

**GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, Georgia**  
**Friday, February 17, 2017 – 9:00 a. m.**

The Georgia State Board of Occupational Therapy met on Friday, February 17, 2017. The following members were present:

**Board Members Present**

Rachele Branson, OTR/L, Chairperson  
Robert McClellan, OTR/L  
Rafael Salazar, OTR/L  
Mary Louise Austin, Consumer Member

**Administrative Staff Present**

Michelle Foster, Board Support Specialist  
Kathy Osier, Licensing Supervisor

**Attorney General's Office**

Janet Jackson, Assistant Attorney General

**Board Members Absent**

Melissa Thurlow, OTR/L, Vice Chair  
Susan Stallings-Sahler, OTR/L

**Staff Absent**

Ms. Adrienne Price, Executive Director, Healthcare II

**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 9:07 a.m.

**OPEN SESSION**

**Board Meeting Agenda**

The Board accepts the agenda as presented.

**Open Session Board Minutes**

- 1. November 18, 2016 Board Meeting Minutes**  
Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the November 18, 2016 open session minutes as amended to correct grammatical errors and language.
- 2. December 15, 2016 Board Meeting Minutes**  
Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the December 15, 2016 open session minutes as amended to correct grammatical errors and language.
- 3. January 12, 2017 Teleconference Minutes**  
Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the January 12, 2017 open session minutes as presented.
- 4. January 27, 2017 Teleconference Minutes**  
Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the January 27, 2017 open session minutes as presented.

**Ratification Lists**

Ms. Austin motioned, Mr. Salazar seconded and the Board voted unanimously in favor of the motion to approve the list of licenses issued from November 11, 2016 – February 10, 2017, licenses issued by reinstatement, and the Physical Agent Modalities certifications and limited permits issued between Board meetings.

**Correspondence - Deborah Jackson-Request to Board to List Alternatives for Petitions**

Mr. Salazar motioned, Mr. McClellan seconded and the Board voted unanimously to notify the writer that the response she received on December 1, 2016 was appropriate as the review of all petitions on a case-by-case basis, as the law stipulates and provides equal protections under the law for the petitioner as well as the Board.

### **Correspondence - Amanda Wright - CE Approval**

Ms. Austin motioned, Mr. McClellan seconded and the Board voted unanimously in favor of referring the writer to BR 671-3-.08 and to notify the writer that the Board does not approve Continuing Education courses.

### **Discussion - Acceptance of CAUs Using CAU to CEU Conversion**

The Board accepts the correspondence in reference to the acceptance of CAUs Using CAU to CEU Conversion as information.

### **Discussion – Research**

#### **1. Number of Exam Attempts Before Remediation Needed**

Janet Jackson, Assistant Attorney General, discussed whether the Board has the authority to limit the number of times the exam is taken because there is no reference in the statute.

#### **2. Dry Needling**

Ms. Branson shared information presented to the Board from AOTA. She noted that AOTA's position is that they have no position. Ms. Branson made the Board aware that there are only two states who have officially addressed dry needling by OTs. Ohio has a Board statement about dry needling and in Nebraska there has been a definitive no from the Attorney General. Ms. Branson continued that there are no other past statutes or regulations or proposed items regarding OTs and dry needling. She remarked that some states interpret the lack of having dry needling language within their statutes as permission to perform dry needling as long as it can be argued to fit into a practitioner's scope of practice. Ms. Jackson stated that dry needling may be need to be a whole separate modality if incorporated into the Practice Act.

### **Board Rules Hearing**

Ms. Branson called Board Rule 671-3-.01 Application hearing to order at 9:35 a.m.

## **SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF OCCUPATIONAL THERAPY RULE FOR CHAPTER 671-3 LICENSE REQUIREMENTS, RULE 671-3-.01 APPLICATION**

**Purpose:** The purpose of this rule amendment is to update the rule to include the legal requirements that all applicants must submit a secure and verifiable document with affidavit to comply with O.C.G.A. §§ 50-36-1 and 50-36-2.

**Main Features:** The rule amendment further clarifies that applicants must submit a secure and verifiable document with affidavit as part of the application process and must meet all requirements for licensure as defined within the statute and Board Rules.

