

GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
Rules Committee Zoom Meeting Minutes
Friday, September 30, 2022 – 9:00 a.m.

The Georgia State Board of Occupational Therapy Rules Committee met via Zoom on Thursday, May 5, 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
Meagan Doss, Licensing Supervisor

Attorney General's Office

No Assistant Attorney General present.

Visitors Present

Dr. Irma Alvarado, PhD, OT/L, FAOTA, Professor, School of Occupational Therapy, Brenau University
Celeste Alexander, Field Coordinator, Brenau University
Halle Greer
Kristen Neville, State Affairs Manager, American Occupational Therapy Association (AOTA)

Call to Order Mr. McClellan called the Committee meeting to order at 9:03 a.m.

OPEN SESSION

Committee Meeting Agenda

The Committee accepted the agenda as presented.

Discussion – Supervision of OTAs via Telehealth

Mr. McClellan addressed the Committee and visitors with an overview of the purpose for this meeting. During the Board's discussion of the American Occupational Therapy Association (AOTA) State Regulatory Monitoring Report at the August 19, 2022 meeting, it was noted that the North Dakota Board was creating new language to address the supervision of OTAs in person and via telehealth. The Board referred the topic to the Rules Committee to review the Board Rules on supervision considering the rapidly changing trends in the profession regarding telehealth. There were concerns that the current rule, as written, may create a barrier in some areas.

1. Rule 671-2-.02 Supervision Defined

The Committee concluded that the initial supervision meeting should be face-to-face. The Committee suggested the following amendment to BR 671-2-.02 Supervision Defined.

Rule 671-2-.02. Supervision Defined

Supervision as used in the law shall mean personal involvement of the licensed occupational therapist in the supervisee's professional experience which includes evaluation of his or her performance. Further, supervision shall mean ~~personal~~ in person supervision during the initial supervisory visit with weekly verbal contact and consultation which may be done via telehealth, monthly review of patient care documentation, and specific delineation of tasks and responsibilities by the licensed occupational therapist and shall include the responsibility for personally reviewing and interpreting the results of any habilitative or rehabilitative procedures conducted by the supervisee. It is the responsibility of the licensed occupational therapist to ensure that the supervisee does not perform duties for which he or she is not trained. C.O.T.A.s and limited permit holders must be supervised.

Cite as Ga. Comp. R. & Regs. R. 671-2-.02

Authority: O.C.G.A. Secs. [43-28-3](#), [43-28-7](#), [43-28-12](#).

History. Original Rule entitled "Supervision Defined" adopted. F. July 15, 1977; eff. August 4, 1977.

Repealed: New Rule of same title adopted. F. May 24, 1994; eff. June 13, 1994.

The Committee discussed the policy purpose for amendments to Board Rule 671-2-.02. They determined that the amendments clarify supervision of the occupational therapist and the occupational therapy assistant (OTA) by prohibiting/preventing fraud; ensures competent practitioners by confirming that the supervisee is performing duties for which he or she is adequately and properly trained; further ensures competent practitioners by guaranteeing the OTA is demonstrating best practices; and it removes information asymmetries for consumers by clarifying supervision requirements for occupational therapists and the occupational therapy assistants.

Multiple variations were considered, and the Committee feels the proposed amendments are the best choice and least restrictive way because the language significantly expands the licensee's ability to provide supervision through technology, especially in rural areas by providing services to a larger number of constituents. This is beneficial for Home Health as well. Additionally, consideration of legislative changes made by North Dakota was the impetus for this meeting.

The Committee's independent support includes the home health community licensee population; by example from the language from other jurisdictions; and the fact that Medicare/Medicaid now allows for telehealth billing.

The rule amendment will affect occupational therapists and occupational therapy assistants by directly impacting their ability to provide more services to more people with the constant changes in technology. The suggested amendments will have a positive effect and outcomes for patients, patient care, home health agencies, rural communities, COTAs and OTs, to include a positive economic impact on the home health agencies, the licensees, and local and rural pharmacies that carry medical equipment.

The Committee determined that the amendments will have a positive economic impact on home health agencies and on licensees because they will be able to provide more services and get paid as such. This includes the purchasing of equipment, which in turn, helps small pharmacies. This will be a positive economic impact for local businesses and durable medical equipment (DME) providers.

2. Rule 671-3-.06. Limited Permit

Rule 671-3-.06. Limited Permits. Amended.

- (1) Upon determination by the Board that all requirements for licensure have been met except for the examination, a ninety (90) day limited permit shall be issued and shall allow the applicant to practice occupational therapy under the supervision of an occupational therapist who holds a current license in this State. Prior to being issued a limited permit, applicants must submit a complete application and fee, to include Form A and any supplemental documents for approval by the Board. An applicant who fails the exam shall immediately surrender the limited permit.
- (2) Applicants who are not able to document licensed practice in occupational therapy within the past 5 years may be issued a ninety (90) day limited permit to complete the required 320 hours of clinical experience under the supervision of a licensed occupational therapist if the applicant has successfully completed a national certification examination approved by the Board. Prior to being issued a limited permit, applicants must submit a complete application and fee, to include Form A, and any supplemental documents for approval by the Board.
- (3) Applicants who have failed the examination three or more times or who have failed to pass the examination within five years of completing the academic requirements for licensure may, after passing the exam, be issued a ninety (90) day limited permit for the purposes of demonstrating competency prior to the issuance of a license. See O.C.G.A. § 43-28-20(c). This permit shall allow the applicant to practice occupational therapy, for a period not to exceed 90 days, under the direct supervision of an occupational therapist who holds a

current license in this state. Prior to being issued a limited permit, applicants must submit a complete application and fee, to include Form C, and any supplemental documents for approval by the Board.

- (4) Supervised work experiences may not begin until Board approval is granted, a limited permit has been issued to the applicant, and a copy of the limited permit has been provided to the licensed occupational therapist who has been approved to supervise the applicant.
- (5) Limited permits expire ninety (90) days from the date of issuance and shall not be renewed. If the licensed supervisor approved by the Board can no longer serve in that role, the applicant must submit a new Form C for approval to continue practicing under the limited permit.

Authority: O.C.G.A. Secs. [43-28-6](#), [43-28-9](#), [43-28-10](#), and [43-28-12](#).

3. Rule 671-3-.09. Reinstatement of a License

Rule 671-3-.09. Reinstatement of a License. Amended.

- (1) Reinstatement of an expired license is within the discretion of the Board.
- (2) A license may be reinstated by submission of the following:
 - (a) Application for Reinstatement with appropriate fee, including references as required under Rule [671-3-.02](#); and
 - (b) Documentation of the completion of twenty-four (24) continuing education hours in accordance with Board rule **671-3-.08 Renewal of License/Penalties/Continuing Education Requirements** obtained within the two (2) year period prior to the date of the application.
 - (c) Verification of current license in another state, if applicable; and
 - (d) Verification of Employment verifying last date of practice in Occupational Therapy, on the Board form, completed by the employer.
- (3) An applicant for reinstatement of a license who has **not** practiced within five (5) years must also submit the following:
 - (a) ~~Form A (Supervised Clinical Experience)~~A complete Form B (Limited Permit Supervised Clinical Experience Form) indicating who will provide 320 hours of direct supervised clinical experience ~~with~~and a description of the training which meets the requirements of an accredited or approved occupational therapy or occupational therapy assistant curriculum for Board approval. Upon approval by the Board a limited permit will be issued.
 - (b) Upon completion of the direct supervised clinical experience, ~~an~~the applicant's supervisor must submit a complete Form C (Supervised Clinical Practice Evaluation Form) ~~B (Certification of Completion of Supervised Clinical Experience)~~ verifying the 320 hours of clinical ~~experience~~practice was completed under the direct supervision of a licensed occupational therapist, pursuant to Rule [671-3-.06\(3\)](#), and meets the standards indicated on the form. Upon ~~for Board approval by the Board~~, a license will be issued.
 - (c) If the Board receives an evaluation indicating that the applicant exhibited unprofessional conduct, the Board may exercise any of the powers granted in Code Sections [43-1-19](#) and [43-28-13](#) in the manner provided by the rules and regulations adopted by the Board and in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

Cite as Ga. Comp. R. & Regs. R. 671-3-.09

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

History. Original Rule entitled "Restored License" adopted. F. July 15, 1977; eff. August 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 of same title adopted. F. Apr. 14, 1988; eff. May 4, 1988.
Amended: F. May 13, 1991; eff. June 2, 1991.
Repealed: New Rule of same title adopted. F. Jan. 28, 1994; eff. Feb. 17, 1994.
Repealed: New Rule of same title adopted. F. Dec. 2, 2002; eff. Dec. 22, 2002.
Repealed: New Rule of same title adopted. F. May 4, 2005; eff. May 24, 2005.
Repealed: New Rule of same title adopted. F. Aug. 4, 2006; eff. Aug. 24, 2006.
Amended: F. Mar. 25, 2008; eff. Apr. 14, 2008.
Repealed: New Rule of same title adopted. F. May 25, 2010; eff. June 14, 2010.
Repealed: New Rule entitled "Reinstatement of a License. Amended" adopted. F. Feb. 22, 2012; eff. Mar. 13, 2012.

The Committee reviewed Board Rule 671-3-.06. Limited Permits. Amended. and Board Rule 671-3-.09. Reinstatement of a License and with their recommended amendments, the rule changes will prevent unsafe practices by ensuring competent practitioners are available to respond quickly to the needs of the supervisee and of the patient. This amendment will remove information asymmetries for consumers by delineating between general and direct supervision.

The recommended amendments will prevent unsafe practices/fraud by ensuring the therapist is using best and safe practices and enhancing the supervisor's ability to adequately train the therapist. This provides for greater competency as the supervisor will be able to immediately offer guidance.

Multiple variations were considered, and the Committee determined this is the best choice for clarifying when direct supervision is necessary and appropriate for someone working under a limited permit. A reinstatement applicant requires the additional support that is available with direct supervision. The Committee determined that the current statute supports the need for supervision when easing a practitioner into the practice environment at initial licensure and for reinstatement applicants who have been out of work for five (5) or more years. The level of competency for direct supervision is distinct from regular supervision as those individuals will receive constant direction, feedback, and assistance. By clarifying the difference between the level of supervision, the Board and licensees are better equipped to ensure safe practices for the patient's sake.

Ultimately the recommended amendments will prevent harm to the client and to the licensee as well, thus improving patient care and therapist competency.

The economic impact could potentially be negative if the employer has a limited number of licensed therapists to provide direct supervision; however, the Committee feels amendment is necessary to prevent harm and is therefore negligible.

The Committee recommended referring Rule 671-2-.02 Supervision Defined, Rule 671-3-.06. Limited Permit and Rule 671-3-.09. Reinstatement of a License to the full Board for review during their meeting via Zoom November, 4, 2022, and if no objections, refer to the Attorney General's Office for a Memorandum of Advice.

Discussion – Rule Promulgation Process

Ms. Price explained to the meeting visitors that comments on the respective rule amendments will be welcome when they are posted for hearing. She recommended that any interested parties subscribe to receive updates on proposed rule amendments or regularly check the website for the posting of upcoming Public Rules Hearings. She noted that rule promulgation is a lengthy process. The Board must first approve the recommendations made by the Committee. The amended rules are then referred to the Attorney General's Office for a Memorandum of Authority. The memorandum comes back to the Board for review, and only if there are no objections by the Attorney General's Office regarding the statutory authority to promulgate such changes, will the Rule amendment(s) be posted for a Public Rules hearing with a defined comment period. If the Attorney General's Office stipulates that no authority is

available to amend the rules as presented, the rules will be remanded back to the Rules Committee for further revision.

Ms. Price further explained, if a hearing is ultimately held and the rules are adopted by the Board, the rule amendments are then forwarded to the Governor's Office to actively review and supervise the Board amendment process. If approved by the Governor's Office, the rule amendments will be given an effective date and posted as approved on the Board website. The entire process may take several months and at times, the process may take over a year. She remarked that the Board will consider any questions/comments if submitted verbally during the hearing or in writing once prior to hearing.

Adjournment There being no further business to discuss, the meeting was adjourned at 9:59 a.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Meagan Doss, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: November 4, 2022

RACHELE BRANSON
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR

ROBERT McCLELLAN
COMMITTEE CHAIR