

21 NCAC 38 .1102 DELEGATION OF DUTIES TO UNLICENSED PERSONNEL

- (a) Unlicensed personnel do not provide skilled occupational therapy services. Unlicensed Personnel are trained by an occupational therapist or occupational therapy assistant to perform specifically delegated tasks. The occupational therapist is responsible for the overall use and actions of the unlicensed personnel. Unlicensed personnel first must demonstrate competency to be able to perform the assigned, delegated client and non-client related tasks.
- (b) The occupational therapist must oversee the development, documentation, and implementation of a plan to supervise and routinely assess the ability of the unlicensed personnel to carry out client and non-client related tasks. The occupational therapy assistant may contribute to the development and documentation of this plan.
- (c) The occupational therapy assistant may supervise unlicensed personnel.
- (d) Non-client related tasks include clerical and maintenance activities and preparation of the work area or equipment.
- (e) Client-related tasks are routine tasks during which the unlicensed personnel may interact with the client but does not provide skilled 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 unlicensed personnel;
 - (1) The outcome anticipated for the delegated task is predictable;
 - (2) The situation of the client and environment is stable and will not require the judgment interpretation, or adaptations be made by the unlicensed personnel;
 - (3) The client has demonstrated some previous performance ability in executing the task; and
 - (4) The task routine and process have been established.
- (f) When performing delegated client-related tasks the supervisor must ensure that the unlicensed personnel;
 - (1) is trained and able to demonstrate competency in carrying out the selected task and using equipment, if appropriate;
 - (2) has been instructed on how to specifically carry out the delegated task with the specific client, and
 - (3) knows the precautions, signs and symptoms for the particular client that would indicated the need to seek assistance for the occupational therapist or occupational therapy assistant.
- (g) The supervision of the unlicensed personnel must be documented and include;
 - (1) information about frequency and methods of supervision used;
 - (2) the content of supervision; and
 - (3) the names and credentials of all persons participating in the supervisory process.
- (h) Occupational therapy practitioners shall not allow employer or work place pressures to result in the prohibited use of unlicensed personnel.
- (i) Services provided by unlicensed personnel may not be billed, charged, or identified as "occupational therapy."

History Note: Authority G.S. 90-270-69;

Eff. July 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.