

GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
Board Teleconference Minutes
Friday, May 29, 2020 – 9:00 a. m.

The Georgia State Board of Occupational Therapy met via teleconference on Friday, May 29, 2020. The following members were present:

Board Members Present

Rachele Branson, OTR/L, Chairperson
Robert McClellan, OTR/L, Vice Chair
Pamela-Reddick Collins, OTR/L, Board Member
Marla Marlowe, OTR/L, Board Member
Rafael Salazar, OTR/L, Board Member
Mary Louise Austin, Consumer Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Charlotte Mason, Licensing Supervisor
Michelle Hornaday, Board Support Specialist

Attorney General's Office

Betsy Cohen, Assistant Attorney General

Board Members Absent

No members absent.

Visitors Present

Sandra Eskew Capps, PT, DPT

Call to Order Ms. Branson established that a quorum of the Board was present and called the meeting to order at 9:10 a.m.

Mr. McClellan motioned, Ms. Marlowe seconded, and the Board voted unanimously in favor of the motion 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 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, Robert McClellan, Rafael Salazar, Pamela Reddick-Collins, Mary Louise Austin and Marla Marlowe.

OPEN SESSION

Scheduled Board Appointments

9:30 a.m. Applicant Interview 2838640

Mr. McClellan motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to uphold the motion to issue a Public Consent Order but grants Legal Services the permission to modify the terms of the order and the language in the findings of facts as discussed in executive session. If the Respondent does not accept the terms of the order, deny the application for licensure.

April 17, 2020 Executive Session Teleconference Minutes

Ms. Austin motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to accept the April 17, 2020 executive session Board teleconference minutes as presented.

Attorney General's Report – B.Cohen

Ms. Branson motioned, Ms. Reddick-Collins seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's Report as presented.

Legal Services Memo – OT200015

Mr. McClellan motioned, Ms. Branson seconded and the Board voted unanimously in favor of the motion to uphold the motion to issue a Public Consent Order but grants Legal Services the permission to modify the terms of the order and the language in the findings of facts as discussed in executive session. If the Respondent does not accept the terms of the order, deny the application for licensure.

Cognizant Report – M. Marlowe

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

1. **OT190018** If the respondent fails to renew by June 30, 2020, close the case, no jurisdiction. If does attempt to renew and no statement concerning the allegations is received as discussed, refer to Investigations to hand-serve a request for an Investigative Interview.
2. **OT200001** Close the case, lack of evidence.
3. **OT200019** Refer to Attorney General’s Office for a Public Consent Agreement for Licensure with terms as discussed in Executive Session.

Rafael Salazar left the meeting at 11:03 a.m.; however, a quorum of the Board remains present.

Applications for Board Review

Ms. Branson motioned, Ms. Reddick-Collins seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session.

- Applicant 2853408** Issue license with a Letter of Concern regarding criminal history.
- Applicant 2841720** Issue a limited permit for the applicant to complete 320 hours of supervised clinical experience. Upon satisfactory completion, issue the license.
- Applicant 2865001** Issue license with a Letter of Concern regarding criminal history.
- Applicant 2852509** Must submit Form C to be issued a limited permit to work under the direct supervision of an occupational therapist licensed, in good standing, in the state of Georgia for forty-five (45) days; or, submit information for a remedial program for approval by the Board.
- Applicant 2855646** Issue the license.
- Applicant 2851924** Must submit Form C to be issued a limited permit to work under the direct supervision of an occupational therapist licensed, in good standing, in the state of Georgia for forty-five (45) days; or submit information for a remedial program for approval by the Board.
- Applicant 2845736** Notify applicant that to obtain licensure in the state of GA, the supervised clinical experience must be completed in the state under an occupational therapist licensed, in good standing, in the state of Georgia.

At the conclusion of Executive Session on Friday, May 29, 2020, 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

12:30 p.m. Public Rules Hearing

Ms. Branson called the hearing in the matter of Board Rule 671-3-.03. Examination, Board Rule 671-3-.04. Passing Score, and Board Rule 671-3-.07. Board Action on Applications hearing to order at 12:33 p.m. Members of the Board introduced themselves for the record and Ms. Branson established that there were members of the general public present.

1. Rule 671-3-.03. Examination

SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY RULE CHAPTER 671-3, EXAMINATION, RULE 671-3-.03.

Purpose/Main Features: The purpose of the rule is to carry out the mandate of the Georgia Occupational Therapy Practice Act that went into effect in July 2019. The rule revision further clarifies that the Board recognizes the examination administered by the National Board for Certification in Occupational Therapy as the licensing examination that is approved by the Board.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY RULE CHAPTER 671-3, EXAMINATION, RULE 671-3-.03.

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

Rule 671-3-.03. Examination

All applicants for licensure as occupational therapists and occupational therapy assistants are required to pass the nationally recognized examination administered by National Board of Certification in Occupational Therapy (NBCOT), , except as otherwise provided in O.C.G.A. § 43-28-11.

Written Comments Received

No written comments received.

Verbal Comments Received

No verbal comments received.

Ms. Reddick-Collins motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to adopt Board Rule 671-3-.03. Examination proposed amendment.

The Board discussed the economic impact of Board Rule 671-3-.03. Examination, upon licensees. Ms. Austin 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. Austin 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. §§ 43-28-6, 43-28-9, 43-28-12 and 43-28-13 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. Rule 671-3-.04. Passing Score

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF OCCUPATIONAL
THERAPY RULE CHAPTER 671-3, PASSING SCORE,
RULE 671-3-.04.**

Purpose/Main Features: The purpose of the rule is to carry out the mandate of the Georgia Occupational Therapy Practice Act that went into effect in July 2019. The rule revision further clarifies that National Board for Certification in Occupational Therapy establishes the passing score on the licensure examination that is approved by the Board.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY RULE CHAPTER 671-3, PASSING
SCORE, RULE 671-3-.04.**

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

Rule 671-3-.04. Passing Score

Passing score of the examination will be determined by the National Board of Certification in Occupational Therapy (NBCOT).

Written Comments Received

No written comments received.

Verbal Comments Received

No verbal comments received.

Mr. McClellan motioned, Ms. Reddick-Collins seconded and the Board voted unanimously in favor of the motion to adopt Board Rule 671-3-.04. Passing Score proposed amendment.

The Board discussed the economic impact of Board Rule 671-3-.04. Passing Score, upon licensees. Ms. Austin motioned, Ms. Marlowe 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. Marlowe 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. §§ §§ 43-28-6, 43-28-9, 43-28-12 and 43-28-13 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. Rule 671-3-.07. Board Action on Applications

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF OCCUPATIONAL
THERAPY RULE CHAPTER 671-3, BOARD ACTION ON APPLICATIONS, RULE 671-3-.07.**

Purpose/Main Features: The purpose of the rule is to carry out the mandate of the Georgia Occupational Therapy Practice Act that went into effect in July 2019. The rule revision eliminates the paragraph which states that the Board reviews the application for examination and notifies the applicant if they are qualified to take the examination. The National Board for Certification in Occupational Therapy (NBCOT) completes the review of an applicant's qualifications to take the examination. The remaining amendments change the term "license" to "licensure" and clarifies that the exam score requirement will be reviewed if it is applicable as the statute does allow for the Board to waive the examination under certain circumstances.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY RULE CHAPTER 671-3, EXAMINATION,
RULE 671-3-.04.**

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

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

Applications for licensure 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, if applicable, have been received by the Board.

Written Comments Received

No written comments received.

Verbal Comments Received

No verbal comments received.

Ms. Reddick-Collins motioned, Ms. Marlowe seconded and the Board voted unanimously in favor of the motion to adopt Board Rule 671-3-.04. Passing Score proposed amendment.

The Board discussed the economic impact of Board Rule 671-3-.04. Passing Score, upon licensees. Mr. McClellan motioned, Ms. Marlowe 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, Ms. Marlowe 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. §§ 43-28-6, 43-28-9, 43-28-12 and 43-28-13 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 12:43 p.m.

Board Meeting Agenda

Ms. Reddick-Collins motioned, Ms. Marlowe seconded and the Board voted unanimously in favor of the motion to accept the agenda as amended to table correspondence and discussion items until the next meeting due to time constraints.

Open Session Minutes

1. April 17, 2020 Open Session Teleconference Minutes

Ms. Reddick-Collins motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the April 17, 2020 open session Board teleconference minutes as presented.

2. May 26, 2020 Rules Committee Teleconference Minutes

Ms. Marlowe motioned, Ms. Austin seconded and the Board voted unanimously in favor of the motion to accept the May 26, 2020 Rules Committee Teleconference Minutes as presented.

Ratification Lists February 21, 2020 – May 22, 2020 Reinstatements and PAMs

Ms. Austin motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to approve the list of licenses issued from February 21, 2020 – May 22, 2020, licenses issued by reinstatement, the Physical Agent Modalities certifications, and limited permits issued between Board meetings.

Petitions for Rule Variance

1. BR 671-3-.04 Barnette, Synthia

Ms. Marlowe motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 671-3-.04 based on insufficient evidence to substantiate a substantial hardship. O.C.G.A. § 43-28-9 states applicant must pass exam. The Board is unable to grant the variance as the rule requirement is a restatement of the law, and as such, is not subject to variance.

2. BR 671-3-.08 Tami Davis OTA000562

Mr. McClellan motioned, Ms. Reddick-Collins seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 671-3-.08 based on insufficient evidence to substantiate a substantial hardship. Notify licensee June 30, 2020 is the deadline to complete the requirements via live interactive webinar.

Petition for Rule Waiver

1. BR 671-3-.08(3)(a) Crossan, Eric OT006235

Ms. Reddick-Collins motioned, Mr. McClellan seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 671-3-.08(3)(a) based on insufficient evidence to substantiate a substantial hardship. Notify licensee June 30, 2020 is the deadline to complete six (6) hours via live interactive webinar.

The Board voted to table the following agenda items for the August 21, 2020 Board meeting.

Correspondence – United States Citizenship and Immigration Services (USCIS) Temporarily Closing Offices to the Public March 18-April 1

Correspondence – U.S. Department of Education (USDOE) Guidance Document Update 05152020

Discussion – National Board for Certification in Occupational Therapy (NBCOT) Regulatory E-Newsletter April 2020

Discussion – U.S. Department of Health & Human Services (HHS) – Enforcement Discretion for Telehealth

Discussion – Concessions for Education During Declared Emergencies or Disasters

Discussion – National Association for Support of Long Term Care (NASL) Petition to Suspend Supervision Requirements

Discussion – American Occupational Therapy Association (AOTA) – Relaunch of Approved Provider Program

Discussion – CE Broker Compliance Report 2020

Discussion – Board Rules – R. McClellan

1. Rule 671-3-.05. Re-examination_05262020
2. Rule 671-3-.06. Limited Permit_05262020

Discussion – Rule 671-3-.08 Continuing Education Requirements 05292020

Board Chair’s Report – R. Branson

Executive Director’s Report – A. Price

Adjournment No further business was discussed and the meeting adjourned at 1:00 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist

Minutes reviewed and edited by: Charlotte Mason, Licensing Supervisor & Adrienne Price, Executive Director

Minutes approved on: August 21, 2020

RACHELE BRANSON
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR