

GUIDELINES ON THE USE OF OCCUPATIONAL THERAPY ASSISTANTS UNDER THE NEW MEXICO DEVELOPMENTAL DISABILITIES MEDICAID WAIVER

I. INTRODUCTION AND PURPOSE

The New Mexico (NM) Developmental Disabilities Supports Division (DDSD) recognizes the positive contribution of Occupational Therapy Assistants (OTAs) in providing needed healthcare resources for individuals with Developmental Disabilities (DD) in NM and supports the use of OTA services to promote effective utilization of Occupational Therapy (OT) resources throughout the state.

The purpose of this document is to provide guidelines for the appropriate use of OTAs for the provision of OT services under the NM DD Medicaid Waiver. These guidelines are meant as an adjunct to the NM OT Practice Act and the NM DD Medicaid Waiver Standards. It is expected that OTs, OTAs, Therapy Provider Agencies and Case Managers will understand and follow these guidelines when utilizing OTA services under the NM DD Medicaid Waiver.

II. DEFINITION OF TERMS

A. Occupational Therapy Assistant (OTA): The OTA delivers occupational therapy services under the supervision of and in partnership with the OT. OTAs provide services in collaboration with a supervising OT to implement a therapy intervention plan that assists an individual to participate fully in life activities (occupations).

An OTA has earned an Associates Degree from an accredited college or educational program. This generally includes the equivalent of two years of approved coursework and 16 weeks of supervised fieldwork. In NM, an OTA may practice with a provisional permit pending certification by the National Board for Certification in OT (NBCOT) for a period not exceeding six months.

B. Certified Occupational Therapy Assistant (COTA): A COTA is an OTA who has passed the NBCOT national board examination and has been certified through NBCOT.

III. LICENSING REQUIREMENTS: OTAs providing DD Waiver Services must have a current and active license issued by the New Mexico Regulation and Licensing Department (NMRLD).

IV. APPLICABLE LAWS AND STANDARDS: OTAs must follow the current DD Waiver Therapy Standards; applicable DDSD Standards and Guidelines; the NM OT Licensure Act; and applicable American Occupational Therapy Association (AOTA) Standards, Codes, and practice guidelines.

V. TASK DELEGATION: OTAs may perform OT procedures and tasks pursuant to a Therapy Intervention Plan written by the supervising OT and as governed by the current

NM OT Licensure Act. Application of the NM OT Licensure Act is further governed by the following guidelines for task delegation when providing billable services under the DD Waiver in New Mexico:

- A. Service Provision:** The OT must evaluate each DD Waiver Client before tasks are delegated to the OTA. It is the responsibility of the OT to determine when to delegate responsibilities to the OTA. The OT shall take into consideration the level of experience the OTA has with applicable disabilities/conditions and task areas assigned. It is the responsibility of the OTA to demonstrate service competency in performing the OT services assigned and to seek additional supervision when needed to complete tasks safely and effectively.
1. Interdisciplinary Team (IDT) Meetings: Both the OT and the OTA are expected to attend the Annual IDT Meeting to assist in developing the Individual Service Plan (ISP). They are also expected to follow the DD Waiver Therapy Standards stipulations if the meeting must be missed due to illness or a scheduling conflict. The OT and/or the OTA may attend other scheduled IDT meetings at the discretion of the OT.
 2. Specialized Appointments: The OT or the OTA are encouraged to attend specialized appointments (doctors, orthotists, clinics, etc.) affecting OT treatment areas. The OT should use professional judgment to determine if the OT or the OTA should attend.
 3. Direct Therapy Services: The interventions completed by the OTA with the client and caregivers are directed by the OT through the Therapy Intervention Plan. When appropriate, the OT should observe the OTA complete various tasks with the client to determine that tasks can be completed safely and effectively. The Therapy Intervention Plan must be of sufficient detail to direct the OTA in service provision (see section V.B for further information).
 4. Assistive Technology (AT) and Specialized Services: The OT should assure that the OTA has sufficient skills to complete AT and Specialized Service tasks effectively. The OT should consider recommending more OT hours on the budget to provide AT and Specialized Services (splinting, positioning, sensory dysfunction, etc.) if the OTA's level of expertise would affect the OTA's ability to provide these services or parts of these services safely and effectively.
- B. Documentation.**
1. The OT must complete the following documentation in accordance with the DD Waiver Standards:
 - a. The Initial Therapy Evaluation Report;
 - b. The Annual Re-Evaluation Report;

- c. The recommendations section of the Annual Therapy Progress Reports. Any modifications to the recommendations section of the Six-Month Therapy Report;
 - d. The Therapy Intervention Plan:
 - (i) The OTA may contribute information related to the development of the Therapy Intervention Plan; however, the Therapy Intervention Plan must be written and developed by the Occupational Therapist (OT). Any adjustments or modification of the Therapy Intervention Plan is subject to final approval by the OT. Permanent Therapy Intervention Plan changes must be documented and co-signed by the OTA and the OT.
 - (ii) The Therapy Intervention Plan must be of sufficient detail to outline the therapy tasks that are to be completed by the OTA and therapy tasks (if any) that are to be completed by the OT as related to each OT Objective. The Therapy Intervention Plan should also outline tasks delegated to the OTA related to support areas such as Assistive Technology and Environmental Modification.
 - e. The Discontinuation of Services Report
2. The OTA may complete the following documentation (except any parts related to interpreting and analyzing evaluation data):
- a. The Annual Therapy Progress Report (the OT must complete the recommendations section);
 - b. The Six-Month Progress Report (the OT must complete any modifications to the recommendations section);
 - c. Caregiver Training Plans (the OTA should collaborate with the OT as needed on specialized Caregiver Training Plans);
 - d. ISP Action Plan Therapy Strategies (if submitted in written form);
 - e. Training Rosters;
 - f. Therapy Service Contact Notes; and,
 - g. Other incidental documentation requests related to the OTAs delegated tasks.

3. The OT must review and co-sign all documentation completed by the OTA. The OT may co-sign each page of Therapy Service Contact Notes as opposed to each individual contact note.
4. The OT and the OTA should collaborate regarding who will be responsible for the distribution of documentation to team members and to the Therapy Provider Agency. Documentation should be co-signed by the OT before distribution to team members or to the Therapy Provider Agency.

VI. SUPERVISION REQUIREMENTS: OTAs must be supervised in accordance with the current NM OT Licensure Act. It is the responsibility of the OT and the OTA to seek the appropriate quality and frequency of supervision to ensure safe and effective OT service delivery and to collaboratively develop a plan for supervision. There are four levels of supervision required depending on whether the OTA is categorized as entry-level, intermediate-level, advanced-level or practicing with a provisional permit. Supervisors, Supervisees and Therapy Provider Agencies must be familiar with the level of supervision required, the “Supervision Log” requirements, and the “OTA Supervisory Form” requirements. “The OT has ultimate overall responsibility for service performance by the OTA, and for the health and safety of each client in the provision of occupational therapy services.” (NMAC 16.15.3.8.F)

A. Documentation of Supervision

1. The OTA is responsible for maintaining the original Supervision Logs and a copy of all OTA Supervisory Forms. Supervision Logs and OTA Supervisory Forms related to DD Waiver OTA Services must be kept for a minimum of three years.
2. A copy of the Supervision Logs and a copy of all OTA Supervisory Forms must be maintained by the Therapy Service Provider Agency for a minimum of three years. The Therapy Service Provider Agency has a responsibility to monitor the level of supervision of OTAs employed and to assure that these guidelines are being followed by OTAs and OTs that they employ.
3. The NM DDS retains the right to request copies of Supervision Logs and OTA Supervisory Forms from the OTA or the Therapy Service Provider Agency at any time without previous notice.

VII. THERAPY REIMBURSEMENT: Occupational Therapy and Occupational Therapy Assistant reimbursement is governed by the NM DD Medicaid Waiver Standards and applicable Federal and NM state laws and regulations.

A. Related Reimbursement Guidelines

1. The combination of OT and OTA hours on an individual’s DD Waiver Budget may not exceed 72 hours unless more hours can be allocated within the individuals Annual Resource Allotment (ARA).

2. The OT and the OTA may bill for attending the Annual ISP Meeting and the Six-Month IDT Meeting if one is scheduled.
3. The OT should ask for enough hours on the budget to attend the Annual ISP Meeting, complete billable documentation, complete allowable therapy services not assigned to the OTA (if any), and to complete billable consultation with the OTA. Billable consultation hours with the OTA may not exceed six hours per budget year and cannot include documentation requirements for supervision. (See DD Waiver Therapy Standards VIII.D for standards related to billable consultation).
4. Consultation hours noted above may meet some of the OTA Supervision Requirements but are not intended to meet all supervision requirements. Time needed for supervision is dependent on the practice level of the OTA, the complexities of the Therapy Intervention Plan and the individual's OT service needs.

RESOURCES:

Current DD Waiver Standards and Guidelines:

http://www.nmhealth.org/ddsd/regulationsandstandards/menupregsstndrds_pubs.htm

NMRLD – OT Rules and Regulations – NM OT Licensure Act – Supervision Log, etc.

www.rld.state.nm.us/OccupationalTherapy/index.html

DDSD Clinical Services Bureau Services and Resources –

www.nmhealth.org/ddsd/ClinicalSvcsBur/CSBIndex.htm

AOTA Website – <http://www.aota.org/Practitioners/Official.aspx> (See especially - Guidelines for Supervision, Roles, and Responsibilities during the Delivery of Occupational Therapy Services.)

New Mexico Occupational Therapy Association Website – www.nmota.org

The National Board for Certification in Occupational Therapy, Inc. (NBCOT) Website –

www.nbcot.org

New Mexico Administrative Code (NMAC) - Occupational and Professional Licensing
Occupational Therapists - General Provisions - NMAC 16.15.1 – NMAC 16.15.5, Licensing Requirements, Supervision, Continuing Education Requirements and Disciplinary Proceedings.