

GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
Board Teleconference Minutes
November 14, 2014 - 10:00a.m

The Georgia State Board of Occupational Therapy met on Friday, November 14, 2014. The following members were present:

Board Members Present

Donna Domyslawski, OTR/L, Chair
Rachele Branson, OTR/L, Vice Chair
Melissa Thurlow, OTR/L
Mary Lou Austin, OTR/L

Administrative Staff Present

Adrienne Price, Executive Director
Wanda Jaffe, Licensing Supervisor
Tamara Elliott, Board Support Specialist

Attorney General's Office

Janet Jackson, Assistant Attorney General

Visitors Present

Alison M. Greer
Carolyn W. Colburn
Amy Legare

Ms. Domyslawski established a quorum and called the meeting to order at 10:05am

OPEN SESSION

Public Board Rule Hearing - 671-3-.08 Renewal of License/Penalties/Continuing Education Requirements

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF OCCUPATIONAL THERAPY
RULE FOR CHAPTER 671-3 LICENSE REQUIREMENTS, RULE 671-3-.08 RENEWAL OF
LICENSE/PENALTIES/CONTINUING EDUCATION REQUIREMENTS**

Purpose: The purpose of this rule amendment is to adjust and clarify the number, type and documentation of Continuing Education Hours required to renew a license.

Main Features: The rule amendment for example provides for an increase in the number of "general" CE's, explains "general" CE's, clarifies the number of face-to-face CE Hours required and specifies the effective date of these changes begins before March 31, 2014.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENT TO THE
GEORGIA BOARD OF OCCUPATIONAL THERAPY RULE FOR CHAPTER 671-3 LICENSE
REQUIREMENTS, RULE 671-3-.08 RENEWAL OF LICENSE/PENALTIES/CONTINUING EDUCATION
REQUIREMENTS**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

671-3-.08 Renewal of License/Penalties/Continuing Education Requirements. Amended

(1) A license issued by the Board shall expire on March 31st of even numbered years. The license may be renewed upon submission of the renewal application and payment of the required fee, provided all requirements have been met. Refer to fee schedule.

(2) A license that is not renewed on or before March 31st of the renewal year shall be deemed lapsed. An application for reinstatement shall be required as provided for in Rule 671-3-.09 in order to seek reinstatement of a lapsed license to practice in this State. Practicing with an expired license is prohibited by law and practice during this period may result in disciplinary action for unlicensed practice.

(3) Before or on March 31, 2014 and for renewal cycles after that date, the continuing education requirements contained in this rule will be required for the renewal or reinstatement of a license. Except as otherwise provided, each licensee is required is required to complete during each two (2) year renewal period a minimum of twenty-four (24) continuing education hours prior to the expiration date of the license. Failure to complete continuing education prior to

expiration date can result in disciplinary action. Acceptable professional continuing education activities shall include activities relevant to occupational therapy practice that can be deemed to update or enhance knowledge and skills required for competent performance beyond entry level occupational therapy. A continuing education hour is defined as actual time spent in instruction or organized learning experiences excluding meals, breaks, welcome/introductions, and business meetings.

~~(a)~~ Continuing Education (CE) hours obtained from January 1st until March 31st of an even numbered year can be counted toward the following biennium renewal period rather than the current biennium renewal period if the licensee has obtained all hours required for renewal by December 31st of the prior odd numbered year.

~~(b)~~ (a) At least fourteen (14) hours of the required twenty-four (24) continuing education hours must be related to direct “hands on” patient care. This includes occupational therapy assessment, treatment planning, occupational therapy implementation and diagnostic related information.

~~(c)~~ (b) A maximum of six (6) hours of the required twenty-four (24) continuing education hours can be in “General” continuing education. This includes areas related to administration, supervision, documentation, quality assurance and research.

~~(d)~~ (c) A maximum of four (4) hours of the required twenty-four (24) continuing education hours may be used for Level II fieldwork supervision, published professional writing and instructional presentations.

~~(e)~~ (d) Each licensee must complete a minimum of two (2) hours of the required twenty-four (24) continuing education hours in the ethics of occupational therapy practice.

~~(f)~~ (e) At least twelve (12) of the required twenty-four (24) continuing education hours must be obtained by attendance at live presentations such as workshops, seminars, conferences or formal academic coursework.

~~(g)~~ (f) A maximum of twelve (12) of the required twenty-four (24) continuing education hours may be obtained by electronic or web based courses, formal self-study courses, satellite broadcasts, computer learning activities, webinars, or viewing videotapes in a professional setting.

(4) An individual who is applying for licensure in Georgia for the first time (never having held a Georgia OT or OTA license) and who is licensed during the second year of the biennium renewal period is not required to meet continuing education requirements for that initial renewal period only.

