

**GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
MINUTES OF CONFERENCE CALL
September 28, 2005**

A meeting of the Georgia State Board of Occupational Therapy was held by conference call on September 28, 2005 at the Secretary of State Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia with the following members present:

Members Present:

Kendyl R. Brock, OTR/L, CHT, President
Kathleen H. Conyers, OTR/L, Vice President
Donna J. Domyslawski, OTR/L
Karen L. Cadaret, COTA/L
Mary Louise Austin, Consumer

Others Present:

Brig Zimmerman, Executive Director
Serena Gadson, Application Specialist
Yvonne LeSane, Board Secretary
Wylencia Monroe, Asst. Attorney General

Ms. Brock established a quorum of the Board was present and called the Board meeting to order at 10:10 a.m.

Ms. Conyers moved and Ms. Domyslawski seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h)(2)&(4), O.C.G.A. §43-1-2(k)(1)(2), O.C.G.A. §43-1-2(k)(4) and O.C.G.A. §50-14-2(1) to deliberate on Investigations, Applications and Attorney General's Report and to receive information on Investigations, Applications and Attorney General's Report. Voting in favor of the motion were those present who included Board Members Domyslawski, Brock, Austin, Cadaret and Conyers. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Emergency Licensure Policy:

Mr. Zimmerman requested that the Board consider relaxing verification requirements due to the Hurricane because there may be difficulty obtaining them.

Ms. Monroe advised that three (3) references is a requirement in the rule and not the law. In the O.T. law there is no exception to basic qualifications. The Board should look at a variance of literal requirement of documents in support of the application. The law requires that applicants come from states that are equal to Georgia in licensure requirements: Louisiana, Mississippi and Alabama are similar to Georgia requirements.

Ms. Domyslawski moved and Ms. Cadaret seconded and the Board voted to produce a policy for natural disaster or emergency with the following requirements:

- 1) National Board for Certification in Occupational Therapy (NBCOT) certification;
- 2) Copy of pocketcard from endorsing state;
- 3) Submission of notarized statement advising no infractions against license and unrestricted;
- 4) Copy of drivers license/pay stub/proof of residency/current utility bill;
- 5) Application plus required fee;
- 6) Waiver in lieu of references, if unattainable;

- 7) Continuing Education and transcript will not be required, at this time;
- 8) **Applicant cannot do modalities. This requires the regular application process for modalities certification.**

If conviction(s) are reported, application must be presented to the Board for review and determination prior to licensing.

Ms. Brock granted express permission for Mr. Zimmerman to post the required document and sign in her stead.

Mr. Zimmerman will create the waiver and review with Ms. Monroe before finalization.

Ms. Conyers moved and Ms. Domyslawski seconded and the Board voted to designate Louisiana, Alabama and Mississippi as disaster/emergency states for purposes of this policy adoption:

Category: Licensure

Policy: ■

Title: Processing Exceptions Due to Natural Disasters for Applications

For Licensure as an Occupational Therapist

Procedure: □

Statutory Basis: OCGA § 43-28-11

Each applicant must complete an application for licensure as an Occupational Therapist. All applications can be obtained via verbal request (478-207-2440) or by downloading the forms from our website – www.sos.state.ga.us/plb/ot. The Georgia State Board of Occupational Therapy (“Board”) may identify states affected by natural disaster or emergencies for which exceptions may be made and for the length of time the exceptions may be allowed.

This policy addresses the special circumstances of applicants for licensure whose home state is identified by the Board as being in emergency or disaster status. The intention of the Board is to expedite the application processing and licensure of applicants from states that are experiencing an emergency or natural disaster. Applicants from such states may not be able to provide required picture identification or original and current licensure verification as part of the application process.

Pursuant to the law, as provided in O.C.G.A. § 43-28-9 and 43-28-10 applicants must provide the following verifications in support of an application for licensure as an Occupational Therapist in Georgia:

- **Application and Fee**
- **NBCOT Certification**
- **Verification of Current, Active License (photocopy of pocket card acceptable)**
- **Proof of Residency – copy of current state Drivers License, current utility bill, current bank statement, current payroll record(s), FEMA documentation**
- **Personal, notarized statement indicating no outstanding disciplinary actions**

Unless a waiver is requested and obtained, under Board Rule 671-3-.02, three references will be required, on forms provided by the Board, two of which will be from certified or licensed

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occupational therapists who have knowledge of the applicant's professional training or experience during the last five years. Under Georgia law, the Board is authorized to grant a variance or waiver to a rule only when a person subject to that rule demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person.

NOTE: You must have an additional board approved certification to use occupational therapy techniques involving physical agent modalities.

The Board has the authority to refuse to license an applicant as well as to revoke, sanction or discipline a licensee for providing to the Board any false information for the purposes of obtaining licensure as an Occupational Therapist in Georgia. The findings of the Board regarding false information may also be reported to other appropriate state or federal agencies for investigation and prosecution.

Date Adopted: 09/28/2005

Date of Last Review:

Date Revised:

Date Effective: 09/28/2005

Effective this 28th day of September, 2005.

PETITION FOR VARIANCE OR WAIVER

Petitioner/Licensee/Applicant Information:

Name: _____

Address: _____

(City)

(State)

(Zip)

Agent: _____

(Name of agent filling petition if licensee is a corporation)

Board: Occupational Therapy

License #: _____ *Type of License:* _____

Telephone #: _____

O.C.G.A. § 50-13-9.1(c) requires that a register of all pending requests for, and all approved variances and waivers be posted on the GeorgiaNet.

I hereby petition the Georgia State Board of *Occupational Therapy* for the following action (select one):

- Variance** (if you are requesting that a rule be MODIFIED in your particular situation)
 - Waiver** (if you are requesting that a rule, or part of a rule, NOT BE APPLIED to your particular situation)
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➤ **Petitioner must provide the following information (attach additional pages if needed):**

1. If an attorney or other representative will assist you with this petition, please identify:

Name: _____ Telephone #: _____

Address: _____

2. State the specific rule from which this variance or waiver is requested:

_____.

3. State how strict application of the rule, identified in #2 above, would create a substantial hardship for you that would justify the Board granting this variance or waiver: (The term “substantial hardship” means a significant, unique, and demonstrable economic, legal, technological or other type of hardship which would impair your ability to continue to function in our profession.)

_____.

4. State the alternative standards you agree to meet and describe how such alternative standards will afford adequate protection for the public health, safety, and welfare:

_____.

5. The rule, identified in #2 was enacted to serve the purpose of an underlying statute. State how this variance or waiver will still serve the purpose of the underlying statute. (You may wish to refer to a copy of the laws and rules which can be located at: www.sos.state.ga.us/plb/ot)

_____.

Signed: _____ Date: _____

Mail the completed application to:

The Georgia State Board of Occupational Therapy
237 Coliseum Drive
Macon, Georgia 31217

OFFICE USE ONLY:

Date petition received: ____/____/____

Date petition posted: ____/____/____

Scheduled review date: ____/____/____

Actual review date: ____/____/____

Board's decision: _____

Date decision posted: ____/____/____

Date petitioner notified of decision: ____/____/____

November 2005 Public Meeting:

Ms. Domyslawski moved and Ms. Cadaret seconded to forego the 2005 Public Meeting. In lieu of no vote, the Board discussed the rationale for a public meeting. The Board was advised of the availability of the Exam Section auditorium and the state's request for staff to limit travel.

Ms. Cadaret moved and Ms. Conyers seconded and the Board voted to hold the Public Meeting with the following topics and speakers:

- Ms. Conyers: What is Board's Purpose
- Ms. Austin: The Role of the Consumer/Cognizant
- Ms. Brock: Modalities
- Ms. Domyslawski: Continuing Education
- Ms. Cadaret: COTA's

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Ms. Conyers moved and Ms. Austin seconded and the Board adjourned the meeting at 2:05 p.m.

Minutes recorded by:

Yvonne LeSane, Board Secretary

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

Kendyl Brock, President

Mollie L. Fleeman, Division Director