

This is an amendment to 16.15.3 NMAC, Sections 7 and 8, effective 2/24/2022.

**16.15.3.7 DEFINITIONS:** In this section, the following terms have the meanings indicated:

**A. “Aide”** means a person who is not licensed by the board and who provides supportive services to occupational therapists and occupational therapy assistants. An aide shall function under the guidance and responsibility of the occupational therapist and may be supervised by the occupational therapist or an occupational therapy assistant for specifically selected routine tasks for which the aide has been trained and has demonstrated competency.

**B. “Board”** means the board of examiners for occupational therapy.

**C. “Competence”** refers to an individual’s capacity to perform job responsibilities.

**D. “Competency”** refers to an individual’s actual performance in a specific situation.

**E. “Limited permit holder”** means an individual who has completed the academic and fieldwork requirements of this Act for occupational therapists or occupational therapy assistants, has not yet taken or received the results of the entry level certification examination, and has applied for and been granted limited permit status.

**F. “Occupational therapist”** means a person who holds an active license to practice occupational therapy in New Mexico.

**G. “Occupational therapy assistant”** means a person having no less than an associate degree in occupational therapy and holding an active license to practice occupational therapy in New Mexico who assists an occupational therapist under the supervision of the occupational therapist.

**H. “Supervision”** means 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.

**I. “Supportive services”** means tasks that include providing patient transport, routine maintenance of equipment or work areas, setup, preparation, and cleanup of equipment of work areas, and supporting licensed practitioners during treatment or intervention while under the direct supervision of the licensed practitioner.

[16.15.3.7 NMAC - Rp, 16.15.3.7 NMAC, 1/30/2015; A: 2/24/2022]

**16.15.3.8 SUPERVISION:**

**A.** Occupational therapy assistants: 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.

**(1)** The specific frequency, methods, and content of supervision may vary by practice setting and is dependent upon the:

- (a)** complexity of client needs;
- (b)** number and diversity of clients;
- (c)** skills of the occupational therapist and the occupational therapy assistant;
- (d)** type of practice setting;
- (e)** requirements of the practice setting; and
- (f)** other regulatory requirements.

**(2)** More frequent supervision may be necessary when:

- (a)** the needs of the client and the occupational therapy process are complex and changing;
- (b)** the practice setting provides occupational therapy services to a large number of clients with diverse needs; or
- (c)** the occupational therapist and occupational therapy assistant determine that additional supervision is necessary to ensure safe and effective delivery of occupational therapy services.

**(3)** A variety of types and methods of supervision may be used. Methods may include direct face-to-face contact and indirect contact. Examples of methods or types of supervision that involve direct face-to-face contact include but are not limited to observation, modeling, co-treatment, discussions, teaching, instruction, and video conferencing. Examples of methods or types of supervision that involve indirect contact include but are not limited to phone conversations, written correspondence, electronic exchanges, and other methods using

secure telecommunication technology. All methods should be compliant with confidentiality requirements of government agencies, facilities, employers, or other appropriate bodies.

**(4)** Occupational therapists and occupational therapy assistants must document a supervision plan and supervision contacts. Documentation shall include the:

- (a)** frequency of supervisory contact;
- (b)** method(s) or type(s) of supervision;
- (c)** content areas addressed;
- (d)** names and credentials of the persons participating in the supervisory process.

**(5)** An occupational therapist is limited to supervising three or fewer occupational therapy assistants during their first year of licensure as an occupational therapist.

**(6)** After the first year of licensure, an occupational therapist must make the decision on the number of appropriate occupational therapy assistants to be supervised depending on the experience of the occupational therapy assistant, complexity of the patient or client needs and the setting of care.

**B.** Non-licensed personnel, including aides, is an individual who provides supportive services to the occupational therapist and the occupational therapy assistant. Non-licensed personnel do not provide skilled occupational therapy services. Non-licensed personnel must be trained by the occupational therapist or occupational therapy assistant to perform specifically designated tasks, and the non-licensed personnel must first demonstrate competency to be able to perform the assigned, delegated client and non-client related tasks.

**(1)** The occupational therapist must oversee the development, documentation, and implementation of a plan to supervise and routinely assess the ability of the non-licensed personnel, to carry out client and non-client-related tasks. The occupational therapy assistant may contribute to the development and documentation of this plan.

**(2)** The occupational therapy assistant may supervise the non-licensed personnel.

**(3)** Non-client-related tasks include clerical and maintenance activities and preparation of the work area or equipment.

**(4)** Client-related tasks are routine tasks during which the aide may interact with the client but does not act as a service provider of occupational therapy services. The following factors must be present when an occupational therapist or occupational therapy assistant delegates a selected client-related task to the aide:

- (a)** The outcome anticipated for the delegated task is predictable.
- (b)** The situation of the client and the environment is stable and will not require that judgement, interpretations, or adaptations be made by the non-licensed personnel.
- (c)** The client has demonstrated some previous performance ability in executing the task.
- (d)** The task routine and process have been clearly established.

**(5)** When performing delegated client-related tasks, the supervisor must ensure that the non-licensed personnel:

**(a)** is trained and able to demonstrate competency in carrying out the selected task and using equipment, if appropriate;

**(b)** has been instructed on how to specifically carry out the delegated task with the specific client, and;

**(c)** knows the precautions, signs, and symptoms for the particular client that would indicate the need to seek assistance from the occupational therapist or occupational therapist assistant.

**(6)** The supervisor of the aide must be documented and include;

**(a)** information about frequency and methods of supervision used,

**(b)** the content of the supervision; and

**(c)** the names and credentials of all persons participating in the supervisory process.

[16.15.3.8 NMAC - Rp, 16.15.3.8 NMAC, 1/30/2015; A, 2/24/2022]