

**GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY**

**Board Meeting Minutes**

**Professional Licensing Boards**

**237 Coliseum Drive, Macon, GA**

**August 7, 2015 - 10:00a.m**

The Georgia State Board of Occupational Therapy met on Friday, August 7, 2015. The following members were present:

**Board Members Present**

Rachele Branson, OTR/L, President  
Donna Domyslawski, OTR/L  
Melissa Thurlow, OTR/L  
Robert Cooper, OTR/L  
Mary Lou Austin, 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

**Visitors Present**

Bryan Muriel

**Call to Order**

Ms. Branson established that a quorum of the Board was present and called the meeting to order at 10:08 am.

**OPEN SESSION**

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

**Open Session Board Minutes**

**1) 05-15-15 Teleconference Open Session Minutes**

Ms. Domyslawski motioned, Mr. Cooper seconded and the Board voted unanimously in favor of the motion to accept the May 15, 2015 open session teleconference minutes.

**Ratification List between Board Meetings**

Mr. Cooper motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to approve the list of licenses issued from May 9, 2015 – July 31, 2015, licenses issued by reinstatement, and the Physical Agent Modalities certifications and limited permits issued between Board meetings.

**11:00a.m. - NBCOT Presentation – Mr. Shaun Conway**

Mr. Conway indicated that he desired to attend the board meeting so that he may update the Board on the new services offered by National Board for Certification of Occupational Therapy (NBCOT), engage in a dialogue regarding the services, what services seem to be going well or those that are not so well and to see how they could best streamline processes based on shared common interest. He reviewed the mission of NBCOT and identified the organization's external accreditation bodies and accreditation standards. Mr. Conway's presentation and dialogue included, but was not limited to, the following discussions with the Board:

- a) NBCOT Eligibility Application for Reactivation and VISA Certificates
- b) NBCOT Navigator FAQ
- c) NBCOT Navigator Tool Suite Infographic
- d) NBCOT Regulatory Update-FTC Guidance on Supervision
- e) NBCOT Regulatory Update-Navigator is Live

Based upon the presentation and discussions, Mr. Cooper entered a motion, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to grant staff the authority to use the NBCOT Online Verification Portal as a Primary Source Verification of Certification in Occupational Therapy for applicants.

Mr. Conway inquires as to whether or not the courses a licensee takes on the NBCOT Navigator could be used toward meeting the continuing education requirements. Ms. Branson clarified that the Board currently allows for a maximum of twelve (12) of the required twenty-four (24) continuing education hours to be obtained electronically or via the web; therefore, licensees will be able to receive some credit for having taken and passed those courses offered within the NBCOT Navigator Tool.

Mr. Conway requested that the Board consider allowing the hours required for certification to be applied toward continuing education credits for the next meeting and asked if the Board would be interested in NBCOT becoming an authorized agent to report public actions to the National Practitioner Databank on behalf of the Board. The Board

tabled further discussion of these matters until the next meeting in order to obtain and review additional information and determine the requirements for making any adjustments to current processes.

#### **Discussion - 2015 FARB Regulatory Law Seminar**

The Board accepted the correspondence regarding the 2015 FARB Regulatory Law Seminar as information.

#### **Discussion – Application-Certification of Validation for Use of PA Modalities**

Mr. Cooper motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to post the application as amended.

#### **Discussion – Board Rule 671-4-.02 Unprofessional Conduct Defined (Proposed Amendment)**

##### **671-4-.02 Unprofessional Conduct Defined.**

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

Ms. Austin motioned, Mr. Cooper seconded and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 671-4-.02 to the Attorney General’s Office for a memorandum of authority and if no objections noted, vote to post.

The Board discussed the economic impact of Board Rule 671-4-.02 upon the licensee. Ms. Austin motioned, Ms. Domyslawski 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. Domyslawski 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.

#### **Discussion – Delaware Requires Insurance to Pay for Telemedicine**

The Board accepted the correspondence regarding Delaware Telemedicine as information.

#### **Discussion – House Bill Addresses State Licensure Barriers to Telemedicine**

The Board accepted the correspondence in reference to State Licensure Barriers to Telemedicine as information.

#### **Discussion – Liveconferences.com Updated Web Page**

The Board accepted the correspondence in reference to liveconferences.com as information.

#### **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, renewals and complaints/compliance matters which have occurred since the last meeting. Ms. Price presented the Board with an

updated status on other relevant topics regarding potential legislative initiatives discussed by this Board, changes within the Professional Licensing Boards Division, and notified the Board that the Public Board Orders/Actions feature on the Secretary of State website is not currently available and as result, in order to access the same information she has made a link available on the home page of the Board website. The Board accepted the report as presented.

### **Miscellaneous**

Ms. Domyslawski announced that she will be present during the next board meeting; however, she will be submitting her resignation effective at the end of the year as she is no longer practicing and does not intend to renew her license next year. She reported that she will submit a copy of the resignation letter she submits to the Governor's office to the Board offices as well and suggested that the Board members consider contacting the Governor's Office for Executive Appointments regarding former Board Member Brent Little's seat as well as her soon to be vacant seat. Ms. Branson requested that Ms. Price forward the contact information for the Governor's Office of Executive Appointments to the Board members after the meeting.

**Ms. Domyslawski motioned, Mr. Cooper 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. Domyslawski, Ms. Thurlow, Ms. Austin, and Mr. Cooper.**

**At the conclusion of Executive Session on Friday, August 7, 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**

### **Applicant Interview**

**12:00 p.m.**

#### **Applicant Interview**

- 1) B.M. Mr. Cooper motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for a Private Consent Order with a fine of \$200 for unlicensed practice from July 12, 2014 - October 6, 2015. Notify the applicant that a minimum of an eight (8) hour live course for physical agent modalities is required in order to obtain certification.
- 2) G.H. Mr. Cooper motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for a Private Consent Order with a fine of \$250 for aiding and abetting unlicensed practice.

### **Executive Session Board Minutes**

#### **1) 05-15-15 Teleconference Executive Session Minutes**

Ms. Domyslawski motioned, Mr. Cooper seconded and the Board voted unanimously in favor of the motion to accept the May 15, 2015 executive session teleconference minutes.

#### **Attorney General's Report**

Mr. Cooper motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's Report as presented.

#### **Cognizant's Report**

Mr. Cooper motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the Cognizant's Report as presented.

- 1) OT160001 Table a decision on the case pending results of the investigation. The Cognizant is to contact the Board Chair and Executive Director to schedule a conference all if the outcome of the investigation warrants swift action by the Board.

### **Executive Discussions**

- 1) N.A.A. Ms. Domyslawski motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to close the case and issue a letter of concern regarding compliance with Board Order and express that the Board expects the licensed professional to behave responsibly by contacting the Board if unable to comply with the Board's requirements in a timely manner and petitioning for arrangements.

### **Applications**

- 1) M.J. Mr. Cooper motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to approve physical agent modalities certification.
- 2) K.L. Ms. Domyslawski motioned, Mr. Cooper seconded and the Board voted unanimously in favor of to notify the applicant that thirty-six (36) hours of education is needed in order to meet the requirements for physical agent modalities certification.

**Adjournment** No further business was discussed and the meeting adjournment at 2:26 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:**

November 20, 2015

**RACHELE BRANSON**  
**BOARD CHAIR**

**ADRIENNE PRICE**  
**EXECUTIVE DIRECTOR**