

GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, Georgia
Friday, August 9, 2019 – 9:00 a.m.

The Georgia State Board of Occupational Therapy met on Friday, August 9, 2019. The following members were present:

Board Members Present

Rachele Branson, OTR/L, Chairperson
Robert McClellan, OTR/L, Vice Chair
Melissa Thurlow, OTR/L, Board Member
Mary Louise Austin, Consumer Member

Administrative Staff Present

Adrienne Price, Executive Director
Amanda Califf, Licensing Supervisor
Michelle Hornaday, Board Support Specialist
Jessica Uzzo, Staff Attorney, Legal Services

Board Members Absent

Rafael Salazar, OTR/L, Board Member

Attorney General's Office

Betsy Cohen, Assistant Attorney General

Visitors Present

Justin Mann, Director of Operations, CE Broker
Greet Caers, OTR/L, Integra Rehab

Call to Order Ms. Branson established that a quorum of the Board was present and called the meeting to order at 9:15 a.m.

OPEN SESSION

Board Meeting Agenda

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

Open Session Board Minutes

1. May 10, 2019 Board Teleconference Minutes

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the May 10, 2019 open session Board teleconference minutes as presented.

Ratification Lists May 3, 2019 – August 2, 2019 Reinstatements and PAMs

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to approve the list of licenses issued from May 3, 2019 – August 2, 2019, licenses issued by reinstatement, the Physical Agent Modalities certifications, and limited permits issued between Board meetings.

Correspondence – ALS Educational Symposium

The Board accepts the correspondence regarding ALS Educational Symposium as information.

Correspondence – How does the Board treat PDUs from the NBCOT Navigator for CEUs, Kristen Neville, AOTA

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to notify the writer that PDUs may count towards up to twelve (12) hours of online CE. (One [1] contact hour = .1 [point one] CEU = 1 [one] PDU).

Discussion – O.C.G.A. 43-28 – Georgia Occupational Therapy Practice Act (as adopted and incorporated July 8, 2019)

The Board accepts the correspondence regarding ALS Educational Symposium as information.

Discussion – American Occupational Therapy Association (AOTA)

1. AOTA STATE LEGISLATIVE MONITORING REPORT 07.15.19 Pending
2. AOTA STATE LEGISLATIVE MONITORING REPORT 07.15.19 Enacted
3. AOTA STATE REGULATORY MONITORING REPORT 07.15.19
3. Model Continuing Competence Guidelines – 2019
4. Council of State Governments Launches New OT Licensing Website

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

Discussion – National Board of Certification in Occupational Therapy (NBCOT) – New Resource Available – OT Action Exchange

Mr. McClellan motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion for the Executive Director to submit a query to NBCOT regarding use of this service.

Discussion – 2020 Georgia Board of Occupational Therapy Meeting Dates
All meetings are Fridays at 9:00 a.m.

February 28, 2020
May 29, 2020
August 21, 2020
November 13, 2020 – Teleconference

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of accepting the 2020 Board meeting dates as presented.

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 and the status of renewal applications. In addition, she addressed the following topic with the Board:

CE Broker Registrations

Ms. Austin motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of accepting the Executive Director’s Report as presented.

Mr. McClellan motioned, Ms. Austin seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h) and 50-14-2 (1) to deliberate on applications, to receive the Attorney Generals, Enforcement and Cognizant Reports, and to conduct Applicant Interviews. Voting in favor of the motion were those present who included Board Members: Rachele Branson, Robert McClellan, Melissa Thurlow and Mary Lou Austin.

At the conclusion of Executive Session on Friday, August 9, 2019, 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

Jessica Uzzo joined the meeting at 10:05 a.m.

Attorney General’s Report – B. Cohen

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

1. OT190003

Mr. McClellan motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to table pending further investigation.

Miscellaneous Discussion

1. Legal Services - Jessica Uzzo, Staff Attorney

Ms. Uzzo presented the Board with information concerning proposed Joint Secretary of State Rule amendments regarding the late-lapsed renewal period. The current late-lapsed renewal period is 90 days and the proposed amendment will change this time limit to 30 days. If passed, the proposed change would go into effect for the next biennium and not apply towards the current renewal cycle.

The proposed rule amendment will encourage licensees to renew in a timely manner and avoid a more costly reinstatement fee. If passed, the amended rules will apply to all Boards who do not have statutory provisions to the contrary.

Mr. McClellan motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to support this change.

Jessica Uzzo left the meeting at 10:36 a.m.

CE Broker Presentation, Justin Mann, Director of Operations

Mr. Mann provided the Board with a Power Point presentation regarding continuing education tracking and auditing features within the CE Broker system as well as the three levels of services available to all licensees.

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OPEN SESSION

Miscellaneous Discussion

1. Use of Dry Needling by Occupational Therapists

Ms. Branson remarked that the Board has received multiple questions regarding the legality of licensed occupational therapists using dry needling in the state of Georgia. As the Board cannot lobby for statutory change nor can they provide legal advice to any third party due to the potential legal ramifications of such advice, the Board voted to forward the matter to state and national organizations for consideration.

Ms. Austin motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to forward the matter to the Georgia Occupational Therapy Association (GOTA) and the Georgia Hand and Upper Extremities Special Interest Group to consider if they wish to reach out to their membership to further explore the subject and pursue legislation if they so choose.

Ms. Thurlow motioned, Ms. Austin seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h) and 50-14-2 (1) to deliberate on applications, to receive the Attorney Generals, Enforcement and Cognizant Reports, and to conduct Applicant Interviews. Voting in favor of the motion were those present who included Board Members: Rachele Branson, Robert McClellan, Melissa Thurlow and Mary Lou Austin.

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during Executive Session.

OPEN SESSION

Executive Session Board Minutes

1. May 10, 2019 Executive Board Teleconference Minutes

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the May 10, 2019 executive session Board teleconference minutes as presented.

Legal Services MEMO

1. Cases for Ratification OT190016

Ms. Austin motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to accept the order upon receipt.

2. Case for Closure OT190019

Mr. McClellan motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to rescind previous motion to refer to Legal Services, and grant the applicant's request to withdraw the application.

Miscellaneous Executive Discussion

1. OT180011

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to close the case.

2. OT200003

Mr. McClellan motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to close the case.

Applications for Board Review

Applicant 2785468

Ms. Austin motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to uphold the previous motion and present the additional information requested to the Board Cognizant. If conditions satisfied, issue the license.

Applicant 2768468

Ms. Thurlow motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to uphold previous motion.

Discussion – Board Rules

The Board discussed amending some of the Board Rules to reflect the amendments to the provisions of the Georgia Occupational Therapy Practice Act, which went into effect July 8, 2019.

1. Board Rule 671-3-.03. Examination

The Board entered into a discussion regarding the purpose for amending Board Rule 671-3-.03. Examination. Per the discussion it was determined that amendments to the rule are necessary to carry out the mandate of the statute.

The Board discussed the economic impact of the proposed amendment to Board Rule 671-3-.03. Examination upon licensees. Mr. McClellan 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 or business and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Mr. McClellan motioned, Ms. Thurlow seconded and the Board voted unanimously in favor of the motion to refer Board Rule 671-3-.03. Examination to Attorney General's Office for Memorandum of Authority and if no objections, vote to post.

Rule 671-3-.03. Examination

All applicants for licensure as occupational therapists and occupational therapy assistants are required to pass ~~a written examination~~ the nationally recognized examination administered by NBCOT, ~~approved by the Board~~, for a license to practice the profession in Georgia, except as otherwise provided in Section 43-28-9 of the Law.

2. Board Rule 671-3-.04. Passing Score

The Board discussed the purpose for amending Board Rule 671-3-.04. Passing Score. Per the discussion it was determined that amendments to the rule are necessary to carry out the mandate of the statute.

The Board discussed the economic impact of Board Rule 671-3-.04. Passing Score upon licensees. Mr. McClellan 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 or business 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 to refer Board Rule 671-3-.04. Passing Score to the Attorney General's Office for Memorandum of Authority and if no objections, vote to post.

Rule 671-3-.04 Passing Score

Passing score of the examination will be determined by the ~~Board~~ NBCOT. ~~Prior to administration of the examination.~~

3. Board Rule 671-3-.05. Re-Examination

The Board engaged in a discussion regarding the purpose for amending the existing rule. Per the discussion it was determined that amendments to the rule are necessary to is to carry out the mandate of the new practice act. The amendments will prohibit and prevent unsafe practices by providing an avenue for licensed direct supervisors to ascertain the OT/OTA's ability to practice with reasonable skill and safety as well as to evaluate their ability to follow laws, rules and policies. The evaluation of the individual practicing under the direct supervision of a licensed supervisor will better ensure that the individual will be a competent practitioner when no longer under supervision.

The amendments provides applicants options for demonstrating competence when he or she has failed the examination multiple times. After considering the requirements of other healthcare professions such as nursing and physical therapy, the Board determined that these amendment are less restrictive on licensees. The Board considered multiple variations of the rule amendment as well in comparison to the requirements of other healthcare professions. The Board indicated that independent support for the rule revisions would include the state legislators who passed House Bill 253 have provided the basis for the proposed amendment.

The rule amendment will affect any applicant who has not passed their exam within designated time period; however, it will ensure the safety of the public, and produce competent practitioners. Remediation of practitioners translates to improved quality patient care.

The Board determined that there is no tangible economic impact on businesses in Georgia. For licensees who cannot find a remedial program, there is a potential negative economic impact to the licensee; however, that individual still has the option to complete 320 hours of supervised practice experience, which may include compensation at the discretion of the hiring entity.

The Board discussed the economic impact of Board Rule 671-3-.05. 3:05 Re-Examination 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 or business 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 to refer Board Rule 671-3-.05. Re-Examination to the Attorney General's Office for Memorandum of Authority and if no objections, vote to post.

Rule 671-3-.05 Re-examination

(1) An examinee who fails the NBCOT examination ~~approved by the Board~~ may retake the examination at a subsequent examination date provided, however, that prior to the issuance of a license, the board may require reexamination applicants to demonstrate competency in a manner deemed appropriate by the board as stated in O.C.G.A. § 43-28-10(c)(1) and (2).

(2) Applicants that have failed the examination 4 to 5 times will be required to practice under the direct supervision of an occupational therapist licensed, in good standing, in the state of Georgia for forty-five (45) days or complete a remedial program approved by the Board, and submit documentation of compliance with this requirement on forms approved by the Board.

(3) Applicants that have failed the examination more than five times or failed to pass the examination within five years of completion of the academic requirements for licensure will be required to practice under the direct supervision of an occupational therapist licensed, in good standing, in the state of Georgia for 320 hours or complete a remedial program approved by the Board. The applicant must submit documentation of compliance with this requirement on forms approved by the Board.

4. Board Rule 671-3-.07. Board Action on Applications

The Board discussed the purpose for amending Board Rule 671-3-.07. Board Action on Applications. Since the license examination is no longer administered by the state but is administered by NBCOT, the language in paragraph one is no longer applicable. The deletion of paragraph one will update the rule to reflect the language in the current practice act, remove information asymmetries for consumers and carry out the objectives that are expressed in a statute. The statute itself provides the independent support for the new rule/rule amendment.

The change is less restrictive as the licensees are not required to apply to the Board for examination privileges.

The Board discussed the economic impact of Board Rule 671-3-.07. Board Action on Applications upon licensees. Mr. McClellan 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 or business and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Mr. McClellan motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to refer Board Rule 671-3-.07. Board Action on Applications to the Attorney General's Office for Memorandum of Authority and if no objections, vote to post.

Rule 671-3-.07 Board Action on Applications

~~(1) Applications for examination shall be acted upon by the Board at its next regularly scheduled general meeting or, at the discretion of the Board, may be acted on by phone following the receipt of the required fees and all credentials. Applicants qualifying for the examination will be notified.~~

(2) Applications for license shall be reviewed at the next regularly scheduled general meeting of the Board after all requirements for licensure have been met and the examination scores have been received by the Board.

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

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Adrienne Price, Executive Director
Minutes approved on: October 7, 2019

RACHELE BRANSON
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR