

GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY
Board WebEx Meeting Minutes
Friday, November 3, 2023 – 9:00 a.m.

The Georgia State Board of Occupational Therapy met via WebEx on Friday, November 3, 2023. The following members were present:

Board Members Present

Rachele Branson, OTR/L, Chairperson
Robert McClellan, OTR/L, Vice Chair
Rafael Salazar, OTR/L, Board Member
Pamela Reddick-Collins, OTR/L, Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Meagan Doss, Licensing Supervisor
Michelle Hornaday, Board Support Specialist
Donna Richardson, Complaint/Compliance Analyst

Board Members Absent

Marla Marlowe, OTR/L, Board Member
Casey Vance, Consumer Board Member

Attorney General's Office

Mary Brannen, Senior Assistant Attorney General

Visitors Present

Brian Forur, OT
Kristen Neville, State Affairs Manager, American Occupational Therapy Association (AOTA)
Jayla Carpenter
Dr. M. Irma Alvarado, PhD, OT/L, FAOTA, Professor, School of Occupational Therapy, Brenau University

Call to Order Ms. Branson established that a quorum of the Board was present, and called the meeting to order at 9:17 a.m.

OPEN SESSION

Board Meeting Agenda

Mr. McClellan motioned, Mr. Salazar seconded, and the Board voted unanimously in favor of the motion to accept the agenda as presented.

Open Session Minutes

- 1. August 18, 2023 Open Session Zoom Meeting Minutes**
- 2. October 13, 2023 Rules Committee Open Session WebEx Meeting Minutes**

Ms. Reddick-Collins motioned, Mr. Salazar seconded, and the Board voted unanimously in favor of the motion to accept the August 18, 2023 Open Session Zoom Meeting Minutes as presented.

Mr. Salazar motioned, Ms. Branson seconded, and the Board voted unanimously in favor of the motion to accept the October 13, 2023 Rules Committee Open Session WebEx Meeting Minutes as presented.

Ratification List: August 11, 2023 – October 27, 2023 Licenses, Reinstatements and PAMs

Mr. McClellan motioned, Ms. Reddick-Collins seconded, and the Board voted unanimously in favor of the motion to approve the list of licenses issued from August 11, 2023 – October 27, 2023, licenses issued by reinstatement, the Physical Agent Modalities certifications, and limited permits issued between Board meetings.

Discussion – Rules Committee – R. McClellan

- 1. Dry Needling Position Statement**

The Georgia Occupational Therapy Association will be presenting a bill to include dry needling for occupational therapists in the new year as the authority to perform the technique can only be accomplished through an amendment to the practice act and not through board rule.

Ms. Branson motioned, Mr. Salazar seconded, and the Board voted unanimously in favor of the motion to accept the Dry Needling Position Statement as written below and post to post it on the Board website.

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.

2. Rule 671-4-.02. Unprofessional Conduct Defined. Amended_RC 10.13.2023

Mr. Salazar motioned, Ms. Branson seconded, and the Board voted unanimously in favor of the motion to refer Rule 671-4-.02. Unprofessional Conduct Defined to the Attorney General's Office for a Memorandum of Authority, and if no objections, vote to post.

Ms. Branson motioned, Mr. Salazar seconded, and the Board voted unanimously in favor of the motion to agree with and adopt the rationales presented in the rules committee minutes for the amendment to Rule 671-4-.02.

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.

Discussion – Request from Georgia Department of Public Health Opioid Substance Misuse Response Program – Donovan M. Stephens, MPH, Deputy Director

Mr. McClellan motioned, Mr. Salazar seconded, and the Board voted unanimously in favor of the motion that pursuant to O.C.G.A. 43-1-2(k)(1), approve release of the identified applicant information to the Georgia Department of Public Health Opioid & Substance Misuse Response Program upon receipt of written request.

Discussion – American Occupational Therapy Association (AOTA)

1. Accreditation Council for Occupational Therapy Education (ACOTE) – Action -Albany State University OTA Program
2. OT Insight Newsletter_September 2023

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

National Board for Certification in Occupational Therapy (NBCOT)

1. Meet NBCOT Award Recipients
2. 2023 Certification Databook

3. **OT State Regulatory E-newsletter October 2023**
4. **2023 NBCOT OT State Regulatory Leadership Forum Recordings**

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

Discussion – CE Broker

1. **OT Monthly Report_August 2023**
2. **OT Monthly Report_September 2023**

The Board accepts the correspondence in reference to CE Broker as information.

Discussion – OT Compact – Annual Report 2022-2023

The Board accepts the correspondence in reference to the OT Compact as information.

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, renewal audits and complaints/compliance matters and the status of renewal applications. Additionally, the Executive Director’s Report addressed the following:

- OT Licensure Compact
- PLB Updates
- Rules Hearing
- Annual Ethics Commission Affidavit of Public Officer Filings

Ms. Reddick-Collins motioned, Mr. McClellan seconded, and the Board voted unanimously in favor of the motion to accept the Executive Director’s Report as presented.

2024 Board Member Elections

The Board tabled the 2024 Board Member Elections for the February 23, 2024 meeting.

Board Chair’s Report – R. Branson

No report presented.

Ms. Reddick-Collins motioned, Mr. McClellan 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 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, and Pamela Reddick-Collins.

At the conclusion of Executive Session on Friday, November 3, 2023, 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

Executive Session Minutes

1. June 26, 2023 Executive Session WebEx Meeting Minutes
2. August 18, 2023 Executive Session WebEx Meeting Minutes

Mr. Salazar motioned, Mr. McClellan seconded, and the Board voted unanimously in favor of the motion to accept the June 26, 2023 Executive Session WebEx Meeting Minutes, and the August 18, 2023 Executive Session WebEx Meeting Minutes as presented.

Attorney General's Report – M. Brannen – AG MEMO – Applicant 3095399 Request for Reconsideration

Mr. Salazar motioned, Mr. McClellan seconded, and the Board voted unanimously in favor of the motion to rescind previous motion to refer to the Attorney General's Office and close the case with a Letter of Concern regarding criminal history.

Cognizant Report – R. Branson

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

- OT220038** Schedule an Investigative Interview.
- OT220059** Refer to Legal Services for a Public Consent Order, to include an additional four (4) CE hours on billing and professional ethics that may not be used towards license renewal. CE must be completed within 90 days from order docket date.
- OT230005** Close the case.

Adjournment No further business was discussed, and the meeting adjourned at 11:00 a.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Adrienne Price, Executive Director & Meagan Doss, Licensing Supervisor
Minutes approved on: February 23, 2024

RACHELE BRANSON
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR

STATE OF GEORGIA

COUNTY OF BIBB

**AFFIDAVIT SUPPORTING CLOSING OF
PUBLIC MEETING**

The Georgia Open Meetings Act, O.C.G.A. § 50-14-1 *et seq.*, requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specific exceptions relied upon. O.C.G.A. § 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meeting in question.

Comes now Rachele Branson the presiding officer identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the OT Board.
2. I am over the age of 18 and in all other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On, 10/03/2023 this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of the members present voted to close the meeting or a portion thereof for the following indicated reason(s). I hereby certify that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting.
4. The legal authority for the closure of this meeting was:
O.C.G.A. § 43-1-2(k) and 43-1-19(h)
5. The subject(s) discussed and the underlying facts supporting the closing of this meeting are:
To deliberate applications and enforcement matters and to receive information on applications and investigative reports.

FURTHER THE AFFIANT SAYETH NOT

Rachele Branson
Presiding Officer

Sworn and subscribed before me
This 3rd day of November 2023

George P. [Signature]
Notary Public

