

**GEORGIA STATE BOARD OF PHYSICAL THERAPY
MINUTES
June 17, 2003**

The Meeting of the Georgia State Board of Physical Therapy was held on June 17, 2003 via conference call at 237 Coliseum Drive, Macon, Georgia.

The following Board members were present:

Brad S. Freemyer, President, Sandra Eskew Capps, Vice President, Linda H. Lamb, Cognizant, Patricia H. Willis, Morris J. Friedman, Bernice B. Chaney,

Also Present: Jacqueline Hightower, Executive Director, Yvonne LeSane, Secretary, Robert Renjel, Assistant Attorney General, Chris Mingledorff, Legal Intern

Absent: Charlene D. Portee, (prior notice given of absenteeism)
Andy Ellis (prior notice given of absenteeism)

President Freemyer established that a quorum was present and called the meeting to order at 2:30 p.m.

Ms. Eskew Capps moved and Mr. Friedman seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k)(1), (2) and (4); § 43-1-19(h)(2), (3) and (4), and O.C.G.A. §43-1-19(h); 50-14-2(1) to deliberate on investigations and applications and receive information on application and investigative reports and the attorney general's report. Voting in favor of the motion were Willis, Freemyer, Lamb, Capps, Chaney and Friedman. The Board concluded executive session in order to vote on these matters and to continue with the public session.

Ms. Lamb moved and Mr. Eskew Capps seconded and the Board voted to accept the Agenda as amended.

MINUTES: Ms. Lamb moved and Mr. Friedman seconded and the Board voted to approve the May 20, 2003 minutes.

PRESIDENT'S REPORT: Mr. Freemyer presented the following information for discussion.

- Draft of newsletter for review in July meeting.
- Discussed with the Federation of State Boards of Physical Therapy the Health Integrity Data Base (HIPDB.) Ms. Hightower indicated that the Division does not use the Federation as an agent for participation in the HIPDB. Mr. Renjel will discuss the HIPDB at the next meeting.

Executive Director Report: Ms. Hightower presented the following information for discussion:

- Federation of State Boards of Physical Therapy Examination Contract expires June 30, 2003.

- Addendum to Examination Contract for the Jurisprudence Examination has been signed by all parties.
- Jurisprudence Examination schedule is pending additional information from the Federation.

Ms. Lamb moved and Mr. Friedman seconded and the Board voted to invite Stephanie Palma from the Physical Therapy Association of Georgia and Deb Tharpe from the Federation of State Boards of Physical Therapy to the July 30, 2003 meeting to discuss the board's concerns regarding the removal of certain areas in the NPTE examination and the pass/fail rates. Ms. Lamb will create a list of issues and talking points.

Ms. Lamb moved and Ms. Eskew Capps seconded and the Board voted to renew the examination contract with the Federation of State Boards of Physical Therapy for one (1) year. Ms. Willis abstained.

CORRESPONDENCE:

- Mr. Renjel stated that correspondence cannot be discussed with others members of the Board outside the Board meeting.
- Forward a copy of Vincent Buttaci correspondence to Mr. Renjel.

Ms. Lamb moved and Mr. Friedman seconded and the Board voted that pursuant to the May 2003 policy, that correspondence be a part of the duties of the board President. Ms. Eskew Capps abstained.

The board discussed the following letters:

Laurie Bland, IME Network Credentialing: Does Georgia require a patient to see a physical therapist for a Functional Capacity Evaluation?

Vincent N. Buttaci: Is a Physical Therapist permitted to be employed by a chiropractor and if a PT is permitted to accept referrals from a chiropractor.

Lavon Beard: What can an unlicensed physical therapist legally allowed to perform in Georgia.

Therese E. Stogner: Is Feldenkrais work under the scope of physical therapy practice?

Mr. Freemyer agreed that once staff forwarded the correspondence to him he would draft the responses. Mr. Freemyer gave permission for Ms. Hightower to sign his name to the responses to correspondence. Ms. Lamb offered to assist with correspondence.

Ms. Chaney moved and Ms. Lamb seconded and the Board voted to accept correspondence drafted by Ms. Eskew Capps as amended as follows:

Beth Miller, Marilany Physicians Plus Medical Center: Can a physician bill for Physical Therapy procedures? Response: The Board does not have authority over specific reimbursement issues, please refer to O.C.G.A. §43-33-11 and specific laws in the state of Maryland.

Barry Bargo: Do physical therapists in Georgia have to be certified to perform technical component of nerve conduction tests? Response: Please review Georgia law O.C.G.A. § 43-33-3(7) and all physical therapy practice must comply with existing laws and

rules and reimbursement guidelines and billing procedures. Additionally, refer to Georgia Rules 490-9-.01 and 490-9-.02 for principles of conduct.

Desiree Townes: Are physical therapist qualified to perform electrodiagnostic testing? **Response:** Please review Georgia law O.C.G.A. § 43-33-3(7) and all physical therapy practice must comply with existing laws and rules and reimbursement guidelines and billing procedures. Additionally, refer to Georgia Rules 490-9-.01 and 490-9-.02 for principles of conduct.

Rick Martin: Is low level laser therapy within the scope of physical therapy practice? **Response:** Please review Georgia law O.C.G.A. § 43-33-3(7) and all physical therapy practice must comply with existing laws and rules and reimbursement guidelines and billing procedures. Additionally, refer to Georgia Rules 490-9-.01 and 490-9-.02 for principles of conduct.

Heather McLeod: Can I treat Medicaid patients in my personal home? **Response:** You must consult Medicaid guidelines and Board Rule 490-09-.01 and 490-09-.02 governing the code of conduct.

Ronald De Vera Barredo: Can a physical therapist with a clinical doctorate degree use the title "Doctor?" **Response:** The public must not be misled in any way.

PROBATION REPORT:

Andrew Tanner: Ms. Lamb moved and Ms. Chaney seconded and the Board voted to release from probation.

Jamal Smith: Ms. Lamb moved and Ms. Chaney seconded and the Board voted to reject the probation report and request additional information.

Ronald Stanford: Ms. Lamb moved Ms. Chaney seconded and the Board voted to accept the probation report.

PTAG: Ms. Lamb moved and Mr. Friedman seconded and the Board voted to accept the private probation report. Ms. Eskew Capps abstained.

Sidney Todd Martin: Refer to the Attorney General's office for noncompliance.

Cognizant Member Report: Ms. Lamb provided an update of the disciplinary cases. Ms. Lamb moved and Ms. Eskew Capps seconded and the board voted to take the following actions on enforcement matters:

PT030018: currently in enforcement, no action needed.

PT030019: cognizant member to review and make a recommendation regarding whether a cease and desist order should ensue.

PT030029: In Enforcement.

PT030032: In Enforcement.

PT030037: Refer to enforcement.

PT030025: Request an Investigative Interview.

PT030044: Ms. Eskew Capps moved and Mr. Friedman seconded and the Board voted to close the case.

Ms. Eskew Capps moved and Mr. Friedman seconded and the Board voted to accept the Cognizant Member Report.

Applications:

Ms. Eskew Capps presented and made recommendations on applications for licensure reviewed by the committee. Mr. Renjel discussed Rule waivers pursuant to O.C.G.A. § 50-13-9.1 for applicants that do not meet requirements of Rule 490-2-.09.

Ms. Lamb moved and Ms. Willis seconded and the Board voted to adjourn.

Because the meeting was adjourned prior to final applications on applications for licensure, and board members left the meeting, Mr. Friedman requested to hold a conference call on June 23, 2003 to vote on the Committee Meeting applications of June 17, 2003.

Brad Freemyer, President

Mollie L. Fleeman, Division Director
Professional Licensing Boards Division

Recorded by

Jacqueline A. Hightower, Executive Director