

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 15 OCCUPATIONAL THERAPISTS**  
**PART 3 SUPERVISION**

**16.15.3.1 ISSUING AGENCY:** Board of Examiners for Occupational Therapy.  
[16.15.3.1 NMAC - Rp, 16.15.3.1 NMAC, 1/30/2015]

**16.15.3.2 SCOPE:** All those individuals who wish to practice occupational therapy in the state of New Mexico.  
[16.15.3.2 NMAC - Rp, 16.15.3.2 NMAC, 1/30/2015]

**16.15.3.3 STATUTORY AUTHORITY:** Section 61-12A-5 NMSA 1978.  
[16.15.3.3 NMAC - Rp, 16.15.3.3 NMAC, 1/30/2015]

**16.15.3.4 DURATION:** Permanent.  
[16.15.3.4 NMAC - Rp, 16.15.3.4 NMAC, 1/30/2015]

**16.15.3.5 EFFECTIVE DATE:** January 30, 2015, unless a later date is cited at the end of a section.  
[16.15.3.5 NMAC - Rp, 16.15.3.5 NMAC, 1/30/2015]

**16.15.3.6 OBJECTIVE:** To outline minimum supervision definitions and requirements.  
[16.15.3.6 NMAC - Rp, 16.15.3.6 NMAC, 1/30/2015]

**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.

[16.15.3.7 NMAC - Rp, 16.15.3.7 NMAC, 1/30/2015]

**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.
- [16.15.3.8 NMAC - Rp, 16.15.3.8 NMAC, 1/30/2015]

**16.15.3.9 TASK DELEGATION:** Regardless of the setting in which occupational therapy services are delivered, the occupational therapist and the occupational therapy assistant assume the following generic responsibilities during evaluation, intervention, and outcomes evaluation.

- A. Evaluation.**
  - (1) The occupational therapist directs the evaluation process.
  - (2) The occupational therapist is responsible for directing all aspects of the initial contact during the occupational therapy evaluation, including:
    - (a) determining the need for service;
    - (b) defining the problems within the domain of occupational therapy that need to be addressed;
    - (c) determining the client's goals and priorities;
    - (d) establishing intervention priorities;
    - (e) determining specific further assessment needs; and
    - (f) determining specific assessment tasks that can be delegated to the occupational therapy assistant.
  - (3) The occupational therapist initiates and directs the evaluation, interprets the data, and develops the intervention plan.
  - (4) The occupational therapy assistant contributes to the evaluation process by implementing delegated assessments and by providing verbal and written reports of observations and client capacities to the occupational therapist.
  - (5) The occupational therapist interprets the information provided by the occupational therapy assistant and integrates that information into the evaluation and decision making process.
- B. Intervention planning.**
  - (1) The occupational therapist has overall responsibility for the development of the occupational therapy intervention plan.
  - (2) The occupational therapist and the occupational therapy assistant collaborate with the client to develop the plan.
  - (3) The occupational therapy assistant is responsible for being knowledgeable about evaluation results and for providing input into the intervention plan, based on client needs and priorities.
- C. Intervention Implementation.**
  - (1) The occupational therapist has overall responsibility for implementing the intervention.

(2) Then delegating aspects of the occupational therapy intervention to the occupational therapy assistant, the occupational therapist is responsible for providing appropriate supervision.

(3) The occupational therapy assistant is responsible for being knowledgeable about the client's occupational therapy goals.

(4) The occupational therapy assistant selects, implements, and makes modifications to therapeutic activities and interventions that are consistent with demonstrated competency levels, client goals, and the requirements of the practice setting.

**D. Intervention Review.**

(1) The occupational therapist is responsible for determining the need for continuing, modifying, or discontinuing occupational therapy services.

(2) The occupational therapy assistant contributes to this process by exchanging information with and providing documentation to the occupational therapist about the client's responses to and communications during intervention.

**E. Outcome Evaluation.**

(1) The occupational therapist is responsible for selecting, measuring, and interpreting outcomes that are related to the client's ability to engage in occupations.

(2) The occupational therapy assistant is responsible for being knowledgeable about the client's targeted occupational therapy outcomes and for providing information and documentation related to outcome achievement.

(3) The occupational therapy assistant may implement outcome measurements and provide needed client discharge resources.

[16.15.3.9 NMAC - Rp, 16.15.3.9 NMAC, 1/30/2015]

**HISTORY of 16.15.3 NMAC:**

**Pre-NMAC History:**

Material in this Part was derived from that previously filed with State Records and Archives:

BOTP 84-1, Licensing Regulations, filed 12-10-84

BOTP 90-1, Licensing Regulations, filed 04-27-90

Rule 92-1, Licensing Regulations, filed 04-15-92

Rule 95-1, Licensing Regulations, filed 02-14-95

Rule 95-1, Licensing Regulations, filed 04-13-95.

**History of the Repealed Material:** 16.15.3 NMAC, Occupational Therapists - Supervision, filed 06-19-2000, repealed 1/30/2015.