b. Documentation of the frequency, methods, and content of supervision.

   c. Documentation of periodic evaluation of the occupational therapy assistant's competence and the supervision necessary.

4. An occupational therapist shall file with the board a substantiation of supervision form for each occupational therapy assistant supervised before the occupational therapy assistant may practice. If there is a change in supervisors, the new supervisor shall immediately file a new substantiation of supervision form. The form is available from the board.

5. An occupational therapist, who is unavailable to supervise an occupational therapy assistant for more than one day, shall arrange to have supervision available by another occupational therapist as necessary.

**History:** Effective April 1, 2014; amended effective April 1, 2021.
**General Authority:** NDCC 43-40-05
**Law Implemented:** NDCC 43-40-01

**55.5-02-03-01.3. Supervision of limited permitholders.**

A limited permitholder must be supervised by an occupational therapist.

1. A limited permitholder must be directly supervised for at least twenty percent of the hours practiced in each week, and indirectly supervised as is necessary.

2. Supervision of limited permitholders must include periodic review of evaluations, intervention plans, and patient notes and evaluation of client interaction. Documentation prepared by a limited permitholder for clients' records must be reviewed and cosigned by the supervising occupational therapist and limited permitholder.

3. An occupational therapist who is unavailable to supervise a limited permitholder for more than one day, shall arrange to have the supervision available by another occupational therapist as necessary.

4. An occupational therapist shall verify that the individual supervised holds a current limited permit.

**History:** Effective April 1, 2014.
**General Authority:** NDCC 43-40-05
**Law Implemented:** NDCC 43-40-01, 43-40-13

**55.5-02-03-02. Delegation of tasks to occupational therapy aides.**

1. The primary function of occupational therapy aides functioning in an occupational therapy setting is to perform designed routine tasks related to the operation of an occupational therapy service. An occupational therapist or an occupational therapy assistant may delegate to occupational therapy aides only specific tasks which are neither evaluative, task selective, nor recommending in nature, and only after ensuring that the occupational therapy aides are appropriately trained and have supportive documentation for the performance of the tasks. Such tasks may include:

    a. Routine department maintenance.

    b. Transportation of patients and clients.

    c. Preparation or setting up of treatment equipment and work area.

    d. Taking care of patient's and client's personal needs during treatments.

    e. Assisting the occupational therapist or occupational therapy assistant in the construction of adaptive equipment.

    f. Clerical, secretarial duties.

2. The occupational therapist or occupational therapy assistant may not delegate to occupational therapy aides:

    a. Performance of occupational therapy evaluative procedures.

    b. Initiation, planning, adjustment, modification, or performance of occupational therapy treatment procedures.

    c. Making occupational therapy entries directly in patient's or client's official records.

    d. Acting on behalf of the occupational therapist or occupational therapy assistant in any matter related to occupational therapy intervention which requires decisionmaking.

**History:** Effective November 1, 2000; amended effective April 1, 2014; April 1, 2021.
**General Authority:** NDCC 43-40-05
**Law Implemented:** NDCC 43-40-01, 43-40-03.1