

**GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY**  
**Rules Committee WebEx Meeting Minutes**  
**Tuesday, February 4, 2025 – 12:00 p.m.**

The Georgia State Board of Occupational Therapy Rules Committee met via WebEx on Tuesday, February 4, 2025. The following Committee members were present:

**Committee Members Present**

Robert McClellan, OTR/L, Committee Chair  
Betsy McDaniel, OTR/L, Committee Member

**Committee Members Absent**

No Committee Members absent.

**Visitors Present**

Sandy Eskew Capps, PT, DPT, American Physical Therapy Association-Georgia (APTA-GA)  
Kristen Neville, State Affairs Manager, American Occupational Therapy Association (AOTA)

**Administrative Staff Present**

Adrienne Price, Executive Director  
Michelle Hornaday, Board Support Specialist  
Sherry Strong, Complaint/Compliance Analyst

**Attorney General's Office**

No Attorney General present.

**Administrative Staff Absent**

Meagan Doss, Licensing Supervisor

**Call to Order** Mr. McClellan called the Committee meeting to order at 12:03 p.m.

**OPEN SESSION**

**Committee Meeting Agenda** The Committee accepted the agenda as presented by acclamation.

**Discussion – Board Rules**

The Committee recommended amendments to Board Rule 671-3-.01 Application. Amended., and Board Rule 671-4-.02 Unprofessional Conduct Defined. Amended. The following recommendations were made:

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

The Committee determined the following amendment to BR 671-4-.02 Unprofessional Conduct Defined. Amended. to clarify that OTs and OTAs in academia are providing an occupational therapy service and that teaching is a practice area in the field of occupational therapy which requires licensure. The amendment prohibit/prevent unsafe practices and fraud by ensuring that the practitioner is current in the field of occupational therapy, enabling the educators to successfully provide course content to the next generation of occupational therapy practitioners. Such requirements will ensure competent practitioners as educators and students.

Consequently, the requirements remove information asymmetries for consumers. Students expect their educators to be licensed individuals in the field of study provided. Accreditation Council for Occupational Therapy Education (ACOTE) requirements underscore this tenant. To maintain ACOTE accreditation, school faculty must be licensed in the state they are providing educational services which ensures that the educational program is following both the state and national standards as outlined. This requirement is in place to eliminate the possibility that students are being educated by people who are not aware of state and federal licensure requirements or do not meet the national standards outlined in statutes and rules. The amendments further provide a safeguard for the students and educational programs by ensuring each faculty member is licensed and qualified to hold themselves out to be an OT or OTA.

The amendment carries out policy objectives that are expressed in statute [O.C.G.A. §§ 43-28-7; 43-28-16; & 43-28-3(6)] and is the least restrictive way in which to accomplish the policy objectives as they are consistent with national standards. Independent support for these recommended changes was derived from ACOTE and requirements

instituted by other state licensing boards. Educators who are not currently licensed put the student's education and the educational institution's accreditation at risk and that could ultimately impact the public. As a result, the Committee determined that the rule amendment will affect students, licensees, academic institutions, and the general public.

The Committee discussed the economic impact of the rule amendment and determined that there is a positive economic impact as faculty will meet accreditation requirements to produce students who are eligible for licensure and prepared to serve the community. A potential negative economic impact may exist in that those currently teaching in programs will need to obtain licensure or a compact privilege; however, this impact is negligible compared to the negative impact on the community if the institution is not accredited and cannot produce eligible graduates for licensure.

**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 January 9, 2025*

**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 licensees' 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](#).
- (j) Hold himself or herself out as an occupational therapist or an occupational therapy assistant or as being able to render occupational therapy services, to include but not limited persons practicing in academia, without an active Georgia license.
- (k) Any violation of O.C.G.A. § 43-28-16.

**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.

## **2. Discussion – Board Rule 671-3-.01 Application. Amended**

The Committee reviewed BR 671-3-.01 Application. Amended, and recommended additions to include clarifying and simplifying the language concerning the requirement to obtain a satisfactory fingerprint/background check result as a first-time applicant and those when applying for reinstatement. The amendment ensures applicants understand the requirement to adhere to the provisions of O.C.G.A. § 43-28-9(a)(5) so that the Board can make a determination as to whether they have a criminal record which would preclude them from practicing safely.

Additionally, the Committee added language clarifying that a transcript must be provided directly from a recognized accredited educational institution / program recognized by the board, or from an authorized third party, such as a parchment service, to ensure that the information received is accurate, complete and cannot be adjusted in any way. The transcript must show area of study and degree conferred as defined in statute.

The Committee also added language clarifying the requirement that applicants provide proof of passing the National Board for Certification in Occupational Therapy (NBCOT) exam. And intentionally restated the statutory provision which states and any applicant who has failed the exam may be required to demonstrate competency in a manner as determined by the Board.

The purpose of the Committee recommendations is to place applicants on notice on how to demonstrate what is required for licensure in the statute. The changes provide clarity to the application process and ensures that the Board has the necessary information to determine if an applicant is safe and competent to practice in accordance with state and national standards.

The amendment is the least restrictive way to accomplish the requirements of the statute and is based on independent support from the statute, the requirements of other licensing boards, national standards, and the requirements of the OT Compact.

The Committee determined that the amendment affords a positive economic impact as it eliminates confusion related to the requirements of the application process, thus allowing applicants to apply sooner and possibly get licensed faster.

### **Ga. Comp. R. & Regs. r. 671-3-.01 Application. Amended**

**Georgia Administrative Code**

**Department 671. GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY**

**Chapter 671-3. LICENSE REQUIREMENTS**

*Current through Rules and Regulations filed through January 9, 2025*

#### **Rule 671-3-.01. Application. Amended**

- (1) Any occupational therapist or occupational therapy assistant who plans to practice as a licensed occupational therapist or licensed occupational therapy assistant in the State of Georgia shall apply for licensure to the Board, on forms provided by the Board.
- (2) In order to meet the Georgia requirements for licensure, an applicant must submit an affidavit stating that the applicant is a U.S. citizen or an affidavit stating that the applicant is lawfully present in the U.S. under federal immigration law and O.C.G.A. § [50-36-1\(f\)\(1\)](#).
- (3) Lawful presence in the U.S. must be documented by:

- (a) submitting an identification document listed as a secure and verifiable document on the list maintained by the Office of the Georgia Attorney General under O.C.G.A. § [50-36-1](#); and,
  - (b) an affidavit of citizenship that complies with the provisions of federal immigration law and O.C.G.A. § [50-36-1\(f\)\(1\)\(B\)](#).
- (4) Both the secure and verifiable document and affidavit of citizenship must be submitted to the Board to complete the licensure application.
  - (5) A transcript providing the area of study and degree conferred must be provided from an accredited educational program in occupational therapy recognized by the board or an authorized third-party vendor of the educational program.
  - (6) Satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the Board. The applicant shall be responsible for all fees associated with the performance of such background.
  - (7) Applicants must provide proof of passing the NBCOT examination for occupational therapists or occupational therapy assistants. Applicants who fail the examination three times or more may be required to demonstrate competency in a manner deemed appropriate by the board.
  - (8) Applicants for occupational therapy or occupational therapy assistant licensure in Georgia must meet all requirements for licensure as defined within the statute and Board Rules prior to issuance of a license.

**Cite as Ga. Comp. R. & Regs. R. 671-3-.01**

**Authority:** O.C.G.A. §§ [43-1-3](#), [43-1-19](#), [43-1-25](#), [43-28-7](#), [43-28-8](#), [43-28-9](#), [43-28-10](#), [43-28-11](#), [50-36-1](#).

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

**Amended:** New title "Application. Amended." F. June 1, 2017; eff. June 21, 2017.

The Committee voted by acclamation to refer BR 671-4-.02 Unprofessional Conduct Defined. Amended, and BR Board Rule 671-3-.01 Application. Amended to the full Board for their review during their February 7, 2025 WebEx meeting.

The Committee tabled further review of BR 671-3-.08 Renewal of License/Penalties/Continuing Education Requirements. Amended., pending additional information from AOTA and NBCOT regarding amendments to their certificates of completion.

**Adjournment** No further business was discussed, and the Committee meeting adjourned at 1:30 p.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:** February 7, 2025

ROBERT McCLELLAN  
**BOARD CHAIR**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**

ROBERT McCLELLAN  
**COMMITTEE CHAIR**