

GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Friday, August 12, 2016 - 09:00 a.m.

The Georgia State Board of Occupational Therapy met on Friday, August 12, 2016.

Board Members Present

Rachele Branson, OTR/L, Chairperson
Melissa Thurlow, OTR/L, Vice Chair
Robert McClellan, OTR/L
Rafael Salazar, OTR/L

Administrative Staff Present

Adrienne Price, Executive Director (via teleconference)
Kathy Osier, Licensing Supervisor
Wanda Jaffe, Renewal Coordinator

Attorney General's Office

Janet Jackson, Assistant Attorney General

Board Members Absent

Mary Louise Austin, Consumer Member
Susan Stallings-Sahler, OTR/L

Visitors Present

No visitors present

Call to Order A quorum of the Board was not present at 9:00 a.m. Ms. Branson established that a quorum of the Board was present at 9:53 a.m. and called the meeting to order.

OPEN SESSION

10:00 a.m. – CE Broker Presentation – Ms. Marcia Mann

At the request of the Board, Marcia Mann, CE Broker Strategy/Business Development Manager provided a PowerPoint presentation to the Board about CE Broker's simplified compliance tracking tool. After the presentation the Board further determined that in order to use CE Broker, they will need to enter into a contract for the service and develop a rule with specific language regarding the use of the provider.

Ms. Price left the meeting at 11 a.m.

Board Meeting Agenda

The Board accepts the agenda as presented.

Open Session Board Minutes

1) May 13, 2016 Board Meeting Minutes

Ms. Thurlow motioned, Mr. Salazar seconded and the Board voted unanimously in favor of the motion to accept the May 13, 2016 open session minutes as amended to correct grammatical errors and language.

2) July 28, 2016 Teleconference Minutes

Ms. Thurlow motioned, Mr. Salazar seconded and the Board voted unanimously in favor of the motion to accept the March 28, 2016 open session minutes as amended to correct grammatical errors and language.

Ratification Lists

Ms. Thurlow motioned, Mr. Salazar seconded and the Board voted unanimously in favor of the motion to approve the list of licenses issued from May 7, 2016 - August 8, 2016, licenses issued by reinstatement, and the Physical Agent Modalities certifications and limited permits issued between Board meetings.

Correspondence – Courtney Muller – Scope of Practice

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send the writer a response indicating that Occupational Therapists may treat a patient without a Physician's order and the Board encourages the writer to refer to the statute and rules regarding scope of practice for Occupational Therapists.

Correspondence – Karla Daum – Home Evaluations

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send the writer a no legal advice response letter and refer her to Board Rule 671-2-.02.

Correspondence – Robert Bowles, Request for Approval of CE’s for OTs and OTAs

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send the writer a no legal advice response letter and refer him to Board Rule 671-3-.08.

Correspondence – Shaun Conway, NBCOT – Request for Board Roster

Ms. Thurlow motioned, Mr. Salazar seconded and the Board voted unanimously in favor of the motion to release to NBCOT the Board Members names and email addresses which are to be used for internal use only.

Correspondence – Tonya Curles – School System Services Reimbursable

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to notify the writer that billing and reimbursement questions are outside of the board’s jurisdiction and encourage her to consult with the insurance carriers relative to their requirements.

Correspondence – Virginia Stoffell, AOTA President – Case Management

Mr. McClellan motioned, Mr. Salazar seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board may accept case management continuing education courses as outlined in BR 671-3-.08.

Discussion – The American Occupational Therapy Association, Inc. (AOTA) Board

The Board tabled the discussion regarding AOTA State Regulators Forum until the next Board Meeting when Ms. Stallings-Sahler would be present.

a) AOTA State Regulators Forum – Robert McClellan and Susan Stallings-Sahler

Discussion – The American Occupational Therapy Association, Inc. (AOTA) Board

The Board discussed and accepted the following correspondence in reference to AOTA as information:

b) Correspondence - Virginia Stoffell, AOTA President – Case Management

c) AOTA Position Paper – Continuing Professional Development in Occupational Therapy

Discussion – Bipartisan Bill Aims To Create National Telemedicine Model

The Board discussed and accepted the correspondences in reference to Bipartisan Bill as information.