(5) Prior approval of continuing education courses is not required. Each licensee randomly selected for a CE audit must submit to the Board supporting documentation as specified in this rule.

(6) Procedures for verifying to the Board that the continuing education requirements for licensure renewal have been met:

(a) Respond appropriately to questions on renewal of license application;
(b) Retain continuing education documentation in personal files and submit to the Board if selected for a continuing education audit;

(c) Documentation as specified in ~~Board Rule 671-3-08(7)~~ in this rule must be maintained by the licensee for no less than ~~three (3) years~~ four (4) years from the beginning date of the licensure period.

(7) Documentation of continuing education which the Board deems as acceptable proof of completion includes the following:

(a) For continuing education courses that include attendance and participation at a live presentation such as a workshop, seminar, conference or in-service educational program:

1. A certificate of completion or similar documentation signed by program official, and

2. A program description including sponsor, course title, date(s), program objectives/learning outcomes, content

description, and agenda or schedule. A shortened description may be accepted for programs specifically exempted by the Board such as AOTA and GOTA Conferences;

(b) For “General” continuing education ~~under Board Rule 671-3-.08(3)(c)(b)~~ as referenced in this rule, if obtained at a conference, workshop or live presentation, required documentation is as noted above. All other must include:

1. Explanation of the relationship of the activity to occupational therapy and your professional growth.
2. Date(s) and clock hours of the activity;
3. Other information as may be requested.

(c) For Level II Fieldwork Supervision involving serving as the primary clinical fieldwork educator for Level II occupational therapy or occupational therapy assistant fieldwork students:

1. A description of the fieldwork including name and type of facility, name of the fieldwork educator and times spent in direct supervision of the student; and,
2. Verification provided by the school to the fieldwork educator with the name of the student, school and dates of fieldwork or the signature page of the completed student evaluation form with evaluation scores and comments blocked out;

(d) For published professional writing and instructional presentations, ~~Board Rule 671-3-.08(3)(d)(c)~~ as referenced in this rule, including first time or significantly revised presentations or an academic class session, workshop, seminar, in-service or professional meeting program session:

1. Presentation description including location, title, date, hours of presentation, general content description, and type of audience; and,
2. Verification of presentation or formal thank you note signed by the sponsor or program official.

(e) Documentation of electronic or web based course, formal self-study courses, satellite broadcasts, computer learning activities or viewing of videotapes in a professional setting must include:

1. Verified instructional time by the course sponsor, a certificate of completion or similar documentation signed by the program official; and,
2. A program description including sponsor, course title, date(s), program objectives/learning outcomes, and content description.

(f) Continuing education should be documented on the appropriate board form, available on the Board website (www.sos.ga.gov/plb/ot).

Authority: O.C.G.A. §§ 43-1-4, 43-1-19, 43-1-25, 43-28-7, 43-28-8, 43-28-13 and 43-28-14.

No Public comments were received or offered during the hearing.

Ms. Branson motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to adopt Board Rule 671-3-.08 proposed amendment as presented with grammatical changes.

Ms. Branson motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Public Board Rule Hearing - 671-6-.02 Requirements

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF OCCUPATIONAL THERAPY RULE FOR CHAPTER 671-6 CERTIFICATION FOR USE OF PHYSICAL AGENT MODALITIES, RULE 671-6-.02 REQUIREMENTS

Purpose: To update the rule that has not been amended since 1991.

Main Features: The rule amendment will eliminate paragraph (1) since that information is outdated and no longer pertinent which will also change the numbering structure of the rule. It will also expand on acceptable training.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENT TO THE GEORGIA BOARD OF OCCUPATIONAL THERAPY RULE FOR CHAPTER 671-6 CERTIFICATION FOR USE OF PHYSICAL AGENT MODALITIES, RULE 671-6-.02 REQUIREMENTS

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

671-6-.02 Requirements.

~~(1) Effective July 1, 1991, any licensed occupational therapist and licensed occupational therapy assistant who wishes to use O.T. techniques involving physical agent modalities must submit to the Board, prior to July 1, 1992, on a form provided by the Board, a certificate of validation to indicate successful use of physical agent modalities prior to July 1, 1991.~~

~~(a) The Certificate of Validation must be signed by a licensed physician, or chiropractor, physical therapist or occupational therapist who is licensed to use physical agent modalities.~~

~~(b) The form must be notarized.~~

~~(c) An occupational therapist or occupational therapy assistant who cannot obtain the signature as required in paragraph (a) above of this rule may submit documentation of training which adheres to topics specified in Rule 671-6-.02(2) and documentation as provided for in Rule 671-6-.02(5) below.~~

~~(2) (1) Effective June 18, 2014, any Any occupational therapist and occupational therapy assistant who wishes to utilize O.T. techniques involving physical agent modalities, must document, successful completion of a minimum of 90 contact hours of instruction or training approved by the Board which covers:~~

~~(a) Principles of physics related to specific properties of light, water, temperature, sound, or electricity, as indicated by selected modality;~~

~~(b) Physiological, Neurophysiological, and Electrophysiological, changes, as indicated, which occur as a result of the application of selected modality;~~

~~(c) The response of normal and abnormal tissue to the application of the modality;~~

~~(d) Indications and contraindications related to the selection and application of the modality;~~

~~(e) The guidelines for treatment or administration of the modality within the philosophical framework of occupational therapy;~~

~~(f) The guidelines for educating the patient including instructing the patient to the process and possible outcomes of treatment, including risks and benefits; (g) Safety rules and precautions related to the selected modality;~~

~~(h) Methods of documenting the effectiveness of immediate and long term effects of treatment; and~~

~~(i) Characteristics of the equipment including safe operation, adjustment, and care of the equipment.~~

~~(3) (2) No less than 36 contact hours must be directly related to the specific theories and practical application of physical agent modalities.~~

~~(4) (3) Acceptable instruction or training shall include any activity relevant to the practice of physical agent modalities in occupational therapy and may include formal academic education, conferences, workshops, seminars, web based instructions, and in-service education. ~~conference, workshops, seminars and/or formal academic education.~~~~

~~(5) (4) Each occupational therapist and occupational therapy assistant is responsible for submitting documentation of training. Documentation shall include:~~

~~(a) Identification of the specific course or training where the therapist learned content related to each subject area (a-i);~~

~~(b) Proof of 90 hours of instruction or training. This may be reported by:~~

1. A statement of attendance or a copy of the certificate of completion which shows title of program, hours of program, date program was taught, signature of designated program official, and a brochure or program outline; or
 2. An official grade report/transcript and course outline to verify academic education.
- (c) Additional documentation may be requested by the Board, if deemed necessary.

Authority granted under O.C.G.A. §§ 43-28-3 (9), 43-28-7, 43-28-8.1, 43-28-12, 43-1-3 and 43-1-25

No Public comments were received or offered during the hearing.

Ms. Austin motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to adopt Board Rule 671-6-.02 proposed amendment as presented with grammatical changes.

Ms. Thurlow motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Austin motioned, Ms. Thurlow seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-2(k) (1) (2), O.C. G.A. §43-1-2 (k) (4), O.C.G.A. §43-1-19 (h) (2) & (4) and O.C.G.A. §50-14-2(1) to deliberate on Applications, to receive the Attorney General's, Enforcement, and Cognizant Reports, and to conduct Applicant Interviews. Voting in favor of the motion were those present who included Board Members: Ms. Domyslawski, Ms. Branson, Ms. Austin, and Ms. Thurlow

- Applicant Discussions

At the conclusion of Executive Session on Friday, November 14, 2014, Ms. Domyslawski declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were obtained during Executive Session

Open Session Minutes

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to approve the August 8, 2014 open session minutes as amended.

Licensure Ratification List August 2, 2014 – November 10, 2014 and Between Board Meetings

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to approve the list of licenses issued from August 2, 2014 – November 10, 2014, licenses issued by reinstatement, the Physical Agent Modalities certifications and limited permits issued between board meetings.

Discussion – Rule 671-3-.05 Re-examination

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to remove the question "Have you failed or been refused an examination by any professional organization, board or AOTCB/NBCOT?" from the Application for Licensure.

Discussion – Occupational Therapy Certification of Validation for use of Physical Agent Modalities

The Board tabled the discussion regarding occupational therapy certification of validation for use of physical agent modalities until the next Board meeting.

Discussion – Wall Street Journal – State Licensing Boards under Fire

The Board accepts the correspondence in reference to whether or not licensing boards staffed with business owners and licensed professionals may regulate their own markets without oversight from government employees as information.

Late Agenda Item – Discussion – Application for Reinstatement

The Board tabled the discussion to until the next Board Meeting.

Executive Director's Report

Ms. Price discussed statistical data relevant to the processing of applications and complaints/compliance matters. The Board accepts the report as presented.

2015 Board Meeting Dates

Ms. Thurlow motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to accept the 2015 Board Meeting Dates as presented.

2015 Board Elections

The Board tabled the election of officers until the February 2015 Board Meeting.

Miscellaneous

1. Board requests the Attorney General’s Office to conduct research and submit a memorandum of advice addressing when the economic impact of a rule revision must be considered by the Board, i.e. when the Board votes to post the rule amendments and/or after the Board votes to adopt the rule as amended.

Ms. Branson motioned, Ms. Austin seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-2(k) (1) (2), O.C. G.A. §43-1-2 (k) (4), O.C.G.A. §43-1-19 (h) (2) & (4) and O.C.G.A. §50-14-2(1) to deliberate on Applications, to receive the Attorney General’s, Enforcement, and Cognizant Reports, and to conduct Applicant Interviews. Voting in favor of the motion were those present who included Board Members: Ms. Domyslawski, Ms. Branson, Ms. Austin, and Ms. Thurlow

At the conclusion of Executive Session on Friday, November 14, 2014, Ms. Domyslawski declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were obtained during Executive Session

OPEN SESSION

Executive Session Minutes

Ms. Thurlow motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to approve the August 8, 2014 executive session minutes as amended.

Attorney General’s Report

Ms. Thurlow motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to accept the Attorney General’s Report as presented.

- 1. A.A Ms. Branson motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to rescind the previous decision and issue a Public Consent Agreement for Licensure with fine of \$100 for failing to disclose a previous failure of the licensure examination on the application submitted.

Applications for Board Review

Exam

- 1. K.K. Ms. Branson motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to issue with a public consent agreement with fine of \$100 for failing to disclose a previous failure of the licensure examination on the application submitted.

Reinstatement

- 2. C.C. Ms. Austin motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to rescind the previous decision and issue a Public Consent Agreement for Reinstatement of Licensure with fine of \$300 for unlicensed practice from April 1, 2014 – August 29, 2014 and flag for CE audit.
- 3. A.G. Ms. Austin motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to notify the applicant that he/she must submit proof of completion of continuing education as required for the renewal of licensure. If cannot provide the documentation, refer the case to the Attorney General’s Office to issue a Public Consent Agreement for Reinstatement of Licensure with a fine of \$1100 to be paid within 180 days of the docket date of the order for unlicensed practice April 1, 2014 – May 23, 2014 and August 8, 2014- September 17, 2014, misrepresentation of continuing education on the renewal application and failure to submit proof of completion of continuing education as required by Board Rule. If the applicant is able to submit proof of continuing education, issue a Public Consent Agreement for unlicensed practice for dates indicated with a fine of \$100. Flag for CE audit.
- 4. M.J. Ms. Branson motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to issue reinstatement of license.

Application for Licensure

- 5. L.B. Ms. Austin motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to table to allow the applicant to submit documentation in compliance with OCGA 50-36-1 (f)(1) and OCGA 50-36-2 prior to the expiration date of their application for licensure.
- 6. A.D. Ms. Austin motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to table to allow the applicant to submit documentation in compliance with OCGA 50-36-1 (f)(1) and OCGA 50-36-2 prior to the expiration date of their application for licensure.
- 7. M.P. Ms. Austin motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to table to allow the applicant to submit documentation in compliance with OCGA 50-36-1 (f)(1) and OCGA 50-36-2 prior to the expiration date of their application for licensure.
- 8. E.S.F.S. Ms. Austin motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to table to allow the applicant to submit documentation in compliance with OCGA 50-36-1 (f)(1) and OCGA 50-36-2 prior to the expiration date of their application for licensure.

Correspondence K.J.

Ms. Thurlow motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to uphold the previous decision to issue a letter of concern and notify the respondent that the documentation submitted only reflects treatment given and does not specify the role of the trainee to include the teaching provided and their observations of the treatment performed.

Correspondence M.C.

Ms. Thurlow motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to uphold the previous decision to issue a letter of concern and notify the respondent that the documentation submitted only reflects treatment given and does not specify the role of the trainee to include teaching provided and their observations of the treatment performed.

Correspondence R.H.

Ms. Thurlow motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to uphold the previous decision to issue a letter of concern and notify the respondent that the documentation submitted only reflects treatment given and does not specify the role of the trainee to include teaching provided and their observations of the treatment performed.

Correspondence P. P.

Ms. Austin motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to submit a response to the writer to include the conclusion of the legal advice presented.

Cognizant’s Report

- 1. T.M. OT130003 Ms. Austin motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to uphold the previous motion to refer to the Attorney General’s Office for a Public Consent Order with a fine of \$400 from August 2012 – February 2013 for unprofessional conduct by practicing Physical Agent Modalities (PAMS) without certification in the state of Georgia.

Miscellaneous

Ms. Branson motioned, Ms. Thurlow seconded and the Board voted unanimously to appoint Ms. Domyslowski to draft a policy in accordance with O.C.G.A. §50-36-1(f)(1) and O.C.G.A. § 50-36-2 regarding an applicant’s ability to obtain licensure in the state of Georgia if not lawfully present in the United States.

No more business was discussed and the meeting adjourned at 1:25p.m.

Minutes recorded by: Tamara Elliott, Board Support Specialist
Minutes reviewed and edited by: Wanda Jaffe, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: February 26, 2015

DONNA DOMYSLAWSKI
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR