

House Bill 253 (AS PASSED HOUSE AND SENATE)

By: Representatives Hawkins of the 27th, Bennett of the 94th, Mathiak of the 73rd, Werkheiser of the 157th, and LaHood of the 175th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to update and revise various provisions relating to occupational therapists;
3 to revise the short title; to revise the declaration of purpose; to revise definitions; to include
4 telehealth in the practice of occupational therapy; to revise provisions relating to the
5 membership, powers, and duties of the State Board of Occupational Therapy; to revise
6 provisions relating to the division director; to provide an additional subject of training to
7 utilize physical agent modalities; to revise provisions relating to qualifications of applicants
8 for licensure; to authorize the board to require additional competency in certain
9 circumstances; to revise provisions relating to use of titles and abbreviations; to revise the
10 meaning of unprofessional conduct; to provide for statutory construction; to provide for
11 related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
15 is amended by revising Chapter 28, relating to occupational therapists, as follows:

16 style="text-align:center">"CHAPTER 28

17 43-28-1.

18 This chapter shall be known and may be cited as the 'Georgia ~~State~~ Occupational Therapy
19 ~~Licensing Practice~~ Act.'

20 43-28-2.

21 This chapter was enacted to safeguard the public health, safety, and welfare and to assure
22 the availability of occupational therapy services of high quality to persons in need of such
23 services. It is the purpose of this chapter to provide for the regulation of persons offering

24 ~~occupational therapy services to the public representing themselves as occupational~~
 25 ~~therapists or as occupational therapy assistants, or persons performing services that~~
 26 ~~constitute occupational therapy.~~

27 43-28-3.

28 As used in this chapter, the term:

29 ~~(1) 'Association' means the Georgia Occupational Therapy Association.~~

30 ~~(2)~~(1) 'Board' means the State Board of Occupational Therapy.

31 ~~(3)~~(2) 'License' means a valid and current certificate of registration issued by the division
 32 director.

33 (3) 'National Board for Certification in Occupational Therapy (NBCOT)' means a
 34 national organization that administers a national certification examination for
 35 occupational therapists and occupational therapy assistants.

36 (4) 'Occupations' means activities of daily living in which people engage.

37 ~~(4)~~(5) 'Occupational therapist' means a person licensed to practice occupational therapy
 38 as defined in this chapter and whose license is in good standing.

39 ~~(5)~~(6) 'Occupational therapy' means the therapeutic use of occupations with individuals,
 40 groups, populations, or organizations to support participation, performance, and function
 41 in life roles. Occupational therapy is provided for habilitation, rehabilitation, and the
 42 promotion of health and wellness to those who have or are at risk for developing activity
 43 limitation or participation restriction. Occupational therapy addresses the physical,
 44 cognitive, psychosocial, sensory-perceptual, and other aspects of performance in a variety
 45 of contexts and environments to support engagement in occupations promoting health,
 46 well-being, and quality of life. The practice of occupational therapy, including that which
 47 may be provided through telehealth, includes, but is not limited to, the following:

48 (A) Evaluation, treatment, education of, and consultation with, individuals, groups, and
 49 populations whose abilities to participate safely in occupations, including activities of
 50 daily living (ADL), instrumental activities of daily living (IADL), rest and sleep,
 51 education, work, play, leisure, and social participation, are impaired or at risk for
 52 impairment due to issues related, but not limited to, developmental deficiencies, the
 53 aging process, learning disabilities, physical environment and sociocultural context,
 54 physical injury or disease, cognitive impairments, and psychological and social
 55 disabilities;

56 (B) Evaluation to determine abilities and limitations related to performance of
 57 occupations, including the identification of physical, sensory, cognitive, emotional, or
 58 social deficiencies. Treatment based on such evaluation utilizes task oriented,
 59 purposeful, and meaningful goal directed activities to prevent, correct, minimize, or

60 compensate for deficiencies to maximize independence in daily life and promote overall
 61 health and wellbeing; and
 62 (C) Specific occupational therapy techniques used for treatment that involve, but are
 63 not limited to, training in activities of daily living; environmental modification; the
 64 designing, fabrication, and application of orthotic or orthotic devices; selecting,
 65 applying, and training in the use of assistive technology and adaptive devices; sensory,
 66 motor, and cognitive activities; therapeutic exercises; manual therapy techniques that
 67 do not include adjustment or manipulation of the articulations of the human body; and
 68 physical agent modalities. Such techniques are applied in the treatment of individuals,
 69 groups, or through organizational-level practices to enhance physical functional
 70 performance, work capacities, and community participation.
 71 includes but is not limited to the following:

72 ~~(A) Evaluation and treatment of individuals whose abilities to cope with the tasks of~~
 73 ~~living are threatened or impaired by developmental deficiencies, the aging process,~~
 74 ~~learning disabilities, poverty and cultural differences, physical injury or disease,~~
 75 ~~psychological and social disabilities, or anticipated dysfunction. The treatment~~
 76 ~~utilizes task oriented activities to prevent or correct physical, cognitive, or emotional~~
 77 ~~deficiencies or to minimize the disabling effect of these deficiencies in the life of the~~
 78 ~~individual;~~

79 ~~(B) Such evaluation techniques as assessment of sensory motor abilities, assessment~~
 80 ~~of the development of self-care activities and capacity for independence, assessment~~
 81 ~~of the physical capacity for prevocational and work tasks, assessment of play and~~
 82 ~~leisure performance, and appraisal of living areas for persons with disabilities; and~~

83 ~~(C) Specific occupational therapy techniques, such as activity analysis, activities of~~
 84 ~~daily living skills, the fabrication and application of splints and adaptive devices,~~
 85 ~~sensory motor activities, the use of specifically designed manual and creative~~
 86 ~~activities, guidance in the selection and use of adaptive equipment, specific exercises~~
 87 ~~and physical agent modalities to enhance physical functional performance, work~~
 88 ~~capacities, and treatment techniques for physical capabilities and cognitive retraining.~~
 89 ~~Such techniques are applied in the treatment of individual patients or clients, in~~
 90 ~~groups, or through social systems:~~

91 ~~(6)(7)~~ 'Occupational therapy aide' means a an unlicensed person who assists provides
 92 supportive services to the occupational therapist and the occupational therapy assistant
 93 in the practice of occupational therapy and who works under the direct supervision of the
 94 occupational therapist or the occupational therapist assistant.

95 ~~(7)~~(8) 'Occupational therapy assistant' means a person licensed to assist the occupational
 96 therapist in the practice of occupational therapy under the supervision of or with the
 97 consultation of the licensed occupational therapist and whose license is in good standing.

98 (9) 'Occupational therapy practitioner' means a licensed occupational therapist or
 99 licensed occupational therapy assistant.

100 (10) 'Orthotic' or 'orthotic device' means a rigid or semi-rigid device or splint used to
 101 support a weak or deformed body part. An orthotic may be used to restrict, eliminate, or
 102 enhance motion; to support a healing body part; or to substitute for lost function or
 103 motion and can be custom fabricated, custom fitted, or prefabricated.

104 ~~(8)~~(11) 'Person' means a natural person only, not a legal entity.

105 ~~(9)~~(12) 'Physical agent modalities' means occupational therapy treatment techniques,
 106 both superficial and deep tissue, which may, but are not required to utilize the following
 107 agents: heat, light, sound, cold, electricity, or thermal, mechanical, electromagnetic,
 108 water, and light for a specific therapeutic effect to promote functional outcomes. devices
 109 and also means electrical therapeutic modalities which induce heat or electrical current
 110 beneath the skin, including but not limited to therapeutic ultrasound, galvanism,
 111 microwave, diathermy, and electromuscular stimulation, and also means hydrotherapy.

112 (13) 'Telehealth' means the application of evaluative, consultative, preventative, and
 113 therapeutic services delivered through telecommunication and information technologies
 114 by licensed occupational therapy practitioners. This may include, but shall not be limited
 115 to, telemedicine, telepractice, telecare, telerehabilitation, and e-health services.

116 43-28-4.

117 (a) There is established the State Board of Occupational Therapy.

118 (b) The board shall consist of six members who shall each be appointed by the Governor
 119 and confirmed by the Senate for a term of four years and until a successor is appointed and
 120 qualified.

121 (c) The members of the board shall be citizens of the United States and residents of this
 122 state for at least one year prior to their appointment.

123 ~~(d)~~(1) Five members of the board shall have been engaged in rendering services to the
 124 public, teaching, or research in occupational therapy for at least three years immediately
 125 preceding their appointment and may be occupational therapists or occupational therapy
 126 assistants and shall at all times be holders of valid licenses for the practice of
 127 occupational therapy in this state. All of such members shall fulfill the requirements for
 128 licensure of this chapter.

129 (2) The sixth member shall be appointed from the public at large and shall have no
 130 connection whatsoever with the profession or practice of occupational therapy.

131 ~~(c) The board shall, within 90 days after July 1, 1976, be selected as provided in~~
 132 ~~subsection (b) of this Code section. The members of the first board shall serve the~~
 133 ~~following terms: two members for a term of one year, two members for a term of two~~
 134 ~~years, and one member for a term of three years.~~

135 ~~(e) At the expiration of the above terms, board members~~ a term, a board member shall be
 136 appointed in the same manner as the initial appointment ~~for a period of four years;~~ but no
 137 person shall be appointed to serve more than two consecutive terms. Terms shall begin on
 138 the first day of the calendar year and end on the last day of the calendar year or until
 139 successors are appointed, ~~except for the first members who shall serve through the last~~
 140 ~~calendar day of the year in which they are appointed before commencing the terms~~
 141 ~~prescribed by this Code section.~~

142 ~~(d) The initial term of the member appointed from the public at large shall expire on June~~
 143 ~~30, 1984; thereafter, successors shall be appointed for a term of four years.~~

144 ~~(e)~~(f) When a vacancy occurs on the board, the Governor shall appoint a member to fill
 145 the unexpired term.

146 ~~(f)~~(g) The Governor, after notice and opportunity for hearing by the board, may remove
 147 any member of the board for neglect of duty, incompetence, revocation or suspension of
 148 his or her license, or other dishonorable conduct. After such removal or vacancy due to
 149 other reasons, the Governor shall appoint a successor to the unexpired term.

150 43-28-5.

151 (a) The division director shall be secretary of the board and in addition to his or her powers
 152 and duties prescribed by Chapter 1 of this title shall perform such other administrative
 153 duties as may be prescribed by the board.

154 (b) In a contested case, the division director on behalf of the board shall have the power
 155 to subpoena throughout the state witnesses, designated documents, papers, books, accounts,
 156 letters, photographs, and objects or other tangible things.

157 (c) All legal process and all documents required by law to be served upon or filed with the
 158 board shall be served upon or filed with the division director at his or her office.

159 (d) All official records of the board or affidavits by the division director certifying the
 160 content of such records shall be prima-facie evidence of all matters required to be kept
 161 therein.

162 ~~(e)~~(e) The division director, guided by the recommendations of the board, shall act in all
 163 matters relating to this chapter.

164 ~~43-28-6.~~

165 ~~All legal process and all documents required by law to be served upon or filed with the~~
 166 ~~board shall be served upon or filed with the division director at his or her office.~~

167 ~~43-28-7. 43-28-6.~~

168 (a) The board shall administer, coordinate, and enforce this chapter.

169 (b) The board shall adopt rules and regulations to carry out the policy of this chapter,
 170 including, but not limited to, rules and regulations relating to professional licensure and the
 171 establishment of ethical standards of practice.

172 (c) The board shall have the responsibility of evaluating and determining the qualifications
 173 and providing for the examination of occupational therapist and occupational therapy
 174 assistant applicants for licensure under this chapter and shall assist the division director in
 175 carrying out this chapter.

176 (d) In a timely manner, the board shall:

177 (1) Authorize the issuance and renewal of licenses to qualified occupational therapists
 178 and occupational therapy assistants; and

179 (2) Discipline and sanction licensees.

180 (e) The division director shall have the authority to contract with an outside agency for
 181 services providing for the supervision and administration of the examination as needed.

182 ~~(e)~~(f) The board may initiate investigations, issue subpoenas, examine witnesses, and
 183 administer oaths and may investigate allegations of practices violating this chapter and
 184 board rules. For purposes of this subsection, an authorized agent of the board shall have
 185 the power and right to enter and make reasonable inspection of any place where
 186 occupational therapy is practiced.

187 ~~(d) The board shall adopt rules and regulations relating to professional conduct to carry~~
 188 ~~out the policy of this chapter, including, but not limited to, regulations relating to~~
 189 ~~professional licensure and the establishment of ethical standards of practice for persons~~
 190 ~~holding a license to practice occupational therapy in this state and may amend or repeal the~~
 191 ~~same in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure~~
 192 ~~Act.'~~

193 ~~(e) The board shall conduct such hearings and keep such records and minutes as are~~
 194 ~~necessary to carry out its functioning. It shall provide reasonable public notice to the~~
 195 ~~appropriate persons of the time and place of all hearings authorized under this chapter in~~
 196 ~~such a manner and at such times as it may determine by its rules and regulations.~~

197 ~~(f) The board shall prepare or approve all examinations of applicants for license at least~~
 198 ~~twice a year, determine the qualifications and authorize the issuance of licenses to qualified~~
 199 ~~occupational therapists and occupational therapy assistants, issue and renew licenses,~~

200 ~~suspend or revoke licenses in the manner provided, and determine the qualifications and~~
 201 ~~approved qualified occupational therapy schools and courses in occupational therapy for~~
 202 ~~the purpose of determining qualifications of applicants for licensure.~~

203 (g) The board may provide for the continuing professional education of persons subject
 204 to this chapter by appropriate regulation.

205 ~~43-28-8.~~ 43-28-7.

206 No person shall, unless such person is licensed in accordance with this chapter:

207 (1) Practice occupational therapy or assist in the practice of occupational therapy; or

208 (2) Hold himself or herself out as an occupational therapist or an occupational therapy
 209 assistant or as being able to render occupational therapy services in this state,

210 ~~unless that person is licensed in accordance with this chapter.~~

211 ~~43-28-8.1.~~ 43-28-8.

212 (a) No person shall utilize occupational therapy techniques involving physical agent
 213 modalities unless such person:

214 (1) Is licensed according to this chapter; and

215 (2) ~~Has utilized such modalities before July 1, 1991, furnishes to the board prior to July~~
 216 ~~1, 1992, sufficient proof of such prior use, and demonstrates to the board competence in~~
 217 ~~the use of such modalities determined by the board to have been so used prior to July 1,~~
 218 ~~1991; or~~

219 (3) Has successfully completed a minimum of 90 hours of instruction or training
 220 approved by the board which covers the following subjects:

221 (A) Principles of physics related to specific properties of light, water, temperature,
 222 sound, or electricity, as indicated by selected modality;

223 (B) Physiological, neurophysiological, and electrophysiological, as indicated, changes
 224 which occur as a result of the application of the selected modality;

225 (C) The response of normal and abnormal tissue to the application of the modality;

226 (D) Indications and contraindications related to the selection and application of the
 227 modality;

228 (E) Guidelines for treatment or administration of the modality within the philosophical
 229 framework of occupational therapy;

230 (F) Appropriate selection and practical application of physical agent modalities,
 231 including determining treatment parameters based on existing pathology, impairments,
 232 functional limitations, and expected outcomes;

233 (F)(G) Guidelines for educating the patient, including instructing the patient as to the
 234 process and possible outcomes of treatment, including risks and benefits;

- 235 ~~(G)~~(H) Safety rules and precautions related to the selected modality;
- 236 ~~(H)~~(I) Methods for documenting the effectiveness of immediate and long-term effects
237 of treatment; and
- 238 ~~(I)~~(J) Characteristics of the equipment, including safe operation, adjustment, and care
239 of the equipment.
- 240 (b) The board shall promulgate rules and regulations specifically pertaining to the use of
241 physical agent modalities by a person licensed under this chapter.
- 242 43-28-9.
- 243 (a) An applicant applying for a license as an occupational therapist or as an occupational
244 therapy assistant shall file an application, on forms provided by the board, showing to the
245 satisfaction of the board that such applicant:
- 246 (1) Is of good moral character;
- 247 (2) Has successfully completed the academic requirements of an accredited educational
248 program in occupational therapy recognized by the board, with concentration in
249 biological or physical science, psychology, and sociology and with education in selected
250 manual skills. For an occupational therapist or occupational therapy assistant, such a
251 program shall be accredited by a recognized accrediting agency acceptable to the board.
252 Other comparable educational programs such as those approved by the World Federation
253 of Occupational Therapists may be recognized by the board upon evaluation of detailed
254 program and course content. An applicant who is foreign trained shall complete an
255 academic program that is recognized or approved by the World Federation of
256 Occupational Therapists or such other credentialing entity recognized by the board;
- 257 (3) Has successfully completed a period of supervised field work experience ~~at a~~
258 ~~recognized educational institution or a training program accredited as provided in~~
259 ~~paragraph (2) of this subsection. For an occupational therapist, a minimum of six months~~
260 ~~of supervised field work experience is required. For an occupational therapy assistant,~~
261 ~~a minimum of two months of supervised field work experience is required~~ approved by
262 the board; and
- 263 (4) Has passed an examination approved by the board as provided for in Code Section
264 43-28-10.
- 265 (b) An applicant not meeting the requirements of subsection (a) of this Code section must
266 indicate to the board that he or she has obtained a waiver of such requirements pursuant to
267 Code Section 43-28-11.

268 43-28-10.

269 (a) A person applying for licensure shall demonstrate his or her eligibility in accordance
270 with the requirements of Code Section 43-28-9 and shall make application for examination
271 upon a form and in such a manner as the board shall prescribe. Such application shall be
272 accompanied by the fee prescribed by the board. ~~A person who fails an examination may~~
273 ~~make reapplication for reexamination accompanied by the prescribed fee.~~

274 (b) Each applicant for licensure under this chapter shall pass a nationally recognized
275 examination for occupational therapists or an examination for occupational therapy
276 assistants which has been approved by the board ~~be examined by the board in written~~
277 ~~examination to test his knowledge of the basic and clinical sciences relating to occupational~~
278 ~~therapy and occupational therapy theory and practice, including the applicant's professional~~
279 ~~skills and judgment in the utilization of occupational therapy techniques and methods and~~
280 ~~such other subjects as the board may deem useful to determine the applicant's fitness to~~
281 ~~practice. The board shall establish the standards for acceptable performance by the~~
282 ~~applicant.~~

283 ~~(c) Examinations shall be given at least twice a year.~~

284 ~~(d) Applicants may obtain their examination scores and may review their papers in~~
285 ~~accordance with such rules and regulations as the board may establish.~~

286 (c) Applicants who fail the examination may retake the examination; provided, however,
287 that prior to the issuance of a license, the board may require reexamination applicants to
288 demonstrate competency in a manner deemed appropriate by the board if:

289 (1) The applicant has failed the examination three times or more; or

290 (2) The applicant has failed to pass the examination within five years of completion of
291 the academic requirements for licensure as set out in paragraph (2) of subsection (a) of
292 Code Section 43-28-9.

293 43-28-11.

294 The board may waive the examination and grant a license to any applicant who shall
295 present proof of current licensure as an occupational therapist or an occupational therapy
296 assistant in another state, the District of Columbia, or territory of the United States, which
297 requires standards for licensure considered by the board to be equivalent to the
298 requirements for licensure of this chapter.

299 43-28-12.

300 (a) The board shall issue a license to any person who meets the requirements of this
301 chapter upon payment of the license fee prescribed.

302 (b) The board shall issue a limited permit to persons who have completed the academic
 303 education and fieldwork experience requirements of ~~this chapter~~ contained in paragraphs
 304 (2) and (3) of subsection (a) of Code Section 43-28-9. ~~This~~ Such permit shall allow the
 305 person to practice occupational therapy under the supervision of an occupational therapist
 306 who holds a current license in this state and shall be valid until the ~~date on which the~~
 307 results of the next qualifying examination have been made public expiration date of the
 308 limited permit or the applicant has passed or failed the examination for licensure. An
 309 applicant who is working under a limited permit and fails the examination shall
 310 immediately surrender his or her limited permit. ~~This~~ A limited permit shall not be
 311 renewed if the applicant has failed the examination.

312 (c) The board may issue a limited permit to persons who have successfully completed a
 313 certification examination approved by the board. This permit shall allow the person to
 314 practice occupational therapy for a period not to exceed 90 days under the supervision of
 315 an occupational therapist who holds a current license in this state.

316 (d) ~~Any person who is issued a license as an occupational therapist under the terms of this~~
 317 ~~chapter may use the words 'occupational therapist registered,' 'licensed occupational~~
 318 ~~therapist,' or 'occupational therapist,' or he may use the letters 'O.T.R.,' 'L.O.T.,' 'O.T.,' or~~
 319 ~~'O.T.R./L.' in connection with his name or place of business to denote registration under~~
 320 ~~this chapter.~~

321 (d)(1) A licensed occupational therapist may use the words 'occupational therapist' or
 322 'licensed occupational therapist' or any words, title, letters, or other appropriate
 323 designation, including 'O.T.' and 'O.T./L.', that identifies such person as a licensed
 324 occupational therapist, in connection with the name or place of business, and any activity,
 325 practice, or service, so long as the licensee is at all times in compliance with the
 326 requirements of this chapter when providing occupational therapy services.

327 (2) A licensed occupational therapist who possesses a national certification from the
 328 National Board for Certification of Occupational Therapy (NBCOT) may also use the
 329 designation 'O.T.R.' or 'O.T.R./L.'

330 (e) ~~Any person who is issued a license as an occupational therapy assistant under the terms~~
 331 ~~of this chapter may use the words 'occupational therapy assistant,' 'licensed occupational~~
 332 ~~therapy assistant,' or 'certified occupational therapy assistant' or may use the letters~~
 333 ~~'O.T.A.,' 'L.O.T.A.,' 'C.O.T.A.,' or 'C.O.T.A./L.' in connection with his name or place of~~
 334 ~~business.~~

335 (e)(1) A licensed occupational therapy assistant may use the words 'occupational therapy
 336 assistant,' 'licensed occupational therapy assistant,' or any word, title, letters, or other
 337 appropriate designation, including 'O.T.A.' or 'L.O.T.A.,' that identifies such person as
 338 a licensed occupational therapy assistant, in connection with the name or place of

339 business, and any activity, practice or service, so long as the licensee is at all times in
 340 compliance with the requirements of this chapter when providing occupational therapy
 341 services.

342 (2) A licensed occupational therapy assistant who possesses a national certification from
 343 the National Board for Certification of Occupational Therapy (NBCOT) may also use the
 344 designation 'C.O.T.A.' or 'C.O.T.A./L.'.

345 43-28-13.

346 (a) ~~The~~ In addition to the powers granted in Code Section 43-1-19, the board shall, after
 347 notice and opportunity for hearing, have the power to deny or refuse to renew, suspend, or
 348 revoke the license of, or impose a fine or probationary conditions upon, any licensee who
 349 has been ~~guilty of~~ engaged in unprofessional conduct which has endangered or is likely to
 350 endanger the health, welfare, or safety of the public. ~~Such unprofessional~~ Unprofessional
 351 conduct, as defined by the rules and regulations of the board, includes, but is not limited
 352 to:

353 (1) Obtaining or attempting to obtain a license by fraud, misrepresentation, or
 354 concealment of material facts;

355 ~~(2) Being guilty of unprofessional conduct as defined by the rules and regulations~~
 356 ~~established by the board; or~~

357 (2) Practicing beyond the scope of the practice of occupational therapy;

358 (3) Providing substandard care as an occupational therapist due to a deliberate or
 359 negligent act or failure to act regardless of whether actual injury to the patient is
 360 established;

361 (4) Providing substandard care as an occupational therapy assistant, including exceeding
 362 the authority to perform components of intervention selected and delegated by the
 363 supervising occupational therapist regardless of whether actual injury to the patient is
 364 established;

365 (5) Failing to provide appropriate supervision to an occupational therapy assistant or
 366 occupational therapy aide in accordance with this chapter and board rules;

367 (6) Knowingly delegating responsibilities to an individual who does not have the
 368 knowledge, skills, or abilities to perform those responsibilities;

369 (7) Practicing as an occupational therapist or occupational therapy assistant when
 370 physically or mentally impaired;

371 (8) Having had an occupational therapist or occupational therapy assistant license
 372 revoked or suspended, other disciplinary action taken, or an application for licensure
 373 refused, revoked, or suspended by the proper authorities of another state, territory, or
 374 country, irrespective of intervening appeals and stays;

375 (9) Engaging in sexual misconduct. For purposes of this paragraph, sexual misconduct
 376 includes:

377 (A) Engaging in or soliciting sexual relationships, whether consensual or
 378 nonconsensual, as an occupational therapist or occupational therapy assistant patient
 379 when a client or student relationship exists with that person; or

380 (B) Making sexual advances, requesting sexual favors or engaging in physical contact
 381 of a sexual nature with patients, clients, or students;

382 (10) Aiding or abetting a person who is not licensed as an occupational therapist or
 383 occupational therapy assistant in this state and who directly or indirectly performs
 384 activities requiring a license;

385 (11) Abandoning or neglecting a patient or client under and in need of immediate
 386 professional care, without making reasonable arrangements for the continuation of such
 387 care; or

388 ~~(3)~~(12) Being convicted of a crime other than minor offenses defined as 'minor
 389 misdemeanors,' 'violations,' or 'offenses' in any court if the acts for which he was
 390 convicted are found by the board to have that has a direct bearing on whether ~~he~~ the
 391 licensee should be entrusted to serve the public in the capacity of an occupational
 392 therapist or occupational therapy assistant.

393 (b) Such denial, refusal to renew, suspension, revocation, or imposition of a fine or
 394 probationary conditions upon a licensee may be ordered by the board in a decision made
 395 after a hearing in the manner provided by the rules and regulations adopted by the board
 396 and in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
 397 One year from the date of revocation of a license, application may be made to the board for
 398 reinstatement. The board shall have the discretion to accept or reject an application for
 399 reinstatement ~~and may, but shall not be required to, hold a hearing to consider such~~
 400 ~~reinstatement.~~

401 43-28-14.

402 (a) All licenses shall expire biennially. Each person licensed under this chapter is
 403 responsible for renewing his or her license before the expiration date. Application for
 404 renewal shall be completed in the manner prescribed in the rules and regulations of the
 405 division director and shall include the payment of a renewal fee. The board may set and
 406 require a specific number of continuing education hours for license renewal.

407 (b) The board may provide for late renewal of a license upon payment of a late renewal
 408 fee, proof of continuing education as set by the board, and completion of an appropriate
 409 form. Any license which is not renewed during the specified renewal period will be
 410 revoked for failure to renew. The holder of such a canceled license may apply for and

411 obtain a valid license only upon compliance with all relevant requirements for
412 reinstatement.

413 (c) A suspended license is subject to expiration and may be renewed as provided in this
414 Code section, but such renewal shall not entitle the licensee, while the license remains
415 suspended and until it is reinstated, to engage in the licensed activity or in other conduct
416 or activity in violation of the order or judgment by which the license was suspended. If a
417 license revoked on disciplinary grounds is reinstated, the licensee, as a condition of
418 reinstatement, shall pay the renewal fee and any late fee that may be applicable.

419 43-28-15.

420 Nothing in this chapter shall be construed as preventing or restricting the practice, services,
421 or activities of:

422 (1) Any person licensed under any other law of the state, including but not limited to,
423 physicians; and persons working under the supervision of physicians, nurses, clinical
424 psychologists, speech pathologists and audiologists, dentists, chiropractors, and physical
425 therapists, from engaging in the profession or occupation for which he or she is licensed;

426 (2) Any person employed as an occupational therapist or an occupational therapy
427 assistant by the government of the United States if such a person provides occupational
428 therapy solely under the direction or control of the organization by which he or she is
429 employed;

430 (3) Any person pursuing a course of study leading to a degree or certificate in
431 occupational therapy in an educational program which is accredited by a recognized
432 accrediting agency acceptable to the board and if such person is designated by a title
433 which clearly indicates such person's status as a student or trainee;

434 (4) Any person fulfilling the supervised field work experience requirements of Code
435 Section 43-28-9 if such activities and services constitute a part of the experience
436 necessary to meet the requirement of that Code section;

437 (5) Any person enrolled in a course of study designed to develop advanced occupational
438 therapy skills when the occupational therapy activities are required as part of an
439 educational program sponsored by an educational institution approved by the board and
440 conducted under the supervision of an occupational therapist licensed under this chapter.
441 If such person provides occupational therapy services outside the scope of the educational
442 program, he or she shall then be required to be licensed in accordance with this chapter;

443 (6) Any occupational therapist or occupational therapy assistant licensed or certified by
444 an agency recognized by the board providing consultation, as defined by rule, related to
445 direct patient care if such services are performed for not more than 30 days in a calendar
446 year;

447 (7) Any person employed as an occupational therapy aide and working under the direct
448 supervision of an occupational therapist licensed in this state;

449 (8) Any person licensed under any other law of the state from providing orthotics within
450 his or her scope of practice; or

451 ~~(8)~~(9) Persons registered as rehabilitation suppliers by the State Board of Workers'
452 Compensation, including those registered before July 1, 1992, but only when practicing
453 rehabilitation counseling as a designated principal rehabilitation supplier pursuant to
454 Chapter 9 of Title 34 and only so long as they do not use any titles other than titles
455 describing the certifications or licenses they are required to hold under Code Section
456 34-9-200.1.

457 43-28-16.

458 (a) Any person who violates this chapter shall be guilty of a misdemeanor and, upon
459 conviction thereof, shall be punished by a fine of not less than \$250.00 and not more than
460 \$1,000.00, or imprisonment for a period not exceeding six months, or both. A license held
461 by any person convicted under this Code section shall be forfeited and revoked
462 ~~immediately for one year from the date~~ upon the board receiving notice of such conviction.

463 (b) It is unlawful for any person who is not registered under this chapter as an occupational
464 therapist or as an occupational therapy assistant or whose registration has been suspended
465 or revoked to use, in connection with his or her name or place of business, the words
466 'occupational therapist,' 'licensed occupational therapist,' ~~'occupational therapist registered,'~~
467 'occupational therapy assistant,' 'licensed occupational therapy assistant,' ~~'certified~~
468 ~~occupational therapy assistant';~~ or the letters 'O.T.,' ~~'L.O.T.,'~~ 'O.T.R.,' 'O.T.R./L., 'O.T./L.,'
469 'O.T.A.,' 'L.O.T.A.,' 'C.O.T.A./L.,' or 'C.O.T.A.'; or any other words, letters, abbreviations,
470 or insignia indicating or implying that he or she is an occupational therapist or an
471 occupational therapy assistant or to show in any way, orally, in writing, in print, or by sign,
472 directly or by implication, or to represent himself or herself as an occupational therapist or
473 an occupational therapy assistant."

474 **SECTION 2.**

475 All laws and parts of laws in conflict with this Act are repealed.