Discussion – Rule Promulgation Timeline – Assistant Attorney General Janet Jackson

The Board discussed and accepted the correspondence in reference to the Rule Promulgation TimeLine as information. Assistant Attorney General Janet Jackson shared with the Board the rule promulgation timeline which further explained the rule promulgation process. A draft regarding new rules or revisions/changes to existing rules are presented to the Board for review. The Board considers the economic impact of the rule during the drafting process. If the Board votes to post the final form of the rule a Notice of Intent would be posted. The Notice of Intent contains all the information about the old rule, the new rule, and a hearing about adopting the rule. A copy of the Notice of Intent is sent to all persons upon the mailing list kept for rule promulgation/posting by other means, to include an exact copy of the rule to be adopted, synopsis of proposed rule to include statement of purpose, main features of the rule and differences between existing and proposed rule, the exact date adoption was considered by the Board. It also states the time and place to present oral and written comments and the Statutory Authority for rule adoption is cited. In accordance with O.C.G.A. § 50-13-4(a) (1), all rules are posted for at least 30 days before the date of adoption. The Notice of Intent is filed with Legislative Counsel at least 30 days prior to the adoption date (at the same time of posting Notice of Intent). On the date and at the time stated in the Notice of Intent, the Board holds a hearing on the rule(s) as posted in the Notice of Intent. The Board considers written and oral comments about the proposed rule. At the rules hearing, the Board may take the following action:

- adopt the rule exactly as posted
- make changes to the rule as posted and vote to post the revised/changed rule for another 30 days
- table consideration of the rule until the Board has had time to study the public comments and decide whether to revise the posted rule.

At the rules hearing, the Board is required by law to consider the economic impact of the rule as required by O.C.G.A. § 50-13-4(a)(3) and (a)(4). If the Board votes to adopt the rule as posted, then the rule is filed with the Secretary of State, APA section, Administrative Division (see O.C.G.A. § 50-13-6). The rule becomes effective 20 days after filing with the Secretary of State. However, if the rule is adopted by the Board after July 1, 2016, the adopted rule must be sent to the Governor’s office for review and comment before the rule will become legally effective (see HB 952 and O.C.G.A § 43-1C-1 through 3). According to O.C.G.A. § 50-13-4-(a)(2), an opportunity for oral hearing must be granted if requested by:

- 25 persons (minimum) who will be directly affected by the rule;

- a governmental subdivision; or
- a association having not less than 25 members.

If request by an interested person prior to adoption or within 30 days after adoption, the agency shall issue a concise statement of the principal reasons for and against its adoption of a rule and incorporate the reasons for overruling the consideration urged against its adoption. Assistant Attorney General Janet Jackson informed the Board that she will be providing an orientation on the promulgation of the rules and laws during open session of the next meeting.

Discussion – Board Rules

1) BR 671-3-.06 Limited Permit

Ms. Thurlow motioned, Mr. Salazar seconded, and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 671-3-.06 to the Attorney General’s Office for a memorandum of authority and if no objections noted, vote to post.

Rule 671-3-.06. Limited Permit

- (1) Upon determination by the Board that all requirements for licensure have been met except for the written certification examination administered solely by the National Board for Certification in Occupational Therapy (NBCOT), a ninety (90) day limited permit shall be issued and shall allow the applicant to practice occupational therapy under the supervision of an occupational therapist who holds a current license in this State. This limited permit shall not be issued or renewed if the applicant has ever failed the NBCOT examination ~~any exam(s) administered or approved by the Georgia Board of Occupational Therapy.~~
- (2) Applicants who are military spouses or transitioning service members who have successfully completed a the written certification examination administered solely by the National Board for Certification in Occupational Therapy (NBCOT) or who currently hold an unrestricted active license in another state ~~approved by the Board~~ may be issued a ninety (90) day limited permit. Ninety (90) day limited permits may also be issued to transitioning services members who currently hold an equivalent military license, degree, diploma, or certificate providing, upon determination by the Board, that the training program meets or exceeds all requirements for licensure except for the NBCOT examination. This permit shall allow the applicant to practice occupational therapy, for a period not to exceed 90 days, under the supervision of an occupational therapist who holds a current license in this state.

(a) Required minimum documentation the board will require from a military spouse and/or transitioning service member in order to issue a limited permit will include:

(1) Military transcripts/forms that document military education, training, and experience to verify that the applicant substantially meets or exceeds education/training requirements to obtain an OT/OTA license in the State of Georgia to include, but not limited to:

- Army American Council of Education (ACE)
- Registry Transcript System (AARTS)
- Verification of Military Experience and Training (VMET) (DD Form 2586)
- Verification for the Evaluation of Learning Experience During Military Service (DD Form 295)

(2) Copy of military or military dependent ID Card

(3) Copy of military spouse’s military orders or Certificate of Release of Discharge from Active Duty (DD 214)

(4) Copy of previous courtesy licenses or OT license previously issued in other states (Verification of Licensure Request Form) (if applicable)

(5) Affidavit of Citizenship

(6) Proof of passing the NBCOT exam (if applicable)

(7) Two (2) Professional References (Professional Reference Form)

- (3) The Board may issue an applicant a ninety (90) day limited permit in order to complete the required 320 hours of clinical experience under the supervision of a licensed occupational therapist.

Cite as Ga. Comp. R. & Regs. R. 671-3-.06

Authority: O.C.G.A. Secs. [43-28-7\(f\)](#); [43-28-12\(b\)](#).

History. Original Rule entitled "Limited License" was filed on July 15, 1977; effective August 4, 1977.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 11, 1984; effective July 31, 1984.

Repealed: New Rule entitled "Limited Permit" adopted. F. May 25, 2010; eff. June 14, 2010.

The Board discussed the economic impact of Board Rule 671-3-.06 upon the licensee. Ms. Thurlow motioned, Mr. Salazar 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. Thurlow motioned, Mr. Salazar seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Occupational Therapy.

2) BR 671-3-.08 Renewal of License/Penalties/Continuing Education Requirements

Ms. Thurlow motioned, Mr. Salazar seconded, and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 671-3-.08 to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

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

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

- (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.
 - (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) Beginning the licensure renewal biennium of April 1, 2016 through March 31, 2018 and thereafter, persons licensed to practice as an occupational therapist or an occupational therapy assistant or who shall file an application to practice as such in this state are to maintain a record of completed continuing education courses and experiences by registering with an online recording and reporting system approved by the Board.

- (a) For the purposes of this requirement, the Georgia State Board of Occupational Therapy adopts the utilization of CE Broker, Inc.
- (b) Licensees and applicants shall incur no additional costs from CE Broker, Inc. for this service.
- (c) Every licensee or applicant subject to the rules of the Georgia State Board of Occupational Therapy shall be deemed to have given such person's consent to the Board and it's representatives to access their continuing competence record retained within the online database for the purposes of auditing and verifying completion of the Board's continuing competency requirements. Such person waives all objections to the admissibility of the record in any proceedings or hearings before the board.

~~(67)~~ 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 original continuing education documentation in personal files ~~and to~~ submit to the Board if ~~selected-requested~~ for a continuing education audit;
- (c) Documentation as specified in this rule must be maintained by the licensee for no less than four (4) years from the beginning date of the licensure period.

~~(78)~~ 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 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, 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, [upon request by the Board](#).

Cite as Ga. Comp. R. & Regs. R. 671-3-.08

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](#).

History. Original Rule entitled "Renewal" adopted. F. July 15, 1977; eff. Aug. 4, 1977.

Repealed: New Rule of same title adopted. F. July 1, 1982; eff. July 21, 1982.

Repealed: New Rule of same title adopted. F. July 11, 1984; eff. July 31, 1984.

Repealed: New Rule entitled "Renewal of License/Penalties/Continuing Education Requirements" adopted. F. Apr. 14, 1988; eff. May 4, 1988.

Amended: F. Nov. 20, 1991; eff. Dec. 10, 1991.

Amended: F. Jan. 28, 1994; eff. Feb. 17, 1994.

Amended: F. Feb. 1, 1996; eff. Feb. 21, 1996.

Repealed: New Rule of same title adopted. F. Dec. 2, 2002; eff. Dec. 22, 2002.

Amended: F. May 4, 2005; eff. May 24, 2005.

Repealed: New Rule of same title adopted. F. May 30, 2006; eff. June 19, 2006.

Amended: F. Mar. 25, 2008; eff. Apr. 14, 2008.

Amended: F. Feb. 20, 2009; eff. Mar. 12, 2009.

Repealed: New Rule entitled "Renewal of License/Penalties/Continuing Education requirements. Amended" adopted. F. Feb. 22, 2012; eff. Mar. 13, 2012.

Amended: F. Oct. 2, 2013; eff. Oct. 22, 2013.

Amended: F. Jan. 20, 2015; eff. Feb. 9, 2015.

The Board discussed the economic impact of Board Rule 671-3-.08 upon the licensee. Mr. McClellan motioned, Mr. Salazar 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.

Mr. Salazar motioned, Mr. McClellan seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Occupational Therapy.

Board Chair’s Report –R. Branson

No report presented.

Executive Director’s Report –A. Price

Executive Director’s report presented the Board with statistical data relevant to the processing of applications, the number of licensees and complaints/compliance matters. Ms. Price’s written report notified the Board that NBCOT has decided not to move forward with the contract for NBCOT Becoming NPDB Reporting Agent which was previously discussed. She also updated the Board that the typographical error in Board Rule 671-2-.04(2) was corrected on the website, informed the Board of a need for the Board to adopt a policy allowing SOS Investigators the authority to issue a Voluntary Cease and Desist Order on behalf of the Board and information regarding the transition from Epiware to Sharepoint, the My License Office Re-engineering and the Division Remodel. The Board accepted the Executive Director’s report as presented.

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to allow Ms. Price to draft a policy regarding Voluntary Cease and Desist orders.

Miscellaneous Discussions

1) Dona Dieu - COTA Doing Discharge Summaries

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send the writer a no legal advice response and refer her to the Centers for Medicare and Medicaid Services (CMS) and the statute and rules regarding the scope of practice of OTs and OTAs in the state of Georgia.

Ms. Thurlow motioned, Mr. Salazar 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, Mr. McClellan, and Mr. Salazar.

At the conclusion of Executive Session on Friday, August 12, 2016, 2016, 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) May 13, 2016 Board Meeting Minutes

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the May 13, 2016 executive session board minutes as presented.

2) July 28, 2016 Teleconference Minutes

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the July 28, 2016 executive session teleconference minutes as presented.

Attorney General’s Report

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

Cognizant’s Report

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

- 1) OT140004 Close complaint investigation and flag respondent’s license. Should she attempt reinstatement the Board will reopen case.
- 2) OT150015 Close case with a letter of concern regarding unprofessional conduct.
- 3) OT160001 Close complaint investigation and flag respondent’s license. Should she attempt reinstatement the Board will reopen case.
- 4) OT160006 Close case with no action.

Board Order Ratification List

Mr. Salazar motioned, Mr. McClellan seconded, and the Board voted unanimously in favor of the motion to ratify the list of Consent Agreements issued in accordance with Board rules and policies between meetings as presented

Executive Discussions

There were no executive session discussions.

Applications

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

Renewal

- 1) B.A.C. Allow license to lapse based on failure to complete the C.E. requirements as outlined in Board Rule 671-3-.08. Licensee must submit application for reinstatement.

Miscellaneous Discussions

The Board was in agreement to change the November 18, 2016 Teleconference Board Meeting time from 9:00 am to 10 am.

Ms. Branson, Chairperson, suggested and the Board agreed not to post any rule hearings for the November 18, 2016 Teleconference Board Meeting. Any proposed rule hearings are to be scheduled for the February 2017 Board Meeting.

Adjournment No further business was discussed and the meeting adjournment at 2:04 p.m.

Minutes recorded by:	Kathy Osier, Licensing Supervisor
Minutes reviewed and edited by:	Adrienne Price, Executive Director
Minutes approved on:	November 18, 2016

RACHELE BRANSON
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR