

**GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**February 19, 2016 - 09:00 a.m.**

The Georgia State Board of Occupational Therapy met on Friday, February 19, 2016. 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  
Mary Louise Austin, Consumer Member

**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**

No visitors present

**Call to Order**

Ms. Branson established that a quorum of the Board was present and called the meeting to order at 9:04 a.m.

**OPEN SESSION**

**Agenda**

Ms. Austin 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) November 20, 2015 Board Meeting Minutes**

Ms. Austin motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the November 20, 2015 open session minutes as amended to correct grammatical errors.

**2) January 11, 2016 Teleconference Minutes**

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the January 11, 2016 teleconference open session minutes as presented.

**Ratification Lists: November 14, 2015 – February 12, 2016**

Ms. Austin motioned, Ms. Stallings-Sahler seconded and the Board voted unanimously in favor of the motion to approve the list of licenses issued from November 14, 2015 – February 12, 2016, licenses issued by reinstatement, and the Physical Agent Modalities certifications and limited permits issued between Board meetings.

Ms. Thurlow joined the meeting at 9:10 a.m.

**Correspondence – Alison Franklin – Operating within Guidelines**

Mr. McClellan motioned, Ms. Stallings-Sahler seconded and the Board voted unanimously in favor of the motion to send the writer a no legal advice response letter and state that Occupational Therapists may assess, evaluate and treat a patient without a Physician's referral and the Board encourages you to refer to the statute and rules regarding scope of practice for Occupational Therapists.

**Correspondence – Dorie Sokol – Request for Board Review of Modalities Rule**

Ms. Austin motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send the writer a response letter thanking Ms. Sokol for her correspondence and inform her that a statutory change through the Georgia General Assembly would be required in order for the provisions that she mentioned to be altered as the Board is not authorized to change, rescind, or nullify the law.

**Correspondence – Susan Garber – CE Provider Questions**

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to send the writer a response letter referring her to Board Rule 671-3-.08 paragraph 5 and 7.

**Correspondence – Vicki Leopold – CE Provider Questions**

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to send the writer a response letter referring her to Board Rule 671-3-.08 paragraph 5 and 7.

**Discussion – Accreditation Council for Occupational Therapy Education (ACOTE)**

**1) Accreditation Standards Survey**

The Board accepted the correspondence in reference to accreditation standards as information and completed the survey during the Board Meeting.

**Discussion – HB 952**

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send a letter to the sponsor of the bill and to the head of the committee regarding their concerns with the passing of HB 952. Specifically, if passed, it will slow down the process of rule promulgation, have a negative economic impact, diminishes the value, expertise and well-being of a profession which is required to render quality care and the Board has concerns that it does not appear that the Board has access to an appeal process should the Board not agree with the decision of the Governor and/or his designee. Attorney Janet Jackson stated that her office is not taking any position on HB 952.

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

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

- 1) Chuck Willmarth – Citizen Advocacy Center – White Paper on Supreme Court Decision**
- 2) Chuck Willmarth – Recreation Therapists**
- 3) Chuck Willmarth – State Lawmakers Pushing Telemedicine Coverage in 2016**
- 4) Key State Issues for the 2016 State Legislative Sessions**
- 5) OT and Telehealth**
- 6) State Legislative Monitoring Report**
- 7) State Regulatory Monitoring Report**

**Discussion – Board Rules**

**1) BR 671-3-.01 Application**

Ms. Thurlow motioned, Mr. McClellan seconded, and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 671-3-.01 to the Attorney General’s Office for a memorandum of authority and if no objections noted, vote to post.

**Rule 671-3-.01. Application**

[\(1\) Any occupational therapist or occupational therapy assistant who plans to practice as a licensed occupational therapist or licensed occupational therapy assistant in the State of Georgia shall apply for licensure to the Board, on forms provided by the Board.](#)

[\(2\) In order to meet the Georgia requirements for licensure, an applicant must be physically and lawfully present in the U.S. under federal immigration law and O.C.G.A. § 50-36-1\(f\)\(1\).](#)

[\(3\) Lawful presence in the U.S. must be documented by:](#)

[\(a\) submitting an identification document listed as a secure and verifiable document on the list maintained by the Office of the Georgia Attorney General under O.C.G.A. § 50-36-1; and,](#)

[\(b\) an affidavit of citizenship that complies with the provisions of federal immigration law and O.C.G.A. § 50-36-1\(f\)\(1\)\(B\).](#)

[\(4\) Both the secure and verifiable document and affidavit of citizenship must be submitted to the Board to complete the licensure application.](#)

[\(5\) Applicants for occupational therapy or occupational therapy assistant licensure in Georgia must meet all requirements for licensure as defined within the statute and Board Rules prior to issuance of a license.](#)

**Cite as Ga. Comp. R. & Regs. R. 671-3-.01**

**Authority: Ga. L. 1976, pp. 993, 997 (Ga. Code Ann. Sec 84-7105).**

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

The Board discussed the economic impact of Board Rule 671-3-.01 upon licensees. Ms. Thurlow motioned, Mr. McClellan 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. 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.

