

GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
Rules Committee Zoom Meeting Minutes
Tuesday, January 18, 2022 – 12:00 p.m.

The Georgia State Board of Occupational Therapy Rules Committee met via Zoom on Tuesday, January 18, 2021. The following Committee members were present:

Committee Members Present

Robert McClellan, OTR/L, Committee Chair
Pamela Reddick-Collins, OTR/L, Committee Member

Administrative Staff Present

Adrienne Price, Executive Director
Michelle Hornaday, Board Support Specialist

Attorney General's Office

No Assistant Attorney General present.

Visitors Present

Kristen Neville, State Affairs Manager, American Occupational Therapy Association (AOTA)
Molly Ray

Call to Order Mr. McClellan called the Committee meeting to order at 12:07 p.m.

OPEN SESSION

Committee Meeting Agenda

The Committee accepted the agenda as presented.

Discussion – Board Rules

1. **Rule 671-6-.02. Requirements**
2. **Rule 671-1-.02. Officers**
3. **Rule 671-3-.08. Renewal of License/Penalties/Continuing Education Requirements. Amended**
4. **Rule 671-3-.10. Foreign Applicant. Amended**
5. **Rule 671-3-.12. Address/Name changes**
6. **Rule 671-4-.02. Unprofessional Conduct Defined**

In consideration of the information provided by Kristen Neville, State Affairs Manager, American Occupational Therapy Association (AOTA), the Committee revisited Board Rule 671-6-.02 Requirements, which was tabled during the December 13, 2021 Rules Committee Zoom meeting.

The Committee also discussed the purpose and justifications for amending Rule 671-1-.02. Officers; Rule 671-3-.08. Renewal of License/Penalties/Continuing Education Requirements. Amended; Rule 671-3-.10. Foreign Applicant. Amended; Rule 671-3-.12. Address/Name changes; and Rule 671-4-.02. Unprofessional Conduct Defined. Amended, each off which was discussed during the Rules Committee meeting held on December 13, 2021. The Committee's recommendations are as follows:

1. Rule 671-6-.02. Requirements

The Committee entered into a discussion regarding the type of documentation that is currently being submitted as proof of meeting the requirements set forth in Board Rule 671-6-.02. Requirements. They stated the purpose of amending the existing rule is to clarify which documents would serve as proof of adequate training in modalities, as presently it appears that applicants for modalities are interpreting the current language to indicate that they can submit a statement of attendance without providing information concerning the program hours, date of attendance, or a brochure, which is inaccurate. The Committee stated amendments will be helpful to working therapists as well as to those who are applying for physical agent modalities (PAMS).

They considered multiple variations in the language and it was the Committee's opinion that the small amendment is necessary to help ensure that applicants understand the correct documentation to submit. They further determined

that what the applicant is being asked to provide to demonstrate competence is consistent with what is required in other states as well as what is recommended by the national occupational therapy groups. The amendments will affect all stakeholders equally.

The Committee discussed the economic impact of the amendment and stated their recommendations will streamline the process so that applicants will be able to provide the necessary documentation the first time in order to obtain their PAMS certification without delay. As licensees with PAMS certification often receive an increased salary, the economic impact is positive. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee; and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the statutes.

It is not legal or feasible to meet the objectives of the statute 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 in the field of Occupational Therapy.

Ga. Comp. R. & Regs. r. 671-6-.02 Requirements

Georgia Administrative Code

Department 671. GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY

Chapter 671-6. CERTIFICATION FOR USE OF PHYSICAL AGENT MODALITIES

Current through Rules and Regulations filed through November 10, 2021

Rule 671-6-.02. Requirements

- (1) Effective June 18, 2014, Any occupational therapist and occupational therapy assistant who wishes to utilize O.T. techniques involving physical agent modalities, must document, successful completion of a minimum of 90 contact hours of instruction or training approved by the Board which covers:
 - (a) Principles of physics related to specific properties of light, water, temperature, sound, or electricity, as indicated by selected modality;
 - (b) Physiological, Neurophysiological, and Electrophysiological, changes, as indicated, which occur as a result of the application of selected modality;
 - (c) The response of normal and abnormal tissue to the application of the modality;
 - (d) Indications and contra indications related to the selection and application of the modality;
 - (e) The guidelines for treatment or administration of the modality within the philosophical framework of occupational therapy;
 - (f) The guidelines for educating the patient including instructing the patient to the process and possible outcomes of treatment, including risks and benefits;
 - (g) Safety rules and precautions related to the selected modality;
 - (h) Methods of documenting the effectiveness of immediate and long-term effects of treatment; and
 - (i) Characteristics of the equipment including safe operation, adjustment, and care of the equipment.

- (2) No less than 36 contact hours must be directly related to the specific theories and practical application of physical agent modalities.
- (3) Acceptable instruction or training shall include any activity relevant to the practice of physical agent modalities in occupational therapy and may include formal academic education, conferences, workshops, seminars, web-based instructions, and in-service education.
- (4) Each occupational therapist and occupational therapy assistant is responsible for submitting documentation of training. Documentation shall include:
 - (a) Identification of the specific course or training where the therapist learned content related to each subject area (a-i);
 - (b) Proof of 90 hours of instruction or training. This may be reported by:
 1. A statement of attendance or a copy of the certificate of completion, **either of which that shows the title of the program, hours of the program, date the program was taught, the signature of a designated program official, and a brochure or program outline;** or
 2. An official grade report/transcript and course outline to verify academic education.
 - (c) Additional documentation may be requested by the Board, if deemed necessary.

Cite as Ga. Comp. R. & Regs. R. 671-6-.02

Authority: O.C.G.A. §§ [43-28-3\(9\)](#), [43-28-7](#), [43-28-8.1](#), [43-28-12](#), [43-1-3](#) and [43-1-25](#).

History. Original Rule entitled "Requirements" adopted. F. Nov. 20, 1991; eff. Dec. 10, 1991.

Amended: F. Jan. 20, 2015; eff. Feb. 9, 2015.

Note: Correction of non-substantive typographical error in sub-paragraph (1)(c), "nor mal" corrected to "normal"; sub-paragraph (4)(a), "w here" corrected to "where", as requested by the Agency. Effective Oct. 11, 2016.

2. Rule 671-1-.02. Officers

The Committee stated that it was necessary to amend the existing language in Board Rule 671-1-.02. Officers, as the current rule is not reflective of the Board's current processes. By striking the sentence identified it removes information asymmetries for consumers as the Board does not currently meet during the first month of the year and by adding the new language it clarifies what occurs should one of the elected positions become vacant. The rule amendment will allow for the Board to hold elections as necessary should board members change.

The Committee considered multiple variations of the amendment and stated that the language proposed is the best choice for it is clear and straightforward.

The Committee did not seek any independent support for the proposed language as the rule is a matter of procedure and serves to inform the public. The rule amendment provides the Board, and the public further clarity. This is the least restrictive variation and allows the Board to hold elections when necessary. This amendment will affect the

Board itself to ensure there will always be officers in place. The rule amendment also provides clarity for the process when a position is vacated.

The Committee determined there is no economic impact to licensees. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee; and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the statutes.

It is not legal or feasible to meet the objectives of the statute 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 in the field of Occupational Therapy.

Ga. Comp. R. & Regs. r. 671-1-.02 Officers

Georgia Administrative Code

Department 671. GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY

Chapter 671-1. ORGANIZATION

Current through Rules and Regulations filed through November 10, 2021

Rule 671-1-.02. Officers

The Board shall elect annually from its members a president and a vice president who shall have the privilege of reelection. **In the event that one of these officers vacates their elected position, the Board will hold a new election.** ~~Election shall be held during the first month of the calendar year, unless otherwise determined by the Board.~~ The president shall preside at meetings of the Board. The vice president shall preside at meetings in the absence of the president.

Cite as Ga. Comp. R. & Regs. R. 671-1-.02

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

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

3. Rule 671-3-.08. Renewal of License/Penalties/Continuing Education Requirements. Amended

The Committee discussed amending Board Rule 671-3-.08. Renewal of License/Penalties/Continuing Education Requirements. Amended, and determined that the recommended amendments are necessary as the current rule is confusing to constituents. They stated that the current rule is not reflective of the current Board practices. The Committee stated the policy purpose of the amendments is to remove information asymmetries for consumers as schools no longer provide verifications in the manner described. By striking reference to the term "direct" the amendment removes the perception that the hours must be "hands-on" patient care versus being relevant to topics which the rule states are relative to patient care. Additionally, information can now be provided electronically so the amendment removes outdated language.

The Committee considered multiple variations and determined their amendments clearly define the intentions of the Board in respect to the term "patient care," and they more accurately reflect what is currently taking place in the school setting. The language of the amendments is the least restrictive way to reflect current practices. The independent support for the amendments comes from the schools by way of their common practices. Additional support comes from the American Occupational Therapy Association (AOTA) AOTA and the licensees who have expressed confusion relative to the current reading of the rule.

The rule changes affect students, CE providers and the Board equally in that all must refer to it in order to ensure compliance with policy objectives for license renewal and reinstatement. The economic impact is positive in that

there may be a decrease in the use of paper should licensees and providers submit all documentation via electronic means. Licensees are also not financially investing in courses that may not be approved by the Board.

The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee; and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the statutes.

It is not legal or feasible to meet the objectives of the statute 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 in the field of Occupational Therapy.

Ga. Comp. R. & Regs. r. 671-3-.08 Renewal of License/Penalties/Continuing Education Requirements. Amended
Georgia Administrative Code
Department 671. GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
Chapter 671-3. LICENSE REQUIREMENTS

Current through Rules and Regulations filed through November 10, 2021

Rule 671-3-.08. Renewal of License/Penalties/Continuing Education Requirements. Amended

- (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 cardiopulmonary resuscitation (CPR) course may not be submitted to satisfy any of the continuing education requirements or employer sponsored compliance coursework. 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 twelve (12) hours of the required twenty-four (24) continuing education hours must be on a topic related to ~~direct~~ patient care. This includes occupational therapy assessment, treatment planning, occupational therapy implementation and diagnostic related information. This must include attendance at live presentations such as workshops, seminars, conferences, or formal academic coursework, or real-time, interactive webinars. To qualify as a real-time, interactive webinar, the licensee must have the ability to ask questions, receive an answer, and interact with other attendees at the time the session is taking place. It may not be a pre-recorded session.

- (b) 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. These hours may be obtained online.
 - (c) A maximum of ten (10) of the required twenty-four (24) can be in "General" continuing education hours may be obtained by Level II fieldwork supervision, published professional writing and instructional presentations, pre-recorded electronic or web based courses, formal self-study courses, satellite broadcasts, computer learning activities, webinars, or viewing videotapes in a professional setting. These hours may also be related to administration, supervision, documentation, quality assurance and research.
- (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 it's 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.
- (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 to submit to the Board if 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.
- (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, **licensees must provide** :
1. ~~A~~ **a** description of the fieldwork including **the** name and type of facility, name of the fieldwork educator and ~~times spent~~ **dates of fieldwork** 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, applied research, 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. Description of the presentation or research including location, title, date, hours of presentation, general content description, and type of audience; and,
 2. Verification of the presentation, research or formal thank you note signed by the sponsor or program official.
- (e) Documentation of pre-recorded 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.

Cite as Ga. Comp. R. & Regs. R. 671-3-.08

Authority: O.C.G.A. §§ [43-1-4](#), [43-1-19](#), [43-1-25](#), [43-28-7](#), [43-28-8](#), [43-28-13](#), [43-28-14](#).

History. Original Rule entitled "Renewal" adopted. F. July 15, 1977; eff. Aug. 4, 1977.

Repealed: New Rule of same title adopted. F. July 1, 1982; eff. July 21, 1982.

Repealed: New Rule of same title adopted. F. July 11, 1984; eff. July 31, 1984.

Repealed: New Rule entitled "Renewal of License/Penalties/Continuing Education Requirements" adopted. F. Apr. 14, 1988; eff. May 4, 1988.

Amended: F. Nov. 20, 1991; eff. Dec. 10, 1991.

Amended: F. Jan. 28, 1994; eff. Feb. 17, 1994.

Amended: F. Feb. 1, 1996; eff. Feb. 21, 1996.

Repealed: New Rule of same title adopted. F. Dec. 2, 2002; eff. Dec. 22, 2002.

Amended: F. May 4, 2005; eff. May 24, 2005.

Repealed: New Rule of same title adopted. F. May 30, 2006; eff. June 19, 2006.

Amended: F. Mar. 25, 2008; eff. Apr. 14, 2008.

Amended: F. Feb. 20, 2009; eff. Mar. 12, 2009.

Repealed: New Rule entitled "Renewal of License/Penalties/Continuing Education Requirements. Amended" adopted. F. Feb. 22, 2012; eff. Mar. 13, 2012.

Amended: F. Oct. 2, 2013; eff. Oct. 22, 2013.

Amended: F. Jan. 20, 2015; eff. Feb. 9, 2015.

Note: Correction of non-substantive typographical error in paragraph (3), removed duplicated wording of "is required" in second sentence, as requested by the Agency. Eff. Oct. 11, 2016.

Amended: F. June 1, 2017; eff. June 21, 2017.

Amended: F. June 10, 2019; eff. June 30, 2019.

4. Rule 671-3-.10. Foreign Applicant. Amended

The Committee reviewed Board Rule 671-3-.10. Foreign Applicant. Amended, and recommended changes to reflect the current practices as the rule is not presently indicative of such. The amendments remove information asymmetries for consumers due to the fact that the Board no longer administers the examination, nor does the board perform credentials evaluations for foreign trained students. Such evaluations are completed and submitted to the National Board of Certification in Occupational Therapy (NBCOT). The amendments further reflect the current title of the credentialing body to Accreditation Council for Occupational Therapy Education (ACOTE) and educates everyone on the current process.

The rule amendments will expand access to care and services as it streamlines the process for foreign-trained applicants by enabling them to clearly understand what they are required to do to obtain licensure in Georgia. The amendments also serve to increase the pool of people who may be available to serve the consumers of Georgia by assisting foreign trained applicants to understand licensure process and achieve licensure more swiftly.

The Committee considered multiple variations and determined their recommendations are the best choice because they are concise and align with current practices. The independent support for the recommendations are in consideration of national standards from National Board for Certification in Occupational Therapy (NBCOT) and the Accreditation Council for Occupational Therapy Education (ACOTE). The rule amendments affect Foreign trained applicants and consumers.

The economic impact of the rule amendments will increase the pool of people who can be employed in clinics and hospitals in the state of Georgia. The formulation and adoption of this rule does not impose excessive regulatory

cost on any licensee; and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the statutes.

It is not legal or feasible to meet the objectives of the statute 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, business, and member of the public in the same manner in the field of Occupational Therapy.

Ga. Comp. R. & Regs. r. 671-3-.10 Foreign Applicant. Amended

Georgia Administrative Code

Department 671. GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY

Chapter 671-3. LICENSE REQUIREMENTS

Current through Rules and Regulations filed through November 10, 2021

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. 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 National Board for Certification in Occupational Therapy (NBCOT).~~ In ascertaining whether such an applicant meets ~~such~~ standards for licensure, the Board shall consider whether the school or course of training has been approved by the ~~American Occupational Therapy Certification Board~~ Accreditation Council for Occupational Therapy Education (ACOTE) and whether the applicant's credentials have been evaluated and accepted by ~~the American Occupational Therapy Certification Board~~ NBCOT.
- ~~(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.~~

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

Authority: O.C.G.A. §§ [43-28-7\(d\)](#), [43-28-9\(a\)](#), [43-28-10](#).

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.

Amended: New title "Foreign Applicant. Amended." F. June 1, 2017; eff. June 21, 2017.

5. Rule 671-3-.12. Address/Name changes

The Committee considered Board Rule 671-3-.12. Address/Name changes, and established a need to clarify to licensees that a valid email address is a portion of the address of record with the Board and it removes the word "duplicate" prior to pocket card as hard copies of pocket cards are no longer generated automatically. In addition, the Board no longer issues pocket cards. The amendments further clarify that if a licensee changes their name and desires a pocket license to reflect that name change, the appropriate fee must be submitted. The amendments remove information asymmetries for consumers and if adopted, will align the rule with the current practice.

The Committee considered multiple variations and determined their recommendations are the least restrictive. The only economic impact noted is for those licensees who wish to purchase a pocket card of their license. All licensees may print a copy of their license from the Board website at no charge.

The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee; and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the statutes.

It is not legal or feasible to meet the objectives of the statute 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 in the field of Occupational Therapy.

Ga. Comp. R. & Regs. r. 671-3-.12 Address/Name changes

Georgia Administrative Code

Department 671. GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY

Chapter 671-3. LICENSE REQUIREMENTS

Current through Rules and Regulations filed through November 10, 2021

Rule 671-3-.12. Address/Name changes

- (1) A licensee shall notify the Board in writing immediately of any address change, **to include a current and valid email address**. If a ~~duplicate~~-pocket license is requested, the appropriate fee must accompany the request.
- (2) A licensee shall immediately notify the Board in writing of any name change of the licensee. The notification to the Board of the name change shall be accompanied by a copy of the court order, marriage certificate, or other legal document verifying the change in name. **If the licensee purchases a A change in name requires a duplicate**-pocket license **after the name change**. ~~Therefore,~~ the appropriate fee ~~for a duplicate-pocket license~~ must accompany the **notification request**.

Cite as Ga. Comp. R. & Regs. R. 671-3-.12

Authority: O.C.G.A. Sec. [43-28-7](#).

History. Original Rule entitled "Address/Name Changes" adopted. F. Nov. 30, 1995; eff. Dec. 20, 1995.

6. Rule 671-4-.02. Unprofessional Conduct Defined. Amended

The Committee entered into a discussion concerning incidences whereby a licensee failed to cooperate with a lawful investigation of the Board creating a hindrance to the Board's ability to carry out policy objectives relative to public health, safety and welfare through the investigative process. They proposed amendments to Rule 671-4-.02.

Unprofessional Conduct Defined. Amended, proposed amendments to enhance the Board's ability to prohibit unsafe practices and/or fraud, ensure competent practitioners, expand access to care by competent practitioners, remove asymmetries for consumers by helping complainants understand that the Board expects for licensee to cooperate with an investigation of the Board. The amendments provide guidelines for licensees to cooperate with a lawful investigation for the purpose of protecting the health, safety and welfare of the public, hold the licensee accountable for being responsive to the Board during the course of an investigation and informs consumers and potential complainants that licensees are expected comply and be responsive to a lawful investigation of the Board.

This will expand access to care/services and will remove information asymmetries for consumers. Consumers believe the Board has greater power than they actually possess, when they are limited by those who are not fully cooperative with investigations. Consumers are better informed and potential complainants understand that

licensees are expected to comply and be responsive with a lawful investigation of the Board, thus will assist in carrying out policy objectives that are expressed in statute.

Multiple variations were considered by the Committee and determined that the language is clear and helps licensees to understand that a failure to comply with a lawful investigation of the Board is unprofessional conduct. The independent support for the recommendation is from the Office of Secretary of State Investigations Division and is also reflected in the rules of other licensing Boards within the Professional Licensing Boards Division of the Office of Georgia Secretary of State.

The Committee determined that the rule amendment will affect complainants, licensees, the Board and the public. There is a potential economic impact to comply with an investigation to include but not limited to providing documentation, statements, records, travel to investigative interviews and the like; however, such impact should be negligible and does not outweigh the Boards charge to eliminate any danger to the health, safety and welfare of the public..

The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee; and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the statutes.

It is not legal or feasible to meet the objectives of the statute 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, business, and complainant in the same manner in the field of Occupational Therapy.

Ga. Comp. R. & Regs. r. 671-4-.02 Unprofessional Conduct Defined. Amended
Georgia Administrative Code
Department 671. GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
Chapter 671-4. STANDARDS OF PROFESSIONAL CONDUCT

Current through Rules and Regulations filed through November 10, 2021

Rule 671-4-.02. Unprofessional Conduct Defined. Amended

Unprofessional conduct shall include, but not be limited to, the following:

- (a) Obtaining or attempting to obtain a license by fraud, misrepresentation, or concealment of material facts;
- (b) Violating the ethics of occupational therapy as set forth by the Georgia Board of Occupational Therapy;
- (c) Being grossly negligent in the practice of occupational therapy or as an occupational therapy assistant;
- (d) Using drugs or intoxicating liquors to the extent that these effect the licensee's professional competence;
- (e) Practicing occupational therapy after being adjudged mentally incompetent by a court of competent jurisdiction;
- (f) Being convicted of a crime other than minor offenses defined as "minor misdemeanors," "violations" or "offenses" in any court if the acts for which he or she was convicted are found by the Board to have a direct bearing on whether he or she

should be trusted to serve the public in the capacity of an occupational therapist or occupational therapy assistant;

- (g) Using or holding yourself out as being able to utilize occupational therapy techniques involving physical agent modalities when not certified by the Board to use physical agent modalities;
- (h) Having committed any other conduct which ordinary and reasonable individuals would consider unprofessional.
- (i) Failing to adhere to the provisions of the 'Consumer Information and Awareness Act' as codified in O.C.G.A. § [43-1-33](#).
- (k) **Failing to comply with a lawful investigation conducted by the Board.**

Cite as Ga. Comp. R. & Regs. R. 671-4-.02

Authority: O.C.G.A. §§ [43-1-19](#), [43-1-25](#), [43-28-8.1](#), [43-1-33\(f\)](#).

History. Original Rule entitled "Unprofessional Conduct Defined" adopted. F. July 15, 1977; eff. Aug. 4, 1977.

Repealed: New Rule of same title adopted. F. Mar. 28, 2006; eff. Apr. 17, 2006.

Amended: New title "Unprofessional Conduct Defined. Amended." F. Apr. 6, 2017; eff. Apr. 26, 2017.

The Committee recommended to refer the amendments to the full Board for review during the February 25, 2022, meeting for consideration, and if no objections, for the Board to refer to the Attorney General's Office for a Memorandum of Authority.

Adjournment No further business was discussed and the meeting adjourned at 2:31 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist

Minutes reviewed and edited by: Adrienne Price, Executive Director

Minutes approved on: March 1, 2022

RACHELE BRANSON
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR

ROBERT McCLELLAN
COMMITTEE CHAIR