

**GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY**  
**Rules Committee WebEx Meeting Minutes**  
**Friday, October 13, 2023 – 9:00 a.m.**

The Georgia State Board of Occupational Therapy Rules Committee met via WebEx on Friday, October 13, 2023. 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  
Meagan Doss, Licensing Supervisor  
Michelle Hornaday, Board Support Specialist

**Attorney General's Office**

No Assistant Attorney General present.

**Visitors Present**

Sandra Eskew Capps, PT, DPT  
Kristen Neville, State Affairs Manager, American Occupational Therapy Association (AOTA)  
Dr. Irma Alvarado, PhD, OT/L, FAOTA, Professor, School of Occupational Therapy, Brenau University

**Call to Order** Mr. McClellan called the Committee meeting to order at 9:00 a.m.

**OPEN SESSION**

**Committee Meeting Agenda**

Ms. Reddick-Collins motioned, Mr. McClellan seconded, and the Committee voted unanimously in favor of the motion to accept the agenda as presented.

The Committee met to develop a Dry Needling Position Statement as the laws in Georgia conflict with the American Occupational Therapy Association (AOTA) and the Georgia Occupational Therapy Association (GOTA) positions. The clarification will alleviate any disparities and confusion among interested parties.

The Committee was also directed to review Board Rule 671-4-.02. Unprofessional Conduct Defined. Amended in accordance with the newly adopted Senate Bill 197 "Health Care Practitioners Truth and Transparency Act." The specific amendments in review are the Amendments to O.C.G.A. Ch. 43, Ch. 1, Art. 33 RE: Advertisements, Labeling & Representations.

The Committee recommended to refer the Dry Needling Position Statement and amendments to Board Rule 671-4-.02. Unprofessional Conduct Defined. Amended. to the full Board for consideration during the November 3, 2023, meeting, and if there are no objections, for the Board to refer to the Attorney General's Office for a Memorandum of Authority.

The policy was created, and rule amended as follows:

**Position Statement on Dry Needling**

The American Occupational Therapy Association (AOTA) notified each agency/board responsible for licensing occupational therapists (OTs) and occupational therapy assistants (OTAs) of their intent to propose an Adjunctive & Preparatory Techniques policy asserting that dry needling is an adjunctive and preparatory technique. The policy further stipulates that adjunctive and preparatory techniques, to include but not limited to dry needling, can be utilized by OTs and OTAs who possess the advanced training or certification to do so and who operate in accordance with local and state policies, rules, and regulations.

As a result of AOTA's proposed policy, the increase in courses offering dry needling certification to OTs and OTAs, and the national conversation surrounding the practice of dry needling by licensed OTs and OTAs, the Georgia State Board of Occupational Therapy has noted a substantial increase in the number of inquiries involving the legalities of the practice of dry needling by Georgia licensed occupational therapists and occupational therapy assistants. In

response, the Board requested counsel to conduct a review of the laws governing the practice of occupational therapy and other professions within the State of Georgia to determine if any statutory authority exists to allow the practice of dry needling by the persons licensed under the Georgia Occupational Therapy Practice Act.

After careful consideration of the statutory review, it has been determined that dry needling is not statutorily authorized in the Occupational Therapy Practice Act and is therefore not within the scope of occupational therapy within the State of Georgia. A legislative change to the Occupational Therapy Practice Act would be necessary to permit the practice of dry needling by OTs and OTAs in this state. The Georgia State Board of Occupational Therapy is not eligible to present a Bill to the Georgia General Assembly for consideration; however, the Board may consider any amendments proposed by other persons as well as any public comments relative to the proposals and release a position statement if warranted. The Board will distribute a copy of this statement to AOTA and Georgia Occupational Therapy Association (GOTA) and post a copy on the Board website for the public to review.

Members of the public who are interested in identifying whether a Bill has been proposed to the legislature to amend the Occupational Therapy Practice Act are encouraged to visit the Georgia General Assembly website at <https://www.legis.ga.gov/search> to conduct a search using the keywords feature.

### **Discussion – Board Rule 671-4-.02. Unprofessional Conduct Defined. Amended**

The Committee discussed their recommended changes to Board Rule 671-4-.02. Unprofessional Conduct Defined. Amended, and determined the reason for amending the existing rule is to carry out policy objectives expressed in the statute which will prevent practitioners from misleading the public with false statements in advertising. They further stated the amendments will prohibit unsafe practices and/or fraud by providing clear language regarding how a practitioner identifies themselves in the workplace and in advertisements. Additionally, the amendments help to ensure that the consumer is clear on the practitioner's credentials. The rule amendments establish a clear connection between the requirements of the Health Care Practitioners Truth and Transparency Act and the Georgia Occupational Therapy Practice Act. The final amendment was made to put licensees and consumers on notice that it is considered unprofessional conduct to fail to respond to communications sent by the Board to address any alleged violations of the laws, rules, and policies governing the practice of occupational therapy.

The Committee considered multiple variations and feels the recommended language is concise and make expectations clear as it relates to professional conduct. The Committee stated this is the least restrictive way to accomplish the State's policy. The independent support for the recommended revisions came from the law itself as well as the rules with similar language regarding unprofessional conduct which may be found in the rule chapters for other healthcare licensing boards in this and other states.

The Committee explained that the rule amendment will have a positive impact on all constituents, including licensees, by providing clear language that will enable licensees to avoid deceptive or misleading terms and/or false representations that may be confusing to the public and further informs the consumer that the Board expects all licensees to be responsive to any concerns they may report regarding the conduct of a licensee.

The Committee discussed any potential economic impact the rule amendment may impose and determined there may be a small economic impact to licensees and businesses as it relates to the cost of updating current advertisements, labels, badges, embroidered lab coats/scrub uniforms, and/or placards and office postings to be compliant with the changes of the Health Care Practitioners Truth and Transparency Act. It was determined that such cost is unavoidable as such changes are now required by law. Communications with the Board may be achieved via several means and any cost associated with such communications are negligible.

### **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 'Health Care Practitioners Truth and Transparency Act' as codified in O.C.G.A. § [43-1-33](#).
- (j) Using deceptive or misleading terms or false representations which are misleading to the public.
- (k) Using advertisements which do not disclose the licensee's name, or the words or phrases authorized in O.C.G.A. § 43-28-16(b).
- (l) Failing to respond to communications from the Board relevant to alleged violations of the laws, rules, and policies governing the practice of occupational therapy.

**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. August 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.

Ms. Reddick-Collins motioned, Mr. McClellan seconded, and the Committee voted unanimously in favor of the motion to refer the Dry Needling Position Statement and Board Rule 671-4-.02. Unprofessional Conduct Defined. Amended. to full Board for their review during the November 3, 2023 WebEx meeting.

**Adjournment** No further business was discussed and the Committee meeting adjourned at 9:49 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 3, 2023

RACHELE BRANSON  
**BOARD CHAIR**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**

ROBERT McCLELLAN  
**COMMITTEE CHAIR**