## **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-.01 APPLICATION**

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

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

(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 submit an affidavit stating that the applicant is a U.S. citizen or an affidavit stating that the applicant is 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.](#)

**Authority:** O.C.G.A. §§ 43-1-3, 43-1-19, 43-1-25, 43-28-7, 43-28-8, 43-28-9, 43-28-10, 43-28-11 and 50-36-1.

#### **Written Comments Received**

No written comments were received or offered during the hearing.

#### **Public Comments Received**

No public comments were received or offered during the hearing.

Ms. Austin motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to adopt the 671-3-.01 proposed amendment as posted.

The Board discussed the economic impact of Board Rule 671-3-.01 upon licensees. 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. McClellan 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, 43-28-7, 43-28-8, 43-28-9, 43-28-10 and 43-28-11 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.

The hearing adjourned at 9:39 a.m.

#### **Board Rule Hearing**

Ms. Branson called Board Rule 671-3-.02 References hearing to order at 9:39 a.m.

#### **SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF OCCUPATIONAL THERAPY RULE FOR CHAPTER 671-3 LICENSE REQUIREMENTS, RULE 671-3-.02 REFERENCES**

**Purpose:** The purpose of this rule amendment is to further identify who may complete the three required reference forms.

**Main Features:** The purpose of this rule amendment will clarify that one or both of the professional reference forms may be completed by a certified or licensed occupational therapy practitioner who has knowledge of the applicant's professional training or experience within the last five years. The second professional reference form may also be completed by a licensed healthcare professional that has knowledge of the applicant's professional training or experience within the last five years and the final reference must be a personal reference.

#### **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-.02 REFERENCES**

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

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

Three references will be required on forms provided by the Board from individuals who have knowledge of the applicant's professional training or experience within the last five years.; ~~two~~ At least one professional reference of which must be from 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.

**Authority:** O.C.G.A. §§ 43-1-3, 43-1-19, 43-1-25, 43-28-7, 43-28-9 and 43-28-10.

**Written Comments Received**

No written comments were received or offered during the hearing.

**Public Comments Received**

No public comments were received or offered during the hearing.

Mr. Salazar motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to adopt the 671-3-.02 proposed amendment as posted.

The Board discussed the economic impact of Board Rule 671-3-.02 upon licensees. Mr. Salazar 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.

Mr. Salazar motioned, Ms. Austin 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, 43-28-7, 43-28-9 and 43-28-10 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.

The hearing adjourned at 9:42 a.m.

**Board Rule Hearing**

Ms. Branson called Board Rule Board Rule 671-3-.10 Foreign Applicant hearing to order at 9:42 a.m.

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA BOARD OF OCCUPATIONAL THERAPY RULE FOR CHAPTER 671-3 LICENSE REQUIREMENTS, RULE 671-3-.10 FOREIGN APPLICANT**

**Purpose:** The purpose of this rule amendment is to further clarify that foreign trained applicants must successfully complete the foreign trained occupational therapy practitioner's process as required to take the board approved examination administered by the NBCOT.

**Main Features:** The rule amendment will add paragraph (2) specifying that foreign trained applicants must successfully complete the foreign trained occupational therapy practitioner's process as required to take the board approved examination administered by the NBCOT.

**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-.10 FOREIGN APPLICANT**

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

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

(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 successfully complete the foreign trained occupational therapy practitioner's process as is required to take the board approved examination. The Board approved examination is administered by the NBCOT.](#) ~~The Board requires that foreign trained applicants must have successfully completed the foreign trained occupational practitioner's process as is required to take the Board approved examination.~~

**Authority:** O.C.G.A. §§ 43-28-7(d), 43-28-9(a) and 43-28-10.

#### **Written Comments Received**

No written comments were received or offered during the hearing.

#### **Public Comments Received**

No public comments were received or offered during the hearing.

Ms. Austin motioned, Mr. Salazar seconded and the Board voted unanimously in favor of the motion to adopt the 671-3-.10 proposed amendment as posted.

The Board discussed the economic impact of Board Rule 671-3-.10 upon licensees. 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. McClellan 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, 43-28-7(d), 43-28-9(a) and 43-28-10 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.

The hearing adjourned at 9:46 a.m.

#### **Board Rule Hearing**

Ms. Branson called Board Rule Board Rule 671-3-.08 Renewal of License/Penalties/Continuing Education Requirements hearing to order at 9:46 a.m.

### **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/PENAL TIES/CONTINUING EDUCATION REQUIREMENTS**

**Purpose:** The purpose is to update the continuing education procedure that provides guidelines for occupational therapists on how to track their continuing education hours.

**Main Features:** Requirement of maintaining a record of completed continuing education courses and experiences by registering with CE Broker, Inc. an online recording and reporting system approved by the Board

**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**

- (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, 2018 through March 31, 2020, persons licensed to practice as an occupational therapist or an occupational therapy assistant, or persons who file an application for reinstatement of licensure, must submit documentation of completed continuing education courses and experiences for renewal or issuance of a license. Licensees and applicants for reinstatement may register earned CE credits for courses and experiences with an online recording and reporting system approved by the Board. Licensees and applicants may register with a Board approved online system prior to April 1, 2018 to document CE credits for license renewal and reinstatement.

(a) The Georgia State Board of Occupational Therapy has approved the online recording and reporting system of CE Broker, Inc. for the purpose of this rule.

(b) Licensees and applicants shall incur no additional costs from CE Broker, Inc. for using 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 its 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.

(d) If a licensee or applicant has not registered earned CE credits with the Board approved online recording and reporting system, the licensee or applicant **must** include all CE certificates of completion with the license renewal application or application for reinstatement.

- ~~(6)~~7) 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.

- ~~(7)~~8) 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](#).

**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.**

**Written Comments Received by One Letter Signed By**

1. Ann Lorenz, OTR/L
2. Brandi Nichole Cook, OTR/L
3. Patricia Sue Martin, OTR/L
4. Alissa Pam Bogorad, OTR/L
5. Linda Elizabeth Bolt, OTR/L
6. Laura Elizabeth Brown, OTR/L
7. Kimberly Collins Archer, OTR/L
8. Meredith Murray Weeks, OTR/L
9. Joshua Evan Sizemore, OTR/L
10. Britton Anna Monroe, OTR/L
11. Allison Monk Vallotton, OTR/L
12. Kathryn Elaine whittle, OTR/L
13. Jennifer Ann Jewett, OTR/L
14. Amy Porterfield Hattaway, OTR/L
15. Piper Lee Walker, OTR/L

**Public Comments Received**

No public comments were received or offered during the hearing.

Ms. Austin motioned, Mr. Salazar seconded and the Board voted unanimously in favor of the motion to adopt the 671-3-.08 proposed amendment as posted.

The Board discussed the economic impact of Board Rule 671-3-.08 upon licensees. 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, 43-28-7, 43-28-8, 43-28-13, and 43-28-14 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.

The hearing adjourned at 10:06 a.m.

Ms. Austin motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to send the writer of the written response a response thanking her and the undersigned OTs for the written comment relevant to Board Rule 671-3-.08 and to inform her that the Board discussed their concerns during the Public Rule Hearing. Ownership of personal computers is not required to process CE certificates. The licensee can photograph their CE certificate(s) with their phone and upload the image(s) directly to the CE Broker website. If you do not wish to apply with CE Broker, you can still submit your documents directly to the Board either by mail, email or facsimile. Additionally, the service is not compensatory as there is a free option available. CE Broker's basic registration allows individuals to upload copies of their CE certificate(s) free of charge. However, if licensees would like to be able to review copies of their certificate(s) within the system or utilize other features beyond the basic account, they would need to upgrade their account.

Mr. McClellan motioned, Mr. Salazar seconded and the Board voted unanimously to include the Attorney General's Memorandum of Authority for Board Rules 671-3-.01, 671-3-.02, 671-3-.10 and 671-3-.08 with the adopted rules when forwarding to the Governor's Office for further review.

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to allow staff to post on the board's website information regarding CE Broker and also to send emails to all licensees regarding the implementation of CE Broker once the rules have been adopted and posted.

#### **Discussion - BR 671-4-.02 Unprofessional Conduct - Adoption from Governor's Office**

The Board accepts the correspondence regarding BR 671-4-.02 Unprofessional Conduct as information.

#### **Discussion - Orthotics by OTs and Medicare Regulations**

Ms. Branson briefed the Board about how Medicare is now proposing changes to their rules which will have an effect on the people who are eligible to provide orthotics and prosthetics. She indicated that in this new proposal, occupational therapists who furnish and fabricate custom orthotics must be "licensed by the state [as a qualified provider of prosthetics and custom orthotics], or...certified by the American Board for Certification in Orthotics and Prosthetics...or by the Board for Orthotist/Prosthetist Certification." AOTA has asked each state to look at their practice act to see if there is terminology that says OTs are a qualified a provider of orthotics. Ms. Branson stated such terminology is not covered in this state's statute and that the federal rule is an issue because OTs are not specifically licensed for prosthetics and custom orthotics. She continued that OTs will need to be licensed to use orthotic devices under this new Medicare rule. The only other option is for OTs to be accredited, which is extremely expensive. Ms. Branson noted that OTs need to express a desire to be exempted at least for two years by commenting on the rule.

Ms. Branson stated that the title in the billing code for Medicare is "Custom Orthotic." She further indicated that Georgia licensed OTs are specifically exempt from the state statute on orthotics under the laws of the Georgia

Composite Medical Board. Therefore, custom orthotics fall within an OTs scope of practice. Ms. Branson said that without that exemption, there would be a negative economic impact on those already licensed.

Ms. Branson wants the Board to be prepared if this Medicare rule should pass. Ms. Jackson stated that there is nothing in the statute that references the term that is used now by Medicare. In the scope of practice, O.C.G.A. § 43-28-3(5)(c) mentions splints and adaptive devices. She said that under state law there is a specific statute that has to do with orthotics. It is found under the 43-34-193 in the Medical Practice Act and is called the “Orthotics and Prosthetics Practice Act.” This provides for the licensure of people who specifically fit patients with such devices that are prescribed by a physician. Ms. Jackson continued by saying that the interesting thing about this state statute is that it has an exemption in it. It states it does not prohibit a person licensed by this state as a physical therapist or occupational therapist from engaging in his or her profession. So under the state laws, OTs are protected; however, that still leaves the problem with the federal rule as it is written because OTs are not specifically licensed to create these types of devices. She indicated that based upon her research, her reply is that OTs need to be licensed to use these devices under the new Medicare rule if it is passed. Ms. Jackson recommends changing the statute.

### **Practice Act Amendments**

Ms. Branson stated that the Board needs to consider whether or not they want to open up their practice act and asked Ms. Jackson what the Board would need to do if they decided to open it up. Ms. Jackson explained to the Board that a legislator is approached on behalf of boards, government agencies or individuals to submit legislation. Sometimes the Secretary of State will submit clean up language for non-controversial amendments. Ms. Jackson recommended to begin by contacting the Secretary of State to determine if they would be willing to help with amending the statute. This would be done by the Board’s Executive Director. If the Secretary of State declines assistance, she suggests that Board Members reach out to their individual legislators, organizations and licensees to let them know that the Board is wanting to make amendments to the practice act. This would strengthen the cause to let those affected know what changes are being proposed and why. She further suggested that the Board make specific suggestions about specific language that the Board wishes to address. Any changes should be done prior to September 2017. Ms. Jackson also suggested that the Board may want to consider opening a dialog with Physical Therapists to determine if this would be something that also impacts them. That way you would have both licensure groups working together to obtain political support.

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion for Ms. Branson to work with Ms. Price to draft a letter to submit to the GOTA about making amendments to the practice act.

Mr. McClellan motioned, Ms. Austin seconded, and the board voted unanimously for the next Georgia State Board of Occupational Therapy to meet in person and not by teleconference on May 12, 2017.

Mr. McClellan motioned, Mr. Salazar seconded and the Board voted unanimously in favor of creating a legislative subcommittee to open up the practice act with the members to include Ms. Thurlow, Ms. Branson and a member of GOTA to be determined.

### **Discussion - Great News & Thanks!**

The Board accepts the correspondence regarding Great News & Thanks as information.

### **Discussion – AOTA**

#### **1. Special Events**

The Board accepts the correspondence regarding Special Events as information.

#### **2. State Legislative Monitoring Report 02-02-17**

The Board accepts the correspondence regarding State Legislative Monitoring Report as information.

#### **3. State Regulatory Monitoring Report 02-02-17**

The Board accepts the correspondence regarding State Regulatory Monitoring Report as information.

#### **4. Trending Topics**

The Board accepts the correspondence regarding Trending Topics as information.

**5. Complimentary Registration-AOTA 2107 Annual Conference and Centennial Celebration**

Mr. Salazar motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to nominate Mr. McClellan for a complimentary registration offered to one Board member for the AOTA Annual Conference. This will ensure Board representation at the Licensure Portability Stakeholder Meeting and the State Regulatory Forum.

**Board Chair's Report – R. Branson**

No report given.

**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. Osier presented the report in Ms. Price's absence. She reminded the Board that the annual affidavit with the Ethics Commission was due January 31, 2017. Ms. Osier went on to inform the Board that both the House and Senate of the GA Legislature convened on Monday, January 9, 2017 at 10 a.m. She explained that all meetings of the State Legislature and their committees are open to the public. Most are held at the Capitol, except for the occasional field hearing or facility tour and meeting notices and meeting agendas are posted on <http://www.legis.ga.gov>. You may also view live broadcasts of the sessions from both chambers from that site. This session Friday, March 3, 2017 is legislative day 28 and Crossover Day. Sine Die will be Thursday, March 30, 2017 (legislative day 40).

**Miscellaneous Discussion**

Ms. Branson shared with the Board that Board Member, Susan Stallings-Sahler has resigned from the Board. Ms. Branson asked if any of the Board Members knows of someone to fill the position to have them submit a letter to the Governor's Office for consideration.

**Mr. McClellan 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: Rachele Branson, Mary Lou Austin, Robert McClellan and Rafael Salazar.**

**At the conclusion of Executive Session on Friday, February 17, 2017, 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 18, 2016 Executive Session Minutes**

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the November 18, 2016 executive session Board minutes as presented.

**2. December 15, 2016 Executive Session Minutes**

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the December 15, 2016 executive session Board minutes as presented.

**3. January 12, 2017 Executive Session Minutes**

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the January 12, 2017 executive session Board minutes as presented.

**4. January 27, 2017 Executive Session Minutes**

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the January 27, 2017 executive session Board minutes as presented.

**Attorney General's Report**

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

**Voluntary Cease and Desist Orders Policy update**

Mr. Salazar motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the Voluntary Cease and Desist Orders Policy Update as presented and to include the Attorney General’s Memorandum of Authority when submitting the policy to the Governor’s Office for further review.

**Cognizant’s Report**

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

- OT160005** Close the case. No violations of laws and rules found.
- OT160010** Close the case with a letter of concern to continue to adhere to BR 671-4-.01 Ethics of Occupational Therapy.
- OT170010** Close the case with a letter of concern referencing the conduct on social media.
- OT160013** Close the case with no violation found of BR 671-3-.08.

**Ratification List of Consent Orders Issued Between Meetings**

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

**Applications**

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.

**Reinstatement**

**K.S.** Mr. McClellan motioned, Mr. Salazar seconded and the Board voted unanimously in favor of the motion to refer to Legal Services to issue a Private Consent Agreement for Reinstatement of Licensure with a fine of \$250 for failure to meet the CE requirements for reinstatement as outlined in Board Rule 671-3-.09(2)(b). CE hours used to satisfy the requirements of the order may not be used towards the next renewal cycle and flag license for CE audit.

**Adjournment** No further business was discussed and the meeting adjournment at 12:25 p.m.

**Minutes recorded by:** Michelle Foster, Board Support Specialist  
**Minutes reviewed and edited by:** Kathy Osier, Licensing Supervisor and Adrienne Price, Executive Director  
**Minutes approved on:** May 12, 2017

**RACHELE BRANSON**  
\_\_\_\_\_  
**BOARD CHAIR**

**ADRIENNE PRICE**  
\_\_\_\_\_  
**EXECUTIVE DIRECTOR**