## 2) **BR 671-3-.02 References**

Ms. Thurlow motioned, Mr. McClellan seconded, and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 671-3-.02 to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

### **Rule 671-3-.02. References**

Three references will be required on forms provided by the Board from individuals who have knowledge of the applicant's professional training or experience during the last five years. ~~two~~ At least one professional reference must be from a certified or licensed occupational therapy practitioners, or The second professional reference may be from another certified or licensed occupational therapy practitioner or any other licensed healthcare professional, ~~who have knowledge of the applicant's professional training or experience during the last five years.~~ The third and final reference must be a personal reference.

**Cite as Ga. Comp. R. & Regs. R. 671-3-.02**

**Authority:** O.C.G.A. Secs. 43-28-7 and 84-7106.

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

**Repealed:** New Rule of same title adopted. F. May 25, 2010; eff. June 14, 2010.

The Board discussed the economic impact of Board Rule 671-3-.02 upon licensees. Ms. Thurlow motioned, Mr. McClellan 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. 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.

## 3) **BR 671-3-.10 Foreign Applicant**

Ms. Thurlow motioned, Mr. McClellan seconded, and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 671-3-.10 to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

### **Rule 671-3-.10 Foreign Applicant**

(1) An applicant for licensure through examination who has graduated from an occupational therapy course or school taught or situated in a foreign country may be admitted to the examination by demonstrating to the satisfaction of the Board that his/her course of training was as high as the standards maintained in Georgia. In ascertaining whether such an applicant meets such standards, the Board shall consider whether the school or course of training has been approved by the American Occupational Therapy Certification Board and whether the applicant's credentials have been evaluated and accepted by the American Occupational Therapy Certification Board.

(2) The Board requires that foreign trained applicants must have successfully passed the NBCOT certification process for foreign trained occupational therapy practitioners.

**Cite as Ga. Comp. R. & Regs. R. 671-3-.10**

**Authority:** Ga. L. 1976, pp. 993, 997 (Ga. Code Ann., Sec. 84-7105). O.C.G.A. Secs. 43-28-7; 43-28-14.

**History.** Original Rule entitled "Foreign Applicant" was filed on July 15, 1977; effective August 4, 1977.

**Repealed:** New Rule of same title adopted. F. May 18, 1991; eff. Jun. 2, 1991.

The Board discussed the economic impact of Board Rule 671-3-.10 upon licensees. Ms. Austin motioned, Ms. Thurlow 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 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 – EBAS – Agency Orientation Workshop**

The Board accepted the correspondence in reference to EBAS orientation workshop as information.

#### **Discussion – Legal Memo – NBCOT Agreement for NPDB Authorized Agent**

Ms. Stallings-Sahler motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to have Executive Director forward the Agreement for NPDB Authorized Agent back to legal services to request additional review and amendment of sub-paragraph 2a of the contract to include according to the rules and regulations relevant to federal definitions.

#### **Discussion – NBCOT**

##### **1) NBCOT – 2016 State Regulatory Leadership Forum**

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

##### **2) NBCOT – Shaun Conway – Certification Option to Satisfy CE Requirements**

Ms. Stallings-Sahler motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to notify Shaun Conway of NBCOT that the Board is not willing to accept certification in lieu of current continuing education requirements at this time.

#### **Board Chair’s Report –R. Branson**

##### **1) Discussion: How many hours should the Board give toward modality certification when a student takes a semester course in modalities?**

Ms. Thurlow motioned, Ms. Stallings-Sahler seconded and the Board voted unanimously in favor of the motion to amend Policy 1 as follows:

#### **I. Amended 8-16-13: Policy for applications for licensure:**

- Administrative Authority granted to issue licenses and Limited Permits where answers to the conviction question is “No” and the applicant has met all licensure requirements subject to board final approval.
- Staff has been granted Administrative Authority to accept the NBCOT Online Certification Report as a Primary Source Verification of Certification.
- Physical Agent Modalities: applicants for certification to use Physical Agent Modalities may count hours of modalities related instruction in academic programs. Occupational therapists may check the paragraph on the application form and receive 54 general hours towards certification. In addition they may receive credit for additional specific hours if required documentation is submitted, i.e. [may grant up to 12 additional hours for a specific PAMs course which is integrated into an applicant’s curriculum \(1 credit hour = 16 hrs\).](#) Documentation for specific modality coursework must include dates, session start and stop times, topics, instruction and course or session objectives. Proof of attendance may be a signed statement of attendance by the instructor for each course submitted, a copy of the official grade report or a copy of the transcript. [Additional in-service training must be obtained by attendance at a live presentation recorded on the PAM reporting form in increments greater than or equal to 30 minutes but less than or equal to 3 hours.](#)
- 37 hours are granted from attending a PAMPCO course.
- Practicing and/or instruction of modalities cannot be performed on a client even under supervision of a PAMS certified therapist.
- Anyone who holds a Certified Hand Therapy (CHT) credential is considered by the Board to have met the requirements for Physical Agent Modalities (PAM) certification and may be administratively approved upon submission of application.

- Anyone who holds a dual degree of Physical Therapy and Occupational Therapy credentials is considered by the Board to have met the requirements for Physical Agent Modalities (PAM) certification and may be administratively approved upon submission of application.

*Policy revised at the February 7, 2014 meeting.*

*Policy revised at the May 15, 2015 meeting.*

*Policy revised at the August 7, 2015 meeting.*

*Policy revised at the February 19, 2016 meeting.*

### **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 provided the Board with an update on the current toll free number for the Professional Licensing Boards Division. She also presented the Board with an update on the contract NBCOT Becoming NPDB Reporting Agent which was previously discussed and a reminder that each Board Member was to meet the Annual Affidavit and Personal Financial Disclosure requirements by January 31, 2016. Ms. Price's report presented the Board with an update on the pre-filled bills being tracked in the Georgia General Assembly. Ms. Austin motioned, Ms. Thurlow seconded and the Board accepted the Executive Director's report as presented.

### **Miscellaneous Discussion - 2016 Board Elections**

#### **1) Chairperson - Rachele Branson**

Ms. Thurlow motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to elect Ms. Branson as the Board's Chair.

#### **2) Vice Chair- Missy Thurlow**

Ms. Austin motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to elect Ms. Thurlow as the Board's Vice Chair

#### **3) Disciplinary Cognizant - Missy Thurlow**

Ms. Stallings-Sahler motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to elect Ms. Thurlow as the Board's Cognizant.

**Ms. Thurlow motioned, Ms. Stallings-Sahler 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, Ms. Austin and Mr. McClellan.**

**At the conclusion of Executive Session on Friday, February 19, 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) November 20, 2015 Board Meeting Minutes**

Ms. Stallings-Sahler motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the November 20, 2015 executive session minutes as presented.

#### **2) January 11, 2016 Teleconference Minutes**

Mr. McClellan motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to accept the January 11, 2016 teleconference executive session minutes as presented.

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

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

Mr. McClellan motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to direct staff to draft correspondence to Ms. Patel to include the conclusion of the Attorney General's memorandum relevant to her question concerning a whether or not occupational therapists may diagnose.

**Cognizant’s Report**

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

- 1) OT140004 Schedule for investigative interview and request the respondent to indicate their intentions on whether or not they are going to renew their Georgia license.
- 2) OT160008 Table a decision pending outcome of student loan status.
- 3) OT150015 Schedule for investigative interview.
- 4) OT150014 Close the case with no action.
- 5) OT160006 Table a decision pending receipt of additional information relevant to the date in question.
- 6) OT160010 Refer to investigations with instructions has presented by Executive Director
- 7) OT160009 Close the case with no action.

**Applications**

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

- 1) T.N. Request C.E. for the 2016 biennium and if the licensee meets the requirements, refer to the Attorney General’s office with the following recommendations: Issue a Public Consent Order for Renewal of License to include a fine of \$250 for failure to disclose DUI arrest, flag for C.E. audit for next (2) two renewal cycles, and require the licensee to notify the Board of successful completion and termination of criminal probation. If the licensee does not meet the 2016 C.E. requirements, refer to the Attorney General’s office for a hearing to deny the renewal of licensure.

**Miscellaneous Discussions**

Mr. McClellan motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to change the Board meeting times from 10:00am to 9:00am for the remainder of 2016.

**Adjournment** No further business was discussed and the meeting adjournment at 2:18 p.m.

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| <b>Minutes recorded by:</b>            | Tamara Elliott, Board Support Specialist                               |
| <b>Minutes reviewed and edited by:</b> | Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director |
| <b>Minutes approved on:</b>            | May 13, 2016   |

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

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