

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### TABLE OF CONTENTS

#### **Applications:**

<b>Policy A1</b>	Policy for Applications for Licensure	<b>Pg. 2</b>
<b>Policy A2</b>	Policy for Standing Committees	<b>Pg. 3</b>
<b>Policy A3</b>	Policy for On-Line Score Reports	<b>Pg. 4</b>
<b>Policy A4</b>	Processing Exceptions Due to Natural Disasters for Applications	<b>Pg. 5</b>
<b>Policy A5</b>	Policy on Staff Approval of Applications for Licensure & Renewal With Criminal Offenses	<b>Pg. 7</b>
<b>Policy A6</b>	Policy on References for Reinstatement	<b>Pg. 8</b>
<b>Policy A7</b>	Policy on Initial Licensure of International Applicants	<b>Pg. 9</b>
<b>Policy A8</b>	Practice of Out of State OT and OTA License Holders During A Declared Emergency or Disaster	<b>Pg. 10</b>

#### **Discipline:**

<b>Policy D1</b>	Policy for Fine Scale for Unlicensed Practice	<b>Pg. 11</b>
<b>Policy D2</b>	Policy for Release of Enforcement Files	<b>Pg. 12</b>
<b>Policy D3</b>	Policy for Suspension of License Due to Non-Payment of Child Support/Default On Student Loans	<b>Pg. 13</b>
<b>Policy D4</b>	Policy on Voluntary Cease & Desist Orders Effective Upon Docketing	<b>Pg. 14</b>
<b>Policy D5</b>	Policy & Procedure for Offering Voluntary Cease and Desist Orders	<b>Pg. 15</b>

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY A1

<b>Category:</b>	Applications	<b>Policy:</b> ■
<b>Title:</b>	Policy for Applications for Licensure	<b>Procedure:</b> ■
<b>Statutory Basis:</b>	OCGA §§ 43-28-7; 43-28-8; 43-28-8.1; 43-28-9; 43-28-10; 43-28-11; 43-28-12; 43-28-14	
<b>Rule Basis:</b>	Chapter	

- Administrative Authority has been granted to the staff to issue licenses and Limited Permits where answers to the conviction question is “No” and the applicant has met all licensure requirements subject to board final approval.
- Staff has been granted Administrative Authority to accept the NBCOT Online Certification Report as a Primary Source Verification of Certification.
- Physical Agent Modalities: applicants for certification to use Physical Agent Modalities may apply count hours of modalities related instruction in from their academic programs. Occupational therapists may check the paragraph on the application form and receive 54 general hours towards certification. In addition they may receive credit for additional modality specific hours if the required documentation is submitted, i.e. may grant up to 12 additional hours for a specific PAMs course which is integrated into an applicant’s curriculum (1 credit hour = 16 hrs). Documentation for specific modality coursework must include dates, session start and stop times, topics, instruction and course or session objectives. Proof of attendance may be a signed statement of attendance by the instructor for each course submitted, a copy of the official grade report or a copy of the transcript. Additional in-service training must be obtained by attendance at a live presentation recorded on the PAM reporting form in increments greater than or equal to 30 minutes but less than or equal to 3 hours.
- 37 hours are granted from attending a PAMPCO course.
- Practicing and/or instruction of modalities cannot be performed on a client even under supervision of a PAMS certified therapist.
- Anyone who holds a Certified Hand Therapy (CHT) credential is considered by the Board to have met the requirements for Physical Agent Modalities (PAM) certification and may be administratively approved upon submission of application.
- Anyone who holds a dual degree of Physical Therapy and Occupational Therapy credentials is considered by the Board to have met the requirements for Physical Agent Modalities (PAM) certification and may be administratively approved upon submission of application.

**HISTORY:** Policy revised at the February 7, 2014 meeting; Policy revised at the May 15, 2015 meeting; Policy revised at the August 7, 2015 meeting; Policy revised at the February 19, 2016 meeting; Policy revised at the May 13, 2016 meeting.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY A2

**Category:** Applications  
**Title:** Policy for Standing Committees

**Policy:**   
**Procedure:**

**Statutory Basis:** OCGA § 43-28-7  
**Rule Basis:** Chapter

- The Board has the authority to appoint a standing committee as required.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY A3

**Category:** Applications **Policy:**    
**Title:** Policy for On-Line Score Reports **Procedure:**    
**Statutory Basis:** OCGA §§ 43-28-7; 43-28-8.1; 43-28-9; 43-28-10; 43-28-11; 43-28-12; 43-28-14   
**Rule Basis:** BR 671-3-.03 through 671-6-.05

- On-Line score reports are acceptable evidence of successfully passing or failing the NCBOT examination.

**HISTORY:** Policy adopted at the August 1, 2003 meeting; Amended September 09, 2008.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY A4

<b>Category:</b>	Applications	<b>Policy:</b> ■
<b>Title:</b>	Processing Exceptions Due to Natural Disasters for Applications	<b>Procedure:</b> ■
<b>Statutory Basis:</b>	OCGA §§ 43-28-7; 43-28-8; 43-28-8.1; 43-28-9; 43-28-10; 43-28-11; 43-28-12; 43-28-14	
<b>Rule Basis:</b>	BR 671-3-.01 through 671-3-12; 671-6-.01 through 671-6-.03	

Each applicant must complete an application for licensure as an Occupational Therapist. All applications can be obtained via verbal request (478-207-2440) or by downloading the forms from our website – <http://sos.ga.gov/index.php/licensing/plb/36>. The Georgia State Board of Occupational Therapy (“Board”) may identify states affected by natural disaster or emergencies for which exceptions may be made and for the length of time the exceptions may be allowed.

This policy addresses the special circumstances of applicants for licensure whose home state is identified by the Board as being in emergency or disaster status. The intention of the Board is to expedite the application processing and licensure of applicants from states that are experiencing an emergency or natural disaster. Applicants from such states may not be able to provide required picture identification or original and current licensure verification as part of the application process.

Pursuant to the law, as provided in O.C.G.A. § 43-28-9 and 43-28-10 applicants must provide the following verifications in support of an application for licensure as an Occupational Therapist in Georgia:

- Application and Fee
- NBCOT Certification
- Verification of Current, Active License (photocopy of pocket card acceptable)
- Proof of Residency – copy of current state Drivers License, current utility bill, current bank statement, current payroll record(s), FEMA documentation
- Personal, notarized statement indicating no outstanding disciplinary actions

Unless a waiver is requested and obtained, under Board Rule 671-3-.02, three references will be required, on forms provided by the Board, two of which will be from certified or licensed occupational therapists who have knowledge of the applicant’s professional training or experience during the last five years. Under Georgia law, the Board is authorized to grant a variance or waiver to a rule only when a person subject to that rule demonstrates that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### **POLICY A4 (CONTINUED):**

NOTE: You must have an additional board approved certification to use occupational therapy techniques involving physical agent modalities.

The Board has the authority to refuse to license an applicant as well as to revoke, sanction or disciplines a licensee for providing to the Board any false information for the purposes of obtaining licensure as an Occupational Therapist in Georgia. The findings of the Board regarding false information may also be reported to other appropriate state or federal agencies for investigation and prosecution.

***HISTORY:** Policy adopted at the September 28, 2005 meeting.*

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY A5

**Category:** Applications  
**Title:** Staff Approval of Applications for Licensure and Renewal  
 Related to Criminal Offenses

**Policy:** ■  
**Procedure:** ■

**Statutory Basis:** OCGA §§43-1-19(a)(j);43-28-7; 43-28-8; 43-28-8.1; 43-28-9; 43-28-10; 43-28-11; 43-28-12; 43-28-14  
**Rule Basis:** BR 671-3-.01through 671-3-12; 671-6-.01 through 671-6-.03

The Georgia State Board of Occupational Therapy accepts the following guidelines for review of applications for licensure and renewal which indicate that the applicant has an arrest and/or conviction. Applications that do not fall within the parameters indicated below will be referred to the Board Cognizant and/or the Board for consideration.

OFFENSE	FREQUENCY	OTHER	ACTION
DUI	One Time	No active probation / No active parole	If conviction is older than five years proceed with licensure with a letter of concern Alcohol.
Bad Checks, Municipal Ordinance Violations, Driving with Suspended/Revoked License	One Time	No probation / No parole	If conviction is older than five years proceed with licensure with a letter of concern Criminal.
Petit Theft, Shoplifting, Non-Violent Property Crimes (not related to drugs)	One Time	No probation / No parole	If conviction is older than five years proceed with licensure letter of concern Criminal.
Marijuana Possession of Less than One Ounce	One Time	No probation / No parole	If conviction is older than five years proceed with licensure letter of concern Criminal.
Misdemeanor Offenses with the Exception of Drug Related Misdemeanor Crimes	One Time	No probation / No parole	If conviction is older than five years proceed with licensure letter of concern Criminal.
<b>Any offenses of a sexual nature</b>	<b>NO LIMIT</b>	<b>N/A</b>	<b>Must be presented to the Board.</b>
<b>Any felony offense</b>	<b>NO LIMIT</b>	<b>N/A</b>	<b>Must be presented to the Board.</b>
<b>Applicants with multiple offenses</b>	<b>NO LIMIT</b>	<b>N/A</b>	<b>Must be presented to the Board.</b>

**HISTORY:** Policy adopted at the May 17, 2013 meeting; Amended February 7, 2014.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY A6

**Category:** Applications **Policy:**    
**Title:** References for Reinstatement **Procedure:**    
**Statutory Basis:** OCGA §§ 43-28-14; 43-28-7; 43-28-8; 43-28-8.1; 43-28-10; 43-28-11; 43-28-12; 43-28-14   
**Rule Basis:** BR 671-3-.06; 671-3-.09

For purposes of reinstatement of those out of practice longer than 5 years:

Rule 671-3-.09 (2a) may be satisfied by a completed Form B (Certification of completion of Supervised Clinical Experience).

**HISTORY:** Policy adopted at the August 16, 2013 meeting.



# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY A7

**Category:** Applications **Policy:**  **Procedure:**   
**Title:** Initial Licensure of International Applicants  
**Statutory Basis:** OCGA §§ 43-28-7; 43-28-8; 43-28-8.1; 43-28-9; 43-28-10; 43-28-11; 43-28-12; 43-28-14; 50-36-1  
**Rule Basis:** BR 671-3-.01 through 671-3-12; 671-6-.01 through 671-6-.03

- In order to meet the Georgia requirements for initial licensure, an international applicant for initial licensure by the Board must be physically and lawfully present in the U.S. under federal immigration law and O.C.G.A. § 50-36-1(f)(1).
- Lawful presence in the U.S. must be documented by 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 with an affidavit that complies with the provisions of federal immigration law and O.C.G.A. § 50-36-1(f)(1)(B). Both must be submitted to the Board to complete the licensure application.
- The international applicant must meet all requirements for initial licensure for occupational therapy in Georgia prior to issuance of a license.
- The Board requires those international applicants to have successfully passed the NBCOT certification process for foreign trained occupational therapy practitioners.

**HISTORY:** Policy adopted at the February 26, 2015 meeting.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY A8

<b>Category:</b>	Applications	<b>Policy:</b> ■
<b>Title:</b>	Practice of Out of State OT and OTA License Holders During A Declared Emergency or Disaster	<b>Procedure:</b> ■
<b>Statutory Basis:</b>	O.C.G.A. §§ 43-28-3(4), 43-28-3(7), 43-28-7(a), and 43-28-15(6)	
<b>Rule Basis:</b>	671-2-.02 and 671-2-.04	

A person holding an active license, in good standing, to practice as an occupational therapist or an occupational therapy assistant in another state, territory, or jurisdiction of the United States may practice in the state of Georgia during an emergency or disaster declared by the State of Georgia or by the federal government if:

- (1) Such person is under direct consultation with a Georgia licensed occupational therapist who is physically present in the facility or office; and,
- (2) The Georgia occupational therapist ("OT") verifies the current licensure of the out of state occupational therapist and/or occupational therapy assistant and the Georgia OT provides the name and license number of the out of state occupational therapist and/or occupational therapy assistant to the Georgia State Board of Occupational Therapy within fifteen (15) days of receipt of verification of licensure from the board or agency by which the person is licensed; and,
- (3) The practice of the licensed out of state occupational therapist and/or occupational therapy assistant does not exceed a total of 30 days during any 12 month period in the state of Georgia.

For the purposes of this policy, a license in "good standing" means a license that is not currently on probation, suspended, revoked, being monitored, and/or does not have any other type of limitation, including current participation in an alternative to discipline program.

This policy shall be implemented by a vote of the Georgia State Board of Occupational Therapy.

***HISTORY:** Policy adopted at the October 2, 2017 meeting. Approved by Governor March 16, 2018*

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY D1

<b>Category:</b>	Discipline	<b>Policy:</b> ■
<b>Title:</b>	Policy for Fine Scale for Unlicensed Practice	<b>Procedure:</b> ■
<b>Statutory Basis:</b>	O.C.G.A. § 43-1-19; 43-28-8; 43-28-8.1; 43-28-13; 43-28-16	
<b>Rule Basis:</b>	BR 671-4-01; 671-4-.02; 671-6-.03	

That applicants determined to have practiced the profession without a license for less than 1 calendar month (30) days may be reinstated with a letter of concern. Applicants determined to have practiced the profession for more than one month may be offered an administrative consent agreement for licensure with a public reprimand and a fine as follows:

- 30-60 days - \$50.00
- 60-90 days - \$100.00.
- 90-days and up - \$100.00; plus an additional \$100.00 for each month thereafter

Administrative authority is granted to the administrative staff to offer administrative consent agreement for licensure for unlicensed practice and a monetary fine (as defined above) when application and documentation show evidence of unlicensed practice for less than one (1) year. Any applications presenting evidence of unlicensed practice over one (1) year must be presented to, and reviewed by, the full Board. The board shall vote to accept all consent orders.

For the purpose of unlicensed practice, administrative consent agreements for licensure, the Board considers the calendar month as violation rather than actual numbered of days, such that an applicant that works on the last day of the month and the first day of another month will be considered as two months of unlicensed practice.

**HISTORY:** Policy adopted at the August 16, 2013 meeting.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY D2

**Category:** Discipline **Policy:** ■  
**Title:** Policy on Release of Enforcement Files **Procedure:** ■

**Statutory Basis:** O.C.G.A § 43-1-19(h)(2)  
**Rule Basis:** N/A

- Enforcement files, may be released if requested, to other State Regulatory Boards and Law Enforcement agencies only.

**HISTORY:** Policy adopted at the November 18, 2005 meeting; Amended September 25, 2008.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY D3

**Category:** Discipline **Policy:** ■  
**Title:** Policy on Suspension of Licenses Due to Non-Payment **Procedure:** ■  
Child Support or Default on Student Loans

**Statutory Basis:** O.C.G.A § 43-1-19(a)(11); 43-1-29  
**Rule Basis:** BR 671-4-01; 671-4-.02

- By this policy, the Georgia State Board of Occupational Therapy approves the suspension of licenses' between Board meetings by the administrative staff to practice as an Occupational Therapist or an Occupational Therapist Assistant in the state of Georgia upon the proper notification to the Secretary of State Legal Services section by the Department of Human Resources/Child Support Enforcement division (O.C.G.A. § 19-11-9.3) or by Georgia Higher Education Assistance Corporation (O.C.G.A. § 20-3-295) in accordance with Georgia Law, and further, to allow the subsequent release of suspension upon notification by DHR and/or GHEAC between Board meetings; list to be presented to Board next scheduled meeting for ratification.

**HISTORY:** Policy adopted at the November 30, 2007 meeting.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY D4

**Category:** Discipline **Policy:** ■  
**Title:** Voluntary Cease and Desist Orders Effective **Procedure:** ■  
Upon Docketing

**Statutory Basis:** O.C.G.A § 43-1-19; 43-1-20.1; 43-28-7, 43-28-8; 43-26-13, 43-28-16  
**Rule Basis:** BR 671-4-.02

- It is the policy of the Georgia State Board of Occupational Therapy to accept all voluntary Cease and Desist orders upon receipt in the Board office, and, in addition, to authorize the Board Chairperson or his/her designee to execute the Order(s) and to authorize the Order(s) to be docketed and served. It is the intent of the Board that the orders will be in effect upon docketing. The Georgia State Board of Occupational Therapy will ratify the docketed Cease and Desists orders at its next meeting after the date of docketing and include a list of the approved orders in the Board's meeting minutes.

***HISTORY:** Policy adopted at the May 23, 2008 meeting.*

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY D5

<b>Category:</b>	Discipline	<b>Policy:</b> ■
<b>Title:</b>	Policy & Procedure for Offering Voluntary Cease and Desist Orders	<b>Procedure:</b> ■
<b>Statutory Basis:</b>	O.C.G.A. §§ 43-1-19(a)(7), 43-1-20.1, 43-28-7, 43-28-8; 43-26-13, 43-28-16	
<b>Rule Basis:</b>	BR 671-4-.02	

Pursuant to a vote of the Georgia State Board of Occupational Therapy ("Board") on February 17, 2017, the Board authorizes employees or agents conducting an investigation on behalf of the Board to offer an individual ("Respondent") a voluntary cease and desist order for the unlicensed practice of occupational therapy under the provisions of O.C.G.A. § 43-1-20.1. A **voluntary** cease and desist order ("C & D Order") may be offered to a Respondent if no physical harm as occurred to a member of the public or patient/client as a result of the Respondent's actions and the employee or agent of the Board personally witnesses the following:

- (a) The Respondent's actively engaging in the practice of occupational therapy without the Respondent holding an active and valid license issued by the Board pursuant to O.C.G.A. 43-28 Chapter 28 of Title 43.
- (b) The Respondent's representation as being a licensed OT or OTA in written materials, advertisements, media products, name tags and other written material or media without holding an active and valid license;
- (c) The Respondent's verbal representation that he or she is a licensed OT or OTA without holding an active and valid license; or,
- (d) The Respondent producing and/or possessing a forged, altered or invalid license, or application or resume used to apply for or to obtain the Respondent's licensure or employment as an OT or OTA in the state of Georgia.

The employee or agent of the Board must inform the Respondent of the following at the time a **voluntary** C & D is offered to the Respondent:

- (a) Respondent's signing the Voluntary Cease and Desist Order is optional and not mandatory.

# GEORGIA STATE BOARD OF OCCUPATIONAL THERAPY



## POLICIES AND PROCEDURES

### POLICY D5 (CONTINUED):

- (b) If the Respondent signs the Voluntary C & D Order, the Order will be processed and docketed as a public order of the Board. Upon docketing, Respondent's pending case before the Board for unlicensed practice will be considered to be resolved. The Board reserves the right to investigate any information it receives, after the Order is docketed and effective, that the Voluntary C & D Order has been violated.
- (c) If the Respondent does not sign the Voluntary C & D Order, the Board may issue a notice of hearing and hold a public hearing before the Board. At the hearing the evidence presented shall include, but may not be limited to, allegations that the Respondent engaged in the unlicensed practice of occupational therapy. Based upon the evidence presented, the Board will determine whether to issue a C & D Order prohibiting the Respondent from violating Georgia law by engaging in the practice of occupational therapy without a license. If a C & D Order is issued by the Board, the Order shall become effective upon docketing and shall be considered a public Order of the Board.
- (d) The violation of any C & D Order issued pursuant to O.C.G.A. § 43-1-20-.1 shall subject the person violating the order to further proceedings before the Board, and the Board shall be authorized to impose a fine not to exceed \$500.00 for each transaction constituting a violation of the Order. Each treatment occurring on each day that an unlicensed person practices occupational therapy on a patient or client may constitute a separate transaction which violates the terms of an effective C & D Order.
- (e) Initial judicial review of a C & D Order issued by the Board pursuant to O.C.G.A. § 43-1-20.1, or the judicial review of an action for enforcement of an effective C & D Order, is available solely in the Superior Court of Bibb County, which is the domicile of the Board.

**HISTORY:** Policy adopted by Board at the February 17, 2017 meeting; Certificate of Supervision Docket#17-04-001 on May 17, 2017.