

GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY

**Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
November 20, 2015 - 10:00a.m**

The Georgia State Board of Occupational Therapy met on Friday, November 20, 2015. The following members were present:

Board Members Present

Rachele Branson, OTR/L, President
Melissa Thurlow, OTR/L
Susan Stallings-Sahler, OTR/L
Robert McClellan, OTR/L

Administrative Staff Present

Adrienne Price, Executive Director
Kathy Osier, Licensing Supervisor
Tamara Elliott, Board Support Specialist

Attorney General's Office

Janet Jackson, Assistant Attorney General (via teleconference)

Visitors Present

No visitors present

Call to Order

Ms. Branson established that a quorum of the Board was present and called the meeting to order at 10:10 am.

OPEN SESSION

Swearing in of New Board Members

As the designee for Governor Nathan Deal, Lisa Durden, Director of the Professional Licensing Boards Division, administered the Oath of Public Office to the newly appointed members of the Georgia State Board of Occupational Therapy. Mrs. Susan Stallings-Sahler and Mr. Robert McClellan. Each appointee accepted the Oath of Office and affixed their signature in the presence of a notary to the Record of Official Oaths.

As the first order of business, Board President Rachele Branson offered an official welcome to the new appointees on behalf of the Board.

Agenda Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the agenda as presented.

Open Session Board Minutes

1) August 7, 2015 Board Meeting Minutes

Ms. Stallings-Sahler motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to accept the August 7, 2015 open session minutes as amended to include the economic impact discussion regarding Board Rules.

Ratification List between Board Meetings

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to approve the list of licenses issued from August 1, 2015 – November 13, 2015, licenses issued by reinstatement, and the Physical Agent Modalities certifications and limited permits issued between Board meetings.

Correspondence – Chrissy Vogeley, AOTA Can Occupational Therapists Practice Telehealth in Georgia

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send a response letter stating that the Board has not taken an official position on telehealth at this time and will enter into additional discussions on the topic during the next regularly scheduled board meeting.

Correspondence – Karin DeGroot – Formal Approval CE Course Attended

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send a letter of approval regarding continuing education credits for attending the training events from the Marcus Autism Center and refer her to BR 671-3-.08 relevant to the overall requirements for continuing education.

Correspondence – Maretta Mincey – Supervised Clinical Hours

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send a response letter explaining that the Board has no specific rule or policy that prohibits the practice of including a post clinical service requirement on individuals they supervise for reinstatement of their license.

Correspondence – Monica Patel – Ability to Diagnose

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to refer this correspondence to the Attorney General’s office for the Attorney General to respond to the writer in accordance with the statutes regarding the scope of practice for Occupational Therapist and Occupational Therapy Assistants.

Discussion – AOTA State Regulatory Monitoring Report

The Board accepts the correspondence in reference to AOTA State Regulatory Monitoring as information.

Discussion – FTC Active Supervision of State Boards.

The Board accepts the correspondence in reference to FTC Active Supervision of State Boards as information.

Discussion – NBCOT

1) NBCOT – 2016 State Regulatory Leadership Forum

Ms. Stallings-Sahler motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to nominate Ms. Melissa Thurlow as the NBCOT 2016 State Regulatory Leadership delegate.

2) NBCOT – Agreement for NPDB Authorized Agent

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to have the Executive Director forward the Agreement for NPDB Authorized Agent to legal services for review.

3) NBCOT – Request for Article in Newsletter

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to direct the Executive Director to submit the article as presented.

4) NBCOT – Visa Certificates Issued 3rd Quarter 2015

The Board accepts the correspondence in reference to visa certificates issues as information.

Board Chair’s Report –R. Branson

No report presented.

Executive Director’s Report –A. Price

Ms. Price presented the Board with statistical data relevant to the processing of applications and complaints/compliance. Ms. Price provided the Board with an update on the current status of NBCOT becoming NPDB reporting agent. The Board accepted the report as presented.

Miscellaneous Discussions

1) Certification as an option to satisfy CE requirements

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to table the discussion in order to conduct further research on certification requirements to include renewal cycles.

2) 2016 Occupational Therapy Board Meeting Dates

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the following 2016 Board Meeting Dates and times as presented:

Occupational Therapy 2016 Meeting Dates

Macon, GA	Friday, February 19, 2016	10:00am
Teleconference	Friday, May 13, 2016	10:00am
Macon, GA	Friday, August 12, 2016	10:00am
Teleconference	Friday, November 18, 2016	10:00am

Ms. Thurlow motioned, Mr. McClellan 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. Branson, Ms. Thurlow, Ms. Stallings-Sahler, and Mr. McClellan.

At the conclusion of Executive Session on Friday, November 20, 2015, Ms. Branson 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 Board Minutes

1) August 7, 2015 Board Meeting Minutes

Ms. Stallings-Sahler motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the August 7, 2015 executive session minutes as presented.

Attorney General's Report

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session.

- 1) OT160004 Close the case in the Attorney General's office upon receipt and docketing of consent order.
- 2) OT160003 Rescind the previous motion and issue a Private Reprimand with a fine of \$200 for practicing PAMs for four (4) months before being certified by the Board.
- 3) Rule 671-3-.10 Rescind the previous motion to post amendments to the rule.

Ms. Thurlow motioned, Ms. Stallings seconded and the Board voted unanimously in favor of the motion to amend Board Rule 671-4-.02 as follows and post a notice of hearing.

Board Rule 671-4-.02

671-4-.02 Unprofessional Conduct Defined. Amended.

Unprofessional conduct shall include, but not be limited to, the following:

- (a) Obtaining or attempting to obtain a license by fraud, misrepresentation, or concealment of material facts;
- (b) Violating the ethics of occupational therapy as set forth by the Georgia Board of Occupational Therapy;
- (c) Being grossly negligent in the practice of occupational therapy or as an occupational therapy assistant;
- (d) Using drugs or intoxicating liquors to the extent that these effect the licensee's professional competence;
- (e) Practicing occupational therapy after being adjudged mentally incompetent by a court of competent jurisdiction;
- (f) Being convicted of a crime other than minor offenses defined as "minor misdemeanors", "violations" or "offenses" in any court if the acts for which he or she was convicted are found by the Board to have a direct bearing on whether he or she should be entrusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant;
- (g) Using or holding yourself out as being able to utilize occupational therapy techniques involving physical agent modalities when not certified by the Board to use physical agent modalities;
- (h) Having committed any other conduct which ordinary and reasonable individuals would consider unprofessional.
- (i) Failing to adhere to the provisions of the 'Consumer Information and Awareness Act' as codified in O.C.G.A. § 43-1-33.

Authority O.C.G.A. Secs. 43-1-19, 43-28-8.1, 43-28-13. **History.** Original Rule entitled "Unprofessional Conduct Defined" adopted. F. July 15, 19

Cognizant's Report

Ms. Stallings-Sahler motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session.

- 1) OT160002 Close the case with no action.
- 2) OT150013 Close the case with no action.
- 3) OT160001 Table a decision pending outcome of the investigative report and refer case to investigations to conduct an Accurant check on the respondent and make a referral to the Attorney General's office to obtain a current status of the police department's case against the respondent.
- 4) OT160005 Refer the case to investigations to obtain treatment notes, the Individualized Education Program (IEP) overview, notes and plan of the client in question. After the completion of the investigation, schedule an Investigative Interview with the respondent.
- 5) OT160006 Table pending receipt of information from the Federal Student Loan Agency and/or the Georgia Higher Education Assistance Corporation regarding the status of the respondent's student loan(s). If the respondent is not in default, close the case.

Applications

There were no applications for the Board's Review.

Miscellaneous Discussions

Ms. Stallings-Sahler motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to assign Mr. McClellan the task of drafting language to amend Board Rule 671-3-.01 to include the legal requirements that all applicants must submit a secure and verifiable document with an affidavit to comply with O.C.G.A. §§ 50-36-1 and 50-36-2 and present the draft at the next scheduled Board Meeting for discussion.

Senior Assistant Attorney General, Janet Jackson, reported that the record filing system in Georgia is changing. She indicated that now there are some counties that only accept e-filing; therefore, if the board staff receives notices of any lawsuits to notify her immediately as any responses will need to be filed via the e-filing system by the Attorney General's Office.

The Board entered into a discussion regarding the instructions on the professional and personal reference pages of the current application in comparison to the way the rules currently read. Based upon the discussion, Ms. Branson requested that a discussion surrounding Board Rule 673-3-.02 be placed on the agenda during the next scheduled Board Meeting as well as the reference pages of the application.

Adjournment No further business was discussed and the meeting adjournment at 1:07 PM.

Minutes recorded by:	Tamara Elliott, Board Support Specialist
Minutes reviewed and edited by:	Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on:	February 19, 2016

RACHELE BRANSON